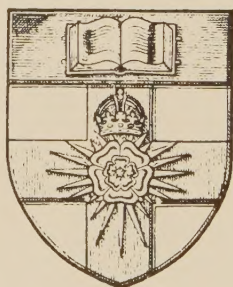


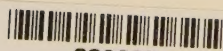
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HANSARD'S PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

20° V I C T O R I Æ, 1857.

VOL. CXLIV.

COMPRISING THE PERIOD FROM

THE THIRD DAY OF FEBRUARY, 1857,

TO

THE TWENTY-FIRST DAY OF MARCH, 1857.

First Volume of Session 1857 (a).

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CONTAINING THE SPEECHES OF

WILLIAM PITT

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TO

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IN WATERLOO PLACE

1837

WILLIAM PITT, ESQ. M.P. FOR THE BOROUGH OF SOUTHAMPTON

AND OF THE COUNTY OF HAMPSHIRE

AND OF THE COUNTY OF SUSSEX

1837

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III. NEW MEMBERS SWORN.

TUESDAY, FEBRUARY 3.

Suffolk (East)—Lord Henniker v. Sir Edward Sherlock Gooch, bt., deceased.
Lanarkshire—Alexander Dundas Ross Wisheart Baillie Cochrane, esq., v. Colonel William Lockhart, deceased.
Kerry County—Viscount Castlerosse, re-elected.
Nottingham Town—Charles Paget, esq., v. the Right Hon. Edward Strutt, Manor of Hempholme.

TUESDAY, FEBRUARY 10.

Salford—Edward Ryley Langworthy, esq., v. Joseph Brotherton, esq., deceased.
Aylesbury—Sir Richard Bethell, re-elected.

WEDNESDAY, FEBRUARY 11.

Hertford Borough—Right Hon. William Francis Cowper, re-elected.

THURSDAY, FEBRUARY 12.

Greenwich—Sir William John Codrington, v. Peter Rolt, esq., Steward of Hempholme.
Newport—Robert William Kennard, esq., v. William Biggs, esq., Chiltern Hundreds.
Southampton Town—Thomas Matthias Weguelin, esq., v. Sir Alexander James Edmund Cockburn, Chief Justice of Court of Common Pleas.

FRIDAY, FEBRUARY 13.

Buteshire—Right Hon. James Archibald Stuart Wortley, re-elected.

MONDAY, FEBRUARY 16.

Kingston-upon-Hull—James Clay, esq., v. Sir William Henry Watson, Baron of the Court of Exchequer.
City of Hereford—George Clive, esq., v. Sir Robert Price, bt., Steward of the Manor of Northstead.

TUESDAY, FEBRUARY 17.

Dumfriesshire—John James Hope Johnstone, esq., v. Viscount Drumlanrig, now Marquess of Queensberry, a Peer of Great Britain.

THURSDAY, FEBRUARY 19.

Limerick County—Right Hon. William Monsell, re-elected.

MONDAY, FEBRUARY 23.

Kent (Western Division)—Charles Wykeham Martin, esq., v. Sir Edmund Filmer, bt., deceased.

THURSDAY, FEBRUARY 26.

Colchester—John Gurdon Rebow, esq., v. Lord John James Robert Manners, Manor of Hempholme.

MONDAY, MARCH 2.

Bandonbridge—The Hon. William Bernard, v. Viscount Bernard, now Earl of Bandon, a Peer of Ireland.
Downpatrick—Richard Ker, esq., v. Hon. Charles Stewart Hardinge, now Viscount Hardinge.

MONDAY, MARCH 9.

Sussex (Eastern Division)—Viscount Pevensey, v. Charles Hay Frewen, esq., Chiltern Hundreds.

WEDNESDAY, MARCH 11.

Glasgow—Walter Buchanan, esq., v. John MacGregor, esq., Manor of Northstead.

WEDNESDAY, MARCH 18.

Londonderry County—James Johnston Clarke, esq., v. Thomas Bateson, esq., Steward of Hempholme.

SATURDAY, MARCH 21.

Tipperary—Daniel O'Donoghoe, esq., v. James Sadleir, esq., expelled this House.

THE MINISTRY.

THE CABINET.

First Lord of the Treasury	- - - -	Right Hon. Viscount PALMERSTON.
Lord Chancellor	- - - -	Right Hon. Lord CRANWORTH.
President of the Council	- - - -	Right Hon. Earl GRANVILLE.
Lord Privy Seal	- - - -	Right Hon. Earl of HARROWBY.
Home Secretary	- - - -	Right Hon. Sir GEORGE GREY, Bt.
Foreign Secretary	- - - -	Right Hon. Earl of CLARENDON.
Colonial Secretary	- - - -	Right Hon. HENRY LABOUCHERE.
War Secretary	- - - -	Right Hon. Lord PANMURE.
Chancellor of the Exchequer	- - - -	Right Hon. Sir GEORGE CORNEWALL LEWIS, Bt.
First Lord of the Admiralty	- - - -	Right Hon. Sir CHARLES WOOD, Bt.
President of the Board of Control	- - - -	Right Hon. ROBERT VERNON SMITH.
President of the Board of Trade	- - - -	Right Hon. Lord STANLEY of ALDERLEY.
Chancellor of the Duchy of Lancaster	- - - -	Right Hon. MATTHEW TALBOT BAINES.
Postmaster General	- - - -	His Grace the Duke of ARGYLL.
		Most Hon. Marquess of LANSDOWNE.

NOT IN THE CABINET.

General Commanding-in-Chief	- - - -	H.R.H. the Duke of CAMBRIDGE.
Paymaster of the Forces and Vice-President of the Board of Trade	- - - -	Right Hon. ROBERT LOWE.
First Commissioner of Works and Public Buildings	- - - -	Right Hon. Sir BENJAMIN HALL, Bt.
Lords of the Treasury	- - - -	Right Hon. Viscount MONCK, Viscount DUNCAN, and Hon. HENRY BOUVIERIE WILLIAM BRAND.
Lords of the Admiralty	- - - -	Vice Admiral Right Hon. Sir MAURICE FREDERICK FITZ- HARDINGE BERKELEY, K.C.B., Rear Admiral HENRY EDEN, Rear Admiral PETER RICHARDS, C.B., Captain ALEXANDER MILNE, and Sir ROBERT PEEL, Bt.
Under Secretary for the Home Department	- - - -	WILLIAM NATHANIEL MASSEY, Esq.
Under Secretary for Foreign Affairs	- - - -	Right Hon. Earl of SHELburnE.
Under Secretary for the Colonies	- - - -	JOHN BALL, Esq.
Under Secretary for War	- - - -	FREDERICK PEEL, Esq.
Joint Secretaries of the Treasury	- - - -	Right Hon. WILLIAM GOODENOUGH HAYTER and JAMES WILSON, Esq.
Secretary of the Admiralty	- - - -	RALPH BERNAL OSBORNE, Esq.
Joint Secretaries of the Board of Control	- - - -	Sir GEORGE RUSSELL CLERK, K.C.B., and HENRY DANBY SEYMOUR, Esq.
Attorney General	- - - -	Sir RICHARD BETHELL, Knt.
Solicitor General	- - - -	Right Hon. JAMES ARCHIBALD STUART WORTLEY.
Judge Advocate General	- - - -	Right Hon. CHARLES PELHAM VILLIERS.
Chief Commissioner of the Poor Law	- - - -	Right Hon. EDWARD PLEYDELL BOUVIERIE.
President of the Board of Health	- - - -	Right Hon. WILLIAM MONSELL.
Vice President of the Committee of Privy Council for Education	- - - -	Right Hon. WILLIAM FRANCIS COWPER.
Secretary to the Poor Law Commissioners	- - - -	CHARLES LENNOX GRENVILLE BERKELEY, Esq.

SCOTLAND.

Lord Advocate	- - - -	Right Hon. JAMES MONCREIFF.
Solicitor General	- - - -	EDWARD FRANCIS MAITLAND, Esq.

IRELAND.

Lord Lieutenant	- - - -	Right Hon. Earl of CARLISLE.
Lord Chancellor	- - - -	Right Hon. MAZIERE BRADY.
Chief Secretary	- - - -	Right Hon. EDWARD HORSMAN.
Attorney General	- - - -	Right Hon. JOHN DAVID FITZGERALD,
Solicitor General	- - - -	JONATHAN CHRISTIAN, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	- - - -	Right Hon. Earl SPENCER.
Lord Chamberlain	- - - -	Most Hon. Marquess of BREADALBANE.
Master of the Horse	- - - -	His Grace the Duke of WELLINGTON.
Master of the Buckhounds	- - - -	Right Hon. Earl of BESSBOROUGH.
Vice-Chamberlain	- - - -	Right Hon. Lord ERNEST AUGUSTUS CHARLES BRUCE- NELL BRUCE.
Treasurer of the Household	- - - -	Right Hon. Earl of MULGRAVE.
Comptroller of the Household	- - - -	Right Hon. Viscount CASTLEROSSE.
Captain of the Yeomen of the Guard	- - - -	Right Hon. Viscount SYDNEY.
Captain of the Corps of Gentlemen at Arms	- - - -	Right Hon. Lord FOLEY.
Chief Equerry and Clerk Marshal	- - - -	LORD ALFRED HENRY PAGET.
Mistress of the Robes	- - - -	Duchess of SUTHERLAND.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL

IN THE FIFTH SESSION OF THE SIXTEENTH PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND.

20^o VICTORIÆ, 1857.

- | | |
|--|---|
| His Royal Highness THE PRINCE of WALES. | WILLIAM ALEXANDER ANTHONY ARCHIBALD Duke of BRANDON. (<i>Duke of Hamilton</i>). |
| His Royal Highness GEORGE FREDERICK ALEXANDER CHARLES ERNEST AUGUSTUS Duke of CUMBERLAND and TEVIOTDALE. (<i>King of Hanover</i> .) | WILLIAM JOHN Duke of PORTLAND. |
| His Royal Highness GEORGE WILLIAM FREDERICK CHARLES Duke of CAMBRIDGE. | WILLIAM DROGO Duke of MANCHESTER. |
| JOHN BIRD Archbishop of CANTERBURY. | HENRY PELHAM Duke of NEWCASTLE. |
| ROBERT MONSEY Lord CRANWORTH, <i>Lord Chancellor</i> . | ALGERNON Duke of NORTHUMBERLAND. |
| THOMAS Archbishop of YORK. | ARTHUR RICHARD Duke of WELLINGTON. |
| RICHARD, Archbishop of DUBLIN. | RICHARD PLANTAGENET, Duke of BUCKINGHAM and CHANDOS. |
| GRANVILLE GEORGE Earl GRANVILLE, <i>Lord President of the Council</i> . | GEORGE GRANVILLE Duke of SUTHERLAND. |
| DUDLEY Earl of HARROWBY, <i>Lord Privy Seal</i> . | HENRY Duke of CLEVELAND. |
| HENRY GRANVILLE Duke of NORFOLK, <i>Earl Marshal of England</i> . | JOHN Marquess of BREADALBANE, <i>Lord Chamberlain of the Household</i> . |
| EDWARD ADOLPHUS Duke of SOMERSET. | JOHN Marquess of WINCHESTER. |
| CHARLES Duke of RICHMOND. | GEORGE Marquess of TWEEDDALE. (<i>Elected for Scotland</i> .) |
| HENRY Duke of GRAFTON. | HENRY Marquess of LANSDOWNE. |
| HENRY CHARLES FITZROY Duke of BEAUFORT. | JOHN Marquess TOWNSHEND. |
| WILLIAM AMELIUS AUBREY DE VERE Duke of SAINT ALBANS. | JAMES BROWNLOW WILLIAM Marquess of SALISBURY. |
| FRANCIS GODOLPHIN D'ARCY Duke of LEEDS. | JOHN ALEXANDER Marquess of BATH. |
| FRANCIS Duke of BEDFORD. | JAMES Marquess of ABERCORN. |
| WILLIAM SPENCER Duke of DEVONSHIRE. | RICHARD Marquess of HERTFORD. |
| GEORGE Duke of MARLBOROUGH. | JOHN PATRICK Marquess of BUTE. |
| CHARLES CECIL JOHN Duke of RUTLAND. | BROWNLOW Marquess of EXETER. |
| | CHARLES Marquess of NORTHAMPTON. |
| | GEORGE CHARLES Marquess CAMDEN. |
| | HENRY Marquess of ANGLESEY. |
| | GEORGE HORATIO Marquess of CHOLMONDELEY. |

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

HENRY WEYSFORD CHARLES PLANTAGENET Marquess of HASTINGS.	COSPATRICK ALEXANDER Earl of HOME. (<i>Elected for Scotland.</i>)
GEORGE WILLIAM FREDERICK Marquess of AILESBUURY.	THOMAS GEORGE Earl of STRATHMORE. (<i>Elected for Scotland.</i>)
GEORGE THOMAS JOHN Marquess of WEST- MEATH. (<i>Elected for Ireland.</i>)	DAVID GRAHAM DRUMMOND Earl of AIRLIE. (<i>Elected for Scotland.</i>)
FREDERICK WILLIAM Marquess of BRISTOL.	DAVID Earl of LEVEN and MELVILLE. (<i>Elected for Scotland.</i>)
ARCHIBALD Marquess of AILSA.	DUNBAR JAMES Earl of SELKIRK. (<i>Elected for Scotland.</i>)
JOHN Marquess of BREADALBANE. (<i>In another place as Lord Chamberlain of the Household.</i>)	THOMAS JOHN Earl of ORKNEY. (<i>Elected for Scotland.</i>)
RICHARD Marquess of WESTMINSTER.	JOHN CHARLES Earl of SEAFIELD. (<i>Elected for Scotland.</i>)
CONSTANTINE HENRY Marquess of NOR- MANBY.	WASHINGTON SEWALLIS Earl FERRERS.
JAMES ANDREW Marquess of DALHOUSIE.	WILLIAM WALTER Earl of DARTMOUTH.
FREDERICK Earl SPENCER, <i>Lord Steward of the Household.</i>	CHARLES AUGUSTUS Earl of TANKER- VILLE.
——— Earl of SHREWSBURY.	HENEGAGE Earl of AYLESFORD.
EDWARD GEOFFREY Earl of DERBY.	FRANCIS THOMAS DE GREY Earl COWPER.
FRANCIS THEOPHILUS HENRY Earl of HUN- TINGDON.	PHILIP HENRY Earl STANHOPE.
ROBERT HENRY Earl of PEMBROKE and MONTGOMERY.	ROBERT Earl of HARBOROUGH.
WILLIAM Earl of DEVON.	THOMAS AUGUSTUS WOLSTENHOLME Earl of MACCLESFIELD.
CHARLES JOHN Earl of SUFFOLK and BERK- SHIRE.	GEORGE WILLIAM RICHARD Earl of POM- FRET.
WILLIAM BASIL PERCY Earl of DENBIGH.	JAMES Earl GRAHAM. (<i>Duke of Montrose.</i>)
JOHN Earl of WESTMORELAND.	WILLIAM Earl WALDEGRAVE.
GEORGE AUGUSTUS FREDERICK ALBEMARLE Earl of LINDSEY.	BERTRAM Earl of ASHBURNHAM.
GEORGE HARRY Earl of STAMFORD and WARRINGTON.	LEICESTER FITZGERALD CHARLES Earl of HARRINGTON.
GEORGE WILLIAM Earl of WINCHILSEA and NOTTINGHAM.	ISAAC NEWTON Earl of PORTSMOUTH.
GEORGE Earl of CHESTERFIELD.	GEORGE GUY Earl BROOKE and Earl of WARWICK.
JOHN WILLIAM Earl of SANDWICH.	AUGUSTUS EDWARD Earl of BUCKINGHAM- SHIRE.
ARTHUR ALGERNON Earl of ESSEX.	CHARLES WILLIAM Earl FITZWILLIAM.
JAMES THOMAS Earl of CARDIGAN.	FRANCIS Earl of GUILFORD.
GEORGE WILLIAM FREDERICK Earl of CAR- LISLE.	CHARLES PHILIP Earl of HARDWICKE.
WALTER FRANCIS Earl of DONCASTER. (<i>Duke of Buccleuch and Queensberry.</i>)	HENRY STEPHEN Earl of ILCHESTER.
ANTHONY Earl of SHAFTESBURY.	GEORGE JOHN Earl DE LA WARR.
——— Earl of BERKELEY.	WILLIAM Earl of RADNOR.
MONTAGU Earl of ABINGDON.	FREDERICK Earl SPENCER. (<i>In another place as Lord Steward of the House- hold.</i>)
RICHARD GEORGE Earl of SCARBROUGH.	HENRY Earl BATHURST.
GEORGE THOMAS Earl of ALBEMARLE.	ARTHUR WILLS BLUNDELL SANDYS TRUM- BULL WINDSOR Earl of HILLSBOROUGH. (<i>Marquess of Downshire.</i>)
GEORGE WILLIAM Earl of COVENTRY.	GEORGE WILLIAM FREDERICK Earl of CLA- RENDON.
GEORGE Earl of JERSEY.	WILLIAM DAVID Earl of MANSFIELD.
JOHN Earl POULETT.	
GEORGE SHOLTO Earl of MORTON. (<i>Elect- ed for Scotland.</i>)	

ROLL OF THE LORDS

WILLIAM Earl of ABERGAVENNY.	JAMES WALTER Earl of VERULAM.
HENRY JOHN Earl TALBOT.	JOHN WILLIAM SPENCER BROWNLOW Earl BROWNLOW.
GEORGE AUGUSTUS FREDERICK JOHN Earl STRANGE. (<i>Duke of Athol.</i>)	EDWARD GRANVILLE Earl of SAINT GERMANS.
ERNEST AUGUSTUS Earl of MOUNT EDG-CUMBE.	EDMUND Earl of MORLEY.
HUGH Earl FORTESCUE.	GEORGE AUGUSTUS FREDERICK HENRY Earl of BRADFORD.
GEORGE Earl of BEVERLEY.	HENRY BEAUCHAMP Earl BEAUCHAMP.
HENRY HOWARD MOLYNEUX Earl of CARNARVON.	RICHARD Earl of BANTRY. (<i>Elected for Ireland.</i>)
GEORGE Earl CADOGAN.	RICHARD Earl of GLENGALL. (<i>Elected for Ireland.</i>)
JAMES HOWARD Earl of MALMESBURY.	THOMAS PHILIP Earl DE GREY.
GEORGE JOHN DANVERS Earl of LANESBOROUGH. (<i>Elected for Ireland.</i>)	JOHN Earl of ELDON.
FRANCIS WILLIAM Earl of CHARLEMONT. (<i>In another place as Lord Charlemont.</i>) (<i>Elected for Ireland.</i>)	RICHARD WILLIAM PENN Earl HOWE.
STEPHEN Earl of MOUNT CASHELL. (<i>Elected for Ireland.</i>)	CHARLES SOMMERS Earl SOMMERS.
HENRY JOHN REUBEN Earl of PORTARLINGTON. (<i>Elected for Ireland.</i>)	JOHN EDWARD CORNWALLIS Earl of STRADBROKE.
ROBERT Earl of MAYO. (<i>Elected for Ireland.</i>)	GEORGE HENRY ROBERT CHARLES WILLIAM Earl VANE.
JOHN Earl of ERNE. (<i>Elected for Ireland.</i>)	WILLIAM PITT Earl AMHERST.
JOHN OTWAY O'CONNOR Earl of DESART. (<i>Elected for Ireland.</i>)	JOHN FREDERICK Earl CAWDOR.
WILLIAM Earl of WICKLOW. (<i>Elected for Ireland.</i>)	WILLIAM GEORGE Earl of MUNSTER.
GEORGE CHARLES Earl of LUCAN. (<i>Elected for Ireland.</i>)	WILLIAM Earl of BURLINGTON.
SOMERSET RICHARD LOWRY Earl of BELMORE. (<i>Elected for Ireland.</i>)	ROBERT DUNDAS Earl of CAMPERDOWN.
JAMES ALEXANDER Earl of ROSSLYN.	THOMAS GEORGE Earl of LICHFIELD.
WILLIAM Earl of CRAVEN.	GEORGE FREDERICK D'ARCY Earl of DURHAM.
ARTHUR GEORGE Earl of ONSLOW.	FREDERICK JOHN Earl of RIPON.
CHARLES Earl of ROMNEY.	GRANVILLE GEORGE Earl GRANVILLE. (<i>In another place as Lord President of the Council.</i>)
HENRY THOMAS Earl of CHICHESTER.	HENRY Earl of EFFINGHAM.
THOMAS Earl of WILTON.	HENRY JOHN Earl of DUCIE.
EDWARD JAMES Earl of POWIS.	CHARLES ANDERSON WORSLEY Earl of YARBOROUGH.
HORATIO Earl NELSON.	JAMES HENRY ROBERT Earl INNES. (<i>Duke of Roxburghe.</i>)
WILLIAM Earl of ROSSE. (<i>Elected for Ireland.</i>)	THOMAS WILLIAM Earl of LEICESTER.
CHARLES HERBERT Earl MANVERS.	WILLIAM Earl of LOVELACE.
HORATIO Earl of ORFORD.	THOMAS Earl of ZETLAND.
HENRY Earl GREY.	CHARLES NOEL Earl of GAINSBOROUGH.
WILLIAM Earl of LONSDALE.	WILLIAM FITZHARDINGE Earl FITZHARDINGE.
DUDLEY Earl of HARROWBY. (<i>In another place as Lord Privy Seal.</i>)	EDWARD Earl of ELLENBOROUGH.
HENRY Earl of HAREWOOD.	FRANCIS Earl of ELLESMERE.
GILBERT Earl of MINTO.	JOHN Earl of STRAFFORD.
CHARLES MURRAY Earl CATHCART.	CHARLES EDWARD Earl of COTTENHAM.
	ROBERT Viscount HEREFORD.
	WILLIAM HENRY Viscount STRATHALLAN. (<i>Elected for Scotland.</i>)

SPIRITUAL AND TEMPORAL.

HENRY Viscount BOLINGBROKE and ST. JOHN.	THOMAS VOWLER Bishop of ST. ASAPH.
EVELYN Viscount FALMOUTH.	JAMES PRINCE Bishop of MANCHESTER.
GEORGE Viscount TORRINGTON.	RENN DICKSON Bishop of HEREFORD.
AUGUSTUS FREDERICK Viscount LEINSTER. (<i>Duke of Leinster.</i>)	JOHN Bishop of CHESTER.
HENRY Viscount MAYNARD.	SAMUEL Bishop of NORWICH.
JOHN ROBERT Viscount SYDNEY.	ALFRED Bishop of LLANDAFF.
FRANCIS WHEELER Viscount HOOD.	JOHN Bishop of LINCOLN.
ARTHUR Viscount DUNGANNON. (<i>Elected for Ireland.</i>)	WALTER KERR Bishop of SALISBURY.
THOMAS Viscount DE VESCI. (<i>Elected for Ireland.</i>)	ROBERT JOHN Bishop of BATH and WELLS. (<i>In another place as Lord Auckland.</i>)
JAMES Viscount LIFFORD. (<i>Elected for Ireland.</i>)	HENRY MONTAGUE Bishop of CARLISLE.
EDWARD Viscount BANGOR. (<i>Elected for Ireland.</i>)	CHARLES Bishop of GLOUCESTER AND BRISTOL.
HAYES Viscount DONERAILE. (<i>Elected for Ireland.</i>)	ROBERT Bishop of DOWN, CONNOR AND DROMORE.
EDWARD JERVIS Viscount ST. VINCENT.	JAMES THOMAS Bishop of OSSORY, FERNS, AND LEIGHLIN.
HENRY Viscount MELVILLE.	—— Bishop of CORK, CLOYNE, AND ROSS.
WILLIAM LEONARD Viscount SIDMOUTH.	FOX Lord PANMURE. (<i>One of Her Majesty's Principal Secretaries of State.</i>)
GEORGE Viscount GORDON. (<i>Earl of Aberdeen.</i>)	WILLIAM LENNOX LASCELLES Lord DE ROS.
EDWARD Viscount EXMOUTH.	JACOB Lord HASTINGS.
RICHARD JOHN Viscount HUTCHINSON. (<i>Earl of Donoughmore.</i>)	GEORGE EDWARD Lord AUDLEY.
WILLIAM THOMAS Viscount CLANCARTY. (<i>Earl of Clancarty.</i>)	PETER ROBERT Lord WILLOUGHBY DE ERESBY.
STAPLETON Viscount COMBERMERE.	THOMAS CROSBY WILLIAM Lord DACRE.
CHARLES JOHN Viscount CANNING.	CHARLES RODOLPH Lord CLINTON.
CHARLES JOHN Viscount CANTERBURY.	THOMAS Lord CAMOYS.
ROWLAND Viscount HILL.	HENRY Lord BEAUMONT.
CHARLES STEWART Viscount HARDINGE.	CHARLES Lord STOURTON.
HUGH Viscount GOUGH.	HENRY WILLIAM Lord BERNERS.
STRATFORD Viscount STRATFORD DE REDCLIFFE.	ROBERT JOHN Lord WILLOUGHBY DE BROKE.
ARCHIBALD CAMPBELL Bishop of LONDON.	GEORGE Lord VAUX of HARROWDEN.
CHARLES THOMAS Bishop of DURHAM.	ST. ANDREW BEAUCHAMP Lord ST. JOHN of BLETSO.
CHARLES RICHARD Bishop of WINCHESTER.	CHARLES AUGUSTUS Lord HOWARD DE WALDEN.
CHRISTOPHER Bishop of BANGOR.	WILLIAM BERNARD Lord PETRE.
GEORGE Bishop of ROCHESTER.	FREDERICK BENJAMIN Lord SAYE and SELE.
HENRY Bishop of EXETER.	HENRY BENEDICT Lord ARUNDELL of WARDOUR.
GEORGE Bishop of PETERBOROUGH.	JOHN STUART Lord CLIFTON. (<i>Earl of Darnley.</i>)
CONNOP Bishop of ST. DAVID'S.	JOSEPH THADDEUS Lord DORMER.
HENRY Bishop of WORCESTER.	GEORGE HENRY Lord TEYNHAM.
ASHHURST TURNER Bishop of CHICHESTER.	HENRY VALENTINE Lord STAFFORD.
JOHN Bishop of LICHFIELD.	GEORGE ANSON Lord BYRON.
THOMAS Bishop of ELY.	WILLIAM Lord WARD.
SAMUEL Bishop of OXFORD.	HUGH CHARLES Lord CLIFFORD of CHUDLEIGH.

ROLL OF THE LORDS

JOHN Lord GRAY. (<i>Elected for Scotland.</i>)	HENRY HALL Lord GAGE. (<i>Viscount Gage.</i>)
CHARLES Lord SINCLAIR. (<i>Elected for Scotland.</i>)	EDWARD THOMAS Lord THURLOW.
JOHN Lord ELPHINSTONE. (<i>Elected for Scotland.</i>)	ROBERT JOHN Lord AUCKLAND. (<i>In another place as Bishop of Bath and Wells.</i>)
CHARLES Lord BLANTYRE. (<i>Elected for Scotland.</i>)	GEORGE WILLIAM Lord LYTTELTON.
CHARLES JOHN Lord COLVILLE of CULROSS. (<i>Elected for Scotland.</i>)	HENRY Lord MENDIP. (<i>Viscount Clifden.</i>)
HENRY FRANCIS Lord POLWARTH. (<i>Elected for Scotland.</i>)	FRANCIS Lord STUART of CASTLE STUART. (<i>Earl of Moray.</i>)
RICHARD EDMUND SAINT LAWRENCE Lord BOYLE. (<i>Earl of Cork and Orrery.</i>)	RANDOLPH Lord STEWART of GARLIES. (<i>Earl of Galloway.</i>)
THOMAS ROBERT Lord HAY. (<i>Earl of Kinnoul.</i>)	JAMES THOMAS Lord SALTERSFORD. (<i>Earl of Courtown.</i>)
HENRY Lord MIDDLETON.	CHARLES Lord BRODRICK. (<i>Viscount Middleton.</i>)
WILLIAM JOHN Lord MONSON.	FREDERICK Lord CALTHORPE.
GEORGE JOHN BRABAZON Lord PONSONBY. (<i>Earl of Bessborough.</i>)	ROBERT JOHN Lord CARRINGTON.
HENRY Lord WYCOMBE.	HENRY Lord BAYNING.
GEORGE JOHN Lord SONDES.	WILLIAM HENRY Lord BOLTON.
—— Lord SCARSDALE.	JOHN Lord WODEHOUSE.
GEORGE IVES Lord BOSTON.	JOHN Lord NORTHWICK.
HENRY EDWARD Lord HOLLAND.	THOMAS ATHERTON Lord LILFORD.
GEORGE JAMES Lord LOVEL and HOLLAND. (<i>Earl of Egmont.</i>)	THOMAS Lord RIBBLESDALE.
GEORGE JOHN Lord VERNON.	RICHARD HOBART Lord FITZGIBBON. (<i>Earl of Clare.</i>)
EDWARD SAINT VINCENT Lord DIGBY.	CADWALLADER DAVIS Lord BLAYNEY. (<i>Elected for Ireland.</i>)
GEORGE DOUGLAS Lord SUNDRIDGE. (<i>Duke of Argyll.</i>)	HENRY Lord FARNHAM. (<i>Elected for Ireland.</i>)
EDWARD WILLIAM Lord HAWKE.	JOHN CAVENDISH Lord KILMAINE. (<i>Elected for Ireland.</i>)
THOMAS HENRY Lord FOLEY.	ROBERT Lord CLONBROCK. (<i>Elected for Ireland.</i>)
GEORGE RICE Lord DYNEVOR.	EDWARD Lord CROFTON. (<i>Elected for Ireland.</i>)
THOMAS Lord WALSINGHAM.	EYRE Lord CLARINA. (<i>Elected for Ireland.</i>)
WILLIAM Lord BAGOT.	HENRY FRANCIS SEYMOUR Lord MOORE. (<i>Marquess of Drogheda.</i>)
CHARLES Lord SOUTHAMPTON.	JOHN HENRY LOFTUS Lord LOFTUS. (<i>Marquess of Ely.</i>)
FLETCHER Lord GRANTLEY.	GRANVILLE LEVESON Lord CARYSFORT. (<i>Earl of Carysfort.</i>)
ROBERT DENNETT Lord RODNEY.	RICHARD PEPPER Lord ALVANLEY.
RICHARD NOEL Lord BERWICK.	GEORGE RALPH Lord ABERCROMBY.
JOHN Lord SHERBORNE.	JOHN THOMAS Lord REDESDALE.
HENRY Lord TYRONE. (<i>Marquess of Waterford.</i>)	GEORGE Lord RIVERS.
RICHARD Lord CARLETON. (<i>Earl of Shannon</i>)	ARTHUR MOYSES WILLIAM Lord SANDYS.
CHARLES Lord SUFFIELD.	GEORGE AUGUSTUS FREDERICK CHARLES Lord SHEFFIELD. (<i>Earl of Sheffield.</i>)
GUY Lord DORCHESTER.	THOMAS AMERICUS Lord ERSKINE.
LLOYD Lord KENYON.	GEORGE JOHN Lord MONT EAGLE. (<i>Marquess of Sligo.</i>)
RICHARD Lord BRAYBROOKE.	
GEORGE HAMILTON Lord FISHERWICK. (<i>Marquess of Donegal.</i>)	
JAMES Lord DOUGLAS of DOUGLAS.	

SPIRITUAL AND TEMPORAL.

ARCHIBALD WILLIAM Lord ARDROSSAN. (<i>Earl of Eglintoun.</i>)	ULICK JOHN Lord SOMERHILL. (<i>Marquess of Clanricarde.</i>)
JAMES Lord LAUDERDALE. (<i>Earl of Lauderdale.</i>)	JAMES Lord WIGAN. (<i>Earl of Crawford and Balcarres.</i>)
GEORGE ARTHUR HASTINGS Lord GRANARD. (<i>Earl of Granard.</i>)	THOMAS Lord RANFURLY. (<i>Earl of Ranfurly.</i>)
HUNGERFORD Lord CREWE.	GEORGE Lord DE TABLEY.
WILLIAM Lord PONSONBY of IMOKILLY.	EDWARD MONTAGUE GRANVILLE Lord WHARNCLIFFE.
ALAN LEGGE Lord GARDNER.	WILLIAM Lord FEVERSHAM.
JOHN THOMAS Lord MANNERS.	JOHN SINGLETON Lord LYNDHURST.
JOHN ALEXANDER Lord HOPETOUN. (<i>Earl of Hopetoun.</i>)	JAMES Lord FIFE. (<i>Earl of Fife.</i>)
FREDERICK WILLIAM ROBERT Lord STEWART of STEWART'S COURT (<i>Marquess of Londonderry.</i>)	JOHN HENRY Lord TENTERDEN.
RICHARD Lord CASTLEMAINE. (<i>Elected for Ireland.</i>)	THOMAS SPAN Lord PLUNKET. (<i>Bishop of Tuam, Killala, and Achonry.</i>)
CHARLES Lord MELDRUM. (<i>Marquess of Huntly.</i>)	THOMAS Lord MELROS. (<i>Earl of Had-dington.</i>)
JAMES Lord ROSS. (<i>Earl of Glasgow.</i>)	HENRY RICHARD CHARLES Lord COWLEY.
WILLIAM WILLOUGHBY Lord GRINSTEAD. (<i>Earl of Enniskillen.</i>)	WILLIAM Lord HEYTESBURY.
WILLIAM HENRY TENNISON Lord FOXFORD. (<i>Earl of Limerick.</i>)	ARCHIBALD JOHN Lord ROSEBERY. (<i>Earl of Rosebery.</i>)
FRANCIS GEORGE Lord CHURCHILL.	RICHARD Lord CLANWILLIAM. (<i>Earl of Clanwilliam.</i>)
GEORGE FRANCIS ROBERT Lord HARRIS.	EDWARD Lord SKELMERSDALE.
CHARLES Lord COLCHESTER.	WILLIAM SAMUEL Lord WYNFORD.
WILLIAM SCHOMBERG ROBERT Lord KER. (<i>Marquess of Lothian.</i>)	HENRY Lord BROUGHAM and VAUX.
FRANCIS NATHANIEL Lord MINSTER. (<i>Marquess Conyngham.</i>)	WILLIAM HENRY Lord KILMARNOCK. (<i>Earl of Erroll.</i>)
JAMES EDWARD WILLIAM THEOBALD Lord ORMONDE. (<i>Marquess of Ormonde.</i>)	ARTHUR JAMES Lord FINGALL. (<i>Earl of Fingall.</i>)
FRANCIS Lord WEMYSS. (<i>Earl of Wemyss.</i>)	WILLIAM PHILIP Lord SEFTON. (<i>Earl of Sefton.</i>)
ROBERT Lord CLANBRASSILL. (<i>Earl of Roden.</i>)	WILLIAM SYDNEY Lord CLEMENTS. (<i>Earl of Leitrim.</i>)
ROBERT Lord KINGSTON. (<i>Earl of Kingston.</i>)	GEORGE WILLIAM FOX Lord ROSSIE. (<i>Lord Kinnaird.</i>)
EDWARD MICHAEL Lord SILCHESTER. (<i>Earl of Longford.</i>)	THOMAS Lord KENLIS. (<i>Marquess of Headfort.</i>)
WILLIAM Lord MARYBOROUGH. (<i>Earl of Mornington.</i>)	WILLIAM Lord CHAWORTH. (<i>Earl of Meath.</i>)
JOHN Lord ORIEL. (<i>Viscount Massereene.</i>)	CHARLES ADOLPHUS Lord DUNMORE. (<i>Earl of Dunmore.</i>)
HENRY THOMAS Lord RAVENSWORTH.	ROBERT MONTGOMERIE Lord HAMILTON. (<i>Lord Belhaven and Stenton.</i>)
HUGH Lord DELAMERE.	JOHN HOBART Lord HOWDEN.
JOHN GEORGE WELD Lord FORESTER.	FOX Lord PANMURE. (<i>In another place as one of Her Majesty's Principal Secretaries of State.</i>)
JOHN JAMES Lord RAYLEIGH.	GEORGE WARWICK Lord POLTIMORE.
ULYSSES Lord DOWNES. (<i>Elected for Ireland.</i>)	EDWARD MOSTYN Lord MOSTYN.
ROBERT FRANCIS Lord GIFFORD.	HENRY SPENCER Lord TEMPLEMORE.
GEORGE AUGUSTUS FREDERICK PERCY SYDNEY Lord PENSHURST. (<i>Viscount Strangford.</i>)	EDWARD Lord CLONCURRY.
	JAMES Lord DE SAUMAREZ.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

GEORGE GODOLPHIN Lord GODOLPHIN.	JAMES Lord DUNFERMLINE.
LUCIUS BENTINCK Lord HUNSDON. (<i>Viscount Falkland.</i>)	THOMAS SPRING Lord MONTEAGLE of BRANDON.
THOMAS Lord DENMAN.	JOHN Lord SEATON.
ROBERT CAMPBELL Lord ABINGER.	EDWARD ARTHUR WELLINGTON Lord KEANE.
PHILIP Lord DE L'ISLE and DUDLEY.	JOHN Lord CAMPBELL.
WILLIAM BINGHAM Lord ASHBURTON.	NORTH Lord OXENFOORD. (<i>Earl of Stair.</i>)
CHARLES Lord GLENELG.	CHARLES CRESPIGNY Lord VIVIAN.
EDWARD JOHN Lord HATHERTON.	JOHN Lord CONGLETON.
GEORGE STEVENS Lord STRAFFORD.	DENIS ST. GEORGE Lord DUNSANDLE and CLANCONAL. (<i>Elected for Ireland.</i>)
ARCHIBALD Lord WORLINGHAM. (<i>Earl of Gosford.</i>)	RICHARD Lord DARTREY. (<i>Lord Cremorne.</i>)
EDWARD BERKELEY Lord PORTMAN.	JAMES Lord ELGIN. (<i>Earl of Elgin and Kincardine.</i>)
THOMAS ALEXANDER Lord LOVAT.	FREDERICK TEMPLE Lord CLANDEBOYE. (<i>Lord Dufferin and Claneboye.</i>)
WILLIAM BATEMAN Lord BATEMAN.	ALBERT DENISON Lord LONDESBOROUGH.
FRANCIS WILLIAM Lord CHARLEMONT. (<i>In another place as Earl of Charlemont.</i>)	SAMUEL JONES Lord OVERSTONE.
FRANCIS ALEXANDER Lord KINTORE. (<i>Earl of Kintore.</i>)	CHARLES ROBERT CLAUDE Lord TRURO.
CORNELIUS Lord LISMORE. (<i>Viscount Lismore.</i>)	ROBERT MONSEY Lord CRANWORTH. (<i>In another place as Lord Chancellor.</i>)
HENRY ROBERT Lord ROSSMORE.	JOHN CAM Lord BROUGHTON.
ROBERT SHAPLAND Lord CAREW.	JOHN Lord DE FREYNE.
CHARLES FREDERICK ASHLEY COOPER Lord DE MAULEY.	EDWARD BURTENSHAW Lord SAINT LEONARDS.
JOHN Lord WROTTESLEY.	RICHARD HENRY FITZROY Lord RAGLAN.
CHARLES LORD SUDELEY.	GILBERT JOHN Lord AVELAND.
FREDERICK HENRY PAUL Lord METHUEN.	THOMAS Lord KENMARE. (<i>Earl of Kenmare.</i>)
EDWARD JOHN Lord STANLEY of ALDERLEY.	EDMUND Lord LYONS.
HENRY Lord STUART DE DECIES.	JAMES Lord WENSLEYDALE.
WILLIAM HENRY Lord LEIGH.	EDWARD Lord BELPER.
BEILBY RICHARD Lord WENLOCK.	JAMES Lord TALBOT DE MALAHIDE.
CHARLES Lord LURGAN.	

MEM.—According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.

LIST OF THE COMMONS.

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHES, TO SERVE
IN THE *SIXTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN*
AND *IRELAND*: AMENDED TO THE OPENING OF THE FIFTH SESSION ON THE
3RD DAY OF FEBRUARY, 1857.

ABINGDON.
Joseph Haythorne Reed.

ANDOVER.
William Cubitt,
Henry Beaumont Coles.

ANGLESEY.
Sir Richard Bulkeley Wil-
liams Bulkeley, bt.

ARUNDEL.
Rt. hon. (Edward Howard)
Lord E. Howard.

ASHBURTON.
George Moffatt.

ASHTON-UNDER-LINE.
Charles Hindley.

AYLESBURY.
Austen Henry Layard,

BANBURY.
Henry William Tancred.

BARNSTAPLE.
Richard Samuel Guinness,
George Stueley Buck.

BATH.
George Treweeke Scobell,
William Tite.

BEAUMARIS.
Hon. (George Augustus Fre-
derick Paget) Lord G. A.
F. Paget.

BEDFORDSHIRE.
Francis Charles Hastings
Russell,
Richard Thomas Gilpin.

BEDFORD.
William Stuart,
Samuel Whitbread.

BERKSHIRE.
George Henry Vansittart,
Robert Palmer,
Rt. hon. William (Keppel)
Viscount Barrington.

BERWICK-UPON-TWEED.
Dudley Coutts Majoribanks,
John Forster.

BEVERLEY.
Hon. Arthur Gordon,
William Wells.

BEWDLEY.
Sir Thomas Edward Win-
nington, bt.

BIRMINGHAM.
George Frederick Muntz,
William Scholefield.

BLACKBURN.
James Pilkington,
Montague Joseph Feilden.

BODMIN.
William Michell,
Charles Brune Graves Sawle.

BOLTON-LE-MOORS.
Thomas Barnes,
Joseph Crook.

BOSTON.
Herbert Ingram,
Benjamin Bond Cabbell.

BRADFORD.
Robert Milligan,
Henry Wickham Wickham.

BRECKNOCKSHIRE.
Sir Joseph Bailey, bt.

BRECKNOCK.
John Lloyd Vaughan Wat-
kins.

BRIDGENORTH.
Henry Whitmore,
John Pritchard.

BRIDGEWATER.
Charles John Kemeys Tynte,
Brent Spencer Follett.

BRIDPORT.
Thomas Alexander Mitchell,
John Patrick Murrough.

BRIGHTELMSTONE.
Sir George Richard Pechell,
bt.,
Hon. (Alfred Hervey) Lord
A. Hervey.

BRISTOL.
Hon. Francis Henry Fitz-
hardinge Berkeley,
William Henry Gore Lang-
ton.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
Hon. Charles Compton Ca-
vendish.

BUCKINGHAM.
Rt. hon. Richard Plantage-
net Campbell (Chandos-
Grenville) Earl Jermyn, of
Chandos,
John Hall.

BURY.
Frederick Peel.

BURY ST. EDMUND'S.
Rt. hon. Frederick William
(Hervey) Earl Jermyn,
James Henry Porteous
Oakes.

CALNE.
Sir William Fenwick Wil-
liams, bt.

CAMBRIDGESHIRE.
Hon. Eliot Thomas Yorke,
Hon. (George John Manners)
Lord G. J. Manners,
Edward Ball.

List of

{COMMONS}

Members.

CAMBRIDGE (UNIVERSITY).
Loftus Tottenham Wigram,
Rt. hon. Spencer Horatio
Walpole.

CAMBRIDGE.
Francis Mowatt,
Robert Alexander Shafto
Adair.

CANTERBURY.
Rt. hon. Sir William Mere-
dyth Somerville,
Charles Manners Lushington.

CARDIFF.
Walter Coffin.

CARDIGANSHIRE.
Rt. hon. Ernest Augustus
(Vaughan) Earl of Lis-
burne.

CARDIGAN.
John Lloyd Davies.

CARLISLE.
Rt. hon. Sir James Robert
George Graham, bt.,
Joseph Ferguson.

CARMARTHENSHIRE.
David Arthur Saunders
Davies,
David Jones.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Doug-
las Pennant.

CARNARVON.
William Bulkeley Hughes.

CHATHAM.
Leicester Viney Vernon.

CHELTENHAM.
Francis William FitzHar-
dinge Berkeley.

CHESHIRE.
(*Northern Division.*)
William Tatton Egerton,
George Cornwall Legh.

(*Southern Division.*)
Sir Philip de Malpas Grey
Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Gros-
venor) Earl Grosvenor,
Hon. William Owen Stanley.

CHICHESTER.
John Abel Smith,
Hon. (George Charles Henry
Gordon Lennox) Lord G.
C. H. G. Lennox.

CHIPPENHAM.
Robert Parry Nisbet,
Henry George Boldero.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
John Randolph Mullings,
Hon. Ashley George John
Ponsonby.

CLITHEROE.
Le Gendre Nicholas Starkie.

COCKERMOUTH.
Henry Wyndham,
John Steel.

COLCHESTER.
William Warwick Hawkins,
Rt. hon. (John James Robert
Manners) Lord J. J. R.
Manners.

CORNWALL.
(*Eastern Division.*)
Thomas James Agar Ro-
bartes,
Nicholas Kendall.
(*Western Division.*)
Michael Williams,
Sir Charles Lemon, bt.

COVENTRY.
Rt. hon. Edward Ellice,
Sir Joseph Paxton, knt.

CRICKLADE.
John Neeld,
Ambrose Lethbridge God-
dard.

CUMBERLAND.
(*Eastern Division.*)
Hon. Charles Wentworth
George Howard,
William Marshall.
(*Western Division.*)
Henry Lowther,
Samuel Irton.

DARTMOUTH.
Sir Thomas Herbert, K.C.B.

DENBIGHSHIRE.
Sir Watkin Williams Wynn,
bt.,
Robert Myddelton Biddulph.

DENBIGH.
Frederick Richard West.

DERBYSHIRE.
(*Northern Division.*)
Hon. George Henry Caven-
dish,
William Pole Thornhill.
(*Southern Division.*)
Charles Robert Colville,
William Mundy.

DERBY.
Michael Thomas Bass,
Laurence Heyworth.

DEVIZES.
George Heneage Walker
Heneage,
John Neilson Gladstone.

DEVONPORT.
Sir Thomas Erskine Perry,
knt.
Sir George Frederick Berke-
ley, K.C.B.

DEVONSHIRE.
(*Northern Division.*)
Sir Thomas Dyke Acland, bt.,
Lewis William Buck.

(*Southern Division.*)
Sir John Buller Yarde
Buller, bt.,
Lawrence Palk.

DORCHESTER.
Richard Brinsley Sheridan,
Charles Napier Sturt.

DORSETSHIRE.
Henry Gerard Sturt.
Henry Ker Seymer,
John Floyer.

DOVOR.
Hon. Henry Charles (Cado-
gan) Viscount Chelsea,
Edward Royd Rice.

DROITWICH.
Rt. hon. Sir John Somerset
Pakington, bt.

DUDLEY.
Sir Stafford Henry North-
cote, bt.

DURHAM.
(*Northern Division.*)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick
Charles William Vane-
Tempest) Lord A. F. C.
W. Vane-Tempest.

(*Southern Division.*)
Hon. (Harry George Vane)
Lord H. G. Vane,
James Farrer.

DURHAM (CITY).
Robert John Mowbray,
William Atherton.

ESSEX.
(*Northern Division.*)
Sir John Tyssen Tyrell, bt.,
Rt. hon. William Beresford.
(*Southern Division.*)
Thomas William Bramston,
Sir William Bowyer Smijth,
bt.

List of

{COMMONS}

Members.

EVESHAM.

Sir Henry Pollard Wil-
loughby, bt.,
Edward Holland.

EXETER.

Sir John Thomas Buller
Duckworth, bt.,
Edward Divett.

EYE.

Edward Clarence Kerrison.

FINSBURY.

Thomas Challis,
Thomas Slingsby Duncombe.

FLINTSHIRE.

Hon. Thomas Edward Mos-
tyn Lloyd Mostyn.

FLINT.

Sir John Hanmer, bt.

FROME.

Hon. William George Boyle.

GATESHEAD.

William Hutt.

GLAMORGANSHIRE.

Christopher Rice Mansel
Talbot,
Sir George Tyler, knt.

GLOUCESTERSHIRE.

(*Eastern Division.*)

Christopher William Cod-
rington,
Robert Stayner Holford.

(*Western Division.*)

Robert Nigel Fitzhardinge
Kingscote,
Rt. hon. Robert Blagden
Hale.

GLOUCESTER.

William Philip Price,
Rt. hon. Sir Maurice Frede-
rick Fitzhardinge Berke-
ley, K.C.B.

GRANTHAM.

Glynne Earle Welby,
Hon. (Montagu William Gra-
ham) Lord M. W. Graham.

GREENWICH.

Montagu Chambers.

GRIMSBY (GREAT).

Rt. hon. William Richard
(Annesley) Earl of An-
nesley.

GUILDFORD.

Ross Donnelly Mangles,
James Bell.

HALIFAX.

Rt. hon. Sir Charles Wood,
bt.,
Frank Crossley.

HAMPSHIRE.

(*Northern Division.*)

Rt. hon. Charles Shaw Le-
fevre,
Melville Portal.

(*Southern Division.*)

Henry Combe Compton,
Hon. (William Henry Hugh
Cholmondeley) Lord W.
H. H. Cholmondeley.

HARWICH.

John Bagshaw,
David Waddington.

HASTINGS.

Patrick Francis Robertson,
Frederick North.

HAVERFORDWEST.

John Henry Philipps.

HELSTON.

Sir Richard Rawlinson Vy-
ryan, bt.

HEREFORDSHIRE.

James King King,
Thomas William Booker,
Charles Spencer Bateman
Hanbury.

HEREFORD.

Henry Morgan Clifford.

HERTFORDSHIRE.

Abel Smith,
Sir Henry Meux, bt.,
Sir Edward George Earle
Lytton Bulwer Lytton, bt.

HERTFORD.

Thomas Chambers.

HONITON.

Joseph Locke,
Sir James Weir Hogg, bt.

HORSHAM.

William Robert Seymour
Vesey FitzGerald.

HUDDERSFIELD.

Hon. George Frederick Sa-
muel (Robinson) Viscount
Goderich.

HUNTINGDONSHIRE.

Edward Fellowes,
James Rust.

HUNTINGDON.

Jonathan Peel,
Thomas Baring.

HYTHE.

Edward Drake Brockman.

IPSWICH.

John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.

George Carr Glyn.

KENT.

(*Eastern Division.*)

Sir Edward Cholmeley De-
ring, bt.,
William Deedes.

(*Western Division.*)

William Masters Smith.

KIDDERMINSTER.

Rt. hon. Robert Lowe.

KING'S LYNN.

John Henry Gurney,
Hon. Edward Henry (Stan-
ley) Lord Stanley.

KINGSTON-UPON-HULL.

William Digby Seymour.

KNARESBOROUGH.

John Dent Dent,
Basil Thomas Woodd.

LAMBETH.

William Arthur Wilkinson,
William Williams.

LANCASHIRE.

(*Northern Division.*)

John Wilson Patten,
James Heywood.

(*Southern Division.*)

William Brown,
John Cheetham.

LANCASTER.

Samuel Gregson,
Thomas Greene.

LAUNCESTON.

Hon. Josceline William
Percy.

LEEDS.

Sir George Goodman, knt.,
Rt. hon. Matthew Talbot
Baines.

LEICESTERSHIRE.

(*Northern Division.*)

Edward Basil Farnham,

(*Southern Division.*)

Sir Henry Halford, bt.,
Charles William Packe.

List of

{COMMONS}

Members.

LEICESTER.
Sir Joshua Walmsley, *knt.*,
John Biggs.
LEOMINSTER.
Gathorne Hardy,
John George Phillimore.
LEWES.
Rt. hon. Henry FitzRoy,
Hon. Henry Bouverie Wil-
liam Brand.
LICHFIELD.
Hon. Dudley Francis Stuart
(Ryder) Viscount Sandon,
Hon. (Alfred Henry Paget)
Lord A. H. Paget.
LINCOLNSHIRE.
(*Parts of Lindsey.*)
Rt. hon. Robert Adam Chris-
topher Hamilton Nisbet,
James Banks Stanhope.
(*Parts of Kesteven and Holland.*)
Hon. William Alleyne (Cecil)
Lord Burghley,
Sir John Trollope, *bt.*
LINCOLN.
Gervaise Tottenham Waldo
Sibthorp,
George Fieschi Heneage.
LISKEARD.
Ralph William Grey.
LIVERPOOL.
Joseph Christopher Ewart,
Thomas Henry Horsfall.
LONDON.
John Masterman,
Rt. hon. (John Russell)
Lord J. Russell,
Sir James Duke, *bt.*,
Lionel Nathan (Baron) De
Rothschild.
LUDLOW.
Hon. Percy Egerton Herbert,
Hon. (William John Freder-
rick Powlett) Lord W. J.
F. Powlett.
LYME REGIS.
William Pinney.
LYMINGTON.
Sir John Rivett Carnac, *bt.*,
Edward John Hutchins.
MACCLESFIELD.
John Brocklehurst,
Edward Christopher Egerton.
MAIDSTONE.
James Whatman,
William Lee.
MALDON.
John Bramley Moore,
George Montagu Warren
Peacocke.

MALMESBURY.
Thomas Luce.
MALTON.
Hon. Charles William Went-
worth Fitzwilliam,
John Evelyn Denison.
MANCHESTER.
Rt. hon. Thomas Milner
Gibson,
John Bright.
MARLBOROUGH.
Rt. hon. (Ernest Augustus
Charles Brudenell Bruce)
Lord E. A. C. B. Bruce,
Henry Bingham Baring.
MARLOW (GREAT).
Thomas Peers Williams,
Brownlow William Knox.
MARYLEBONE.
Rt. hon. Sir Benjamin Hall,
bt.,
Hon. Hugh (Fortescue) Vis-
count Ebrington.
MERIONETHSHIRE.
William Watkin Edward
Wynne.
MERTHYR TYDVIL.
Henry Austin Bruce.
MIDDLESEX.
Rt. hon. (Robert Grosve-
nor) Lord R. Grosvenor,
Ralph Bernal Osborne.
MIDHURST.
Samuel Warren.
MONMOUTHSHIRE.
Charles Octavius Swinner-
ton Morgan,
Edward Arthur Somerset.
MONMOUTH.
Crawshay Bailey.
MONTGOMERYSHIRE.
Herbert Watkins Williams
Wynn.
MONTGOMERY.
David Pugh.
MORPETH.
Rt. hon. Sir George Grey, *bt.*
NEWARK-UPON-TRENT.
Grauville Edward Harcourt
Vernon,
John Henry Thomas Man-
ners Sutton.
NEWCASTLE-UNDER-LYME
William Jackson,
Samuel Christy.
NEWCASTLE-UPON-TYNE.
Thomas Emerson Headlam,
George Ridley.

NEWPORT.
William Nathaniel Massey.
NORFOLK.
(*Eastern Division.*)
Henry Negus Burroughes,
Sir Henry Josias Stracey, *bt.*
(*Western Division.*)
William Bagge,
George William Pierrepont
Bentinck.
NORTHALLERTON.
William Battie Wrightson.
NORTHAMPTONSHIRE.
(*Northern Division.*)
Stafford Augustus O'Brien
Stafford,
Thomas Philip Maunsell.
(*Southern Division.*)
Richard Henry Richard How-
ard Vyse,
Rainald Knightley.
NORTHAMPTON.
Rt. hon. Robert Vernon
Smith,
Raikes Currie.
NORTHUMBERLAND.
(*Northern Division.*)
Hon. Algernon George
(Percy) Lord Lovaine,
Hon. Charles (Bennett) Lord
Ossulston.
(*Southern Division.*)
Wentworth Blackett Beau-
mont,
Henry George Liddell.
NORWICH.
Sir Samuel Bignold, *knt.*
Edward Warner.
NOTTINGHAMSHIRE.
(*Northern Division.*)
Hon. (Henry William Ca-
vendish Bentinck) Lord
H. W. C. Bentinck,
Hon. (Robert Renebald Pel-
ham-Clinton) Lord R. R.
Clinton.
(*Southern Division.*)
William Hodgson Barrow,
Hon. Charles (Pierrepont)
Viscount Newark.
NOTTINGHAM.
Charles Paget,
John Walter.
OLDHAM.
John Morgan Cobbett,
William Johnson Fox.

List of

{COMMONS}

Members.

OXFORDSHIRE.
Rt. hon. Joseph Warner
Henley,
John Sidney North,
George Granville Vernon
Harcourt.

OXFORD (CITY).
James Haughton Langston,
Rt. hon. Edward Cardwell.

OXFORD (UNIVERSITY).
Sir William Heathcote, bt.,
Rt. Hon. William Ewart
Gladstone.

PEMBROKESHIRE.
Hon. John Frederick Vaug-
han (Campbell) Viscount
Emlyn.

PEMBROKE.
Sir John Owen, bt.

PENRYN AND FALMOUTH.
Howel Gwyn,
James William Freshfield.

PETERBOROUGH.
Hon. George Wentworth
Fitzwilliam,
Thomson Hankey.

PETERSFIELD.
Sir William George Hylton
Jolliffe, bt.

PLYMOUTH.
Roundell Palmer,
Robert Porrett Collier.

PONTEFRACT.
Richard Monckton Milnes,
Benjamin Oliveira.

POOLE.
Henry Danby Seymour,
George Woodroffe Franklyn.

PORTSMOUTH.
Rt. hon. Sir Francis Thorn-
hill Baring, bt.,
Rt. hon. Charles Stanley
(Monck) Viscount Monck.

PRESTON.
Robert Townley Parker,
Sir George Strickland, bt.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Rt. hon. Sir George Corne-
wall Lewis, bt.

READING.
Francis Pigott,
Henry Singer Keating.

REIGATE.
Hon. Thomas Somers Cocks.

RETFORD (EAST).
Hon. William Ernest Dun-
combe,
Rt. hon. George Edward
Arundell (Monckton-Ar-
undell) Viscount Galway.

RICHMOND.
Henry Rich,
Marmaduke Wyvill.

RIPON.
William Beckett,
Hon. Edwin Lascelles.

ROCHDALE.
Edward Miall.

ROCHESTER.
Sir Thomas Herbert Mad-
dock, knt.,
Philip Wykeham Martin.

RUTLANDSHIRE.
Hon. Gilbert Henry Heath-
cote,
Hon. Gerard James Noel.

RYE.
William Alexander Mackin-
non.

ST. IVES.
Robert Laffan.

SALFORD.

SALISBURY.
William James Chaplin,
Edward Pery Buckley.

SALOP, or SHROPSHIRE.
(*Northern Division.*)
William Ormsby Gore,
John Whitehall Dod.

(*Southern Division.*)
Robert Clive,
Hon. Orlando George Chas.
(Bridgeman) Viscount
Newport.

SANDWICH.
Hon. Charles Pelham (Pel-
ham-Clinton) Lord C. P.
Clinton,
James MacGregor.

SCARBOROUGH.
Sir John Vanden Bempde
Johnstone, bt.,
Rt. hon. George Augustus
Constantine (Phipps) Earl
of Mulgrave.

SHAFTESBURY.
Hon. William Henry Berke-
ley Portman.

SHEFFIELD.
John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).
Robert Ingham.

SHOREHAM (NEW).
Sir Charles Merrik Burrell,
bt.,
Hon. (Alexander Francis
Charles Gordon Lennox)
Lord A. F. C. G. Len-
nox.

SHREWSBURY.
George Tomline,
Edward Holmes Baldock.

SOMERSETSHIRE.
(*Eastern Division.*)
William Miles,
William Francis Knatchbull.
(*Western Division.*)
Charles Aaron Moody,
William Henry Powell Gore
Langton.

SOUTHAMPTON.
Brodie M'Ghie Willcox,

SOUTHWARK.
Sir Charles Napier, K.C.B.
Apsley Pellatt.

STAFFORDSHIRE.
(*Northern Division.*)
Charles Bowyer Adderley,
Smith Child.

(*Southern Division.*)
Hon. George Anson,
Hon. Henry William George
(Paget) Earl of Uxbridge.

STAFFORD.
John Ayshford Wise,
Arthur John Otway.

STAMFORD.
Hon. (Robert Talbot Gas-
coyne Cecil) Lord R. T.
G. Cecil,
Sir Frederic Thesiger, knt.

STOCKPORT.
James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.
John Lewis Ricardo,
Hon. Edward Frederic Leve-
son-Gower.

<i>List of</i>	{ COMMONS }	<i>Members.</i>
STROUD. George Poulett Scrope, Rt. hon. Edward Horsman.	TOTNESS. Hon. George (Hay) Earl of Gifford, Thomas Mills.	WHITBY. Robert Stephenson.
SUFFOLK. (<i>Eastern Division.</i>) Sir FitzRoy Kelly, knt., Rt. hon. John (Henniker- Major) Lord Henniker. (<i>Western Division.</i>) Harry Spencer Waddington, Philip Bennet.	TOWER HAMLETS. Sir William Clay, bt., Charles Salisbury Butler.	WHITEHAVEN. Robert Charles Hildyard.
SUNDERLAND. George Hudson, Henry Fenwick.	TRURO. Henry Hussey Vivian, John Ennis Vivian.	WIGAN. Joseph Acton, Hon. James Lindsay.
SURREY. (<i>Eastern Division.</i>) Thomas Alcock, Hon. Peter John Locke King. (<i>Western Division.</i>) William John Evelyn, Henry Drummond.	TYNEMOUTH. William Schaw Lindsay.	WIGHT (ISLE OF). Francis Vernon Harcourt.
SUSSEX. (<i>Eastern Division.</i>) Augustus Elliott Fuller, Charles Hay Frewen. (<i>Western Division.</i>) Hon. Charles Henry (Gordon Lennox) Earl of March, Henry Wyndham.	WAKEFIELD. George Sandars.	WILTON. Edmund Antrobus.
SWANSEA. Lewis Llewellyn Dillwyn.	WALLINGFORD. Richard Malins.	WILTSHIRE. (<i>Northern Division.</i>) Walter Long, Thomas Henry Sutton So- theron.
TAMWORTH. Sir Robert Peel, bt. Hon. John (Townshend) Vis- count Raynham.	WALSALL. Charles Forster.	(<i>Southern Division.</i>) Rt. hon. Sidney Herbert, William Wyndham.
TAUNTON. Rt. hon. Henry Labouchere, Sir John William Ramsden, bt.	WAREHAM. John Samuel Wanley Saw- bridge Erle Drax.	WINCHESTER. John Bonham Carter, Sir James Buller East, bt.
TAVISTOCK. Hon. George Henry Charles Byng, Robert Joseph Phillimore.	WARRINGTON. Gilbert Greenall.	WINDSOR. Samson Ricardo, Charles William Grenfell.
TEWKESBURY. Humphrey Brown, John Martin.	WARWICKSHIRE. (<i>Northern Division.</i>) Charles Newdigate Newde- gate, Richard Spooner. (<i>Southern Division.</i>) Hon. Heneage (Finch) Lord Guernsey, Evelyn Philip Shirley.	WOLVERHAMPTON. Rt. hon. Charles Pelham Villiers, Thomas Thornely.
THETFORD. Hon. William Henry (Fitz- Roy) Earl of Euston, Hon. Francis Baring.	WARWICK. George William John Rep- ton, Edward Greaves.	WOODSTOCK. Hon. John Winston (Spen- cer Churchill) Marquess of Blandford.
THIRSK. Sir William Payne Gallwey, bt.	WELLS. Edward Hylton Jolliffe, Rt. hon. William Good- enough Hayter.	WORCESTERSHIRE. (<i>Eastern Division.</i>) George Rushout, John Hodgetts Hodgetts Fo- ley. (<i>Western Division.</i>) Hon. Henry (Pyndar) Vis- count Elmley Frederick Winn Knight.
TIVERTON. John Heathcoat, Rt. hon. Henry John (Tem- ple) Viscount Palmerston.	WENLOCK. Rt. hon. George Cecil Weld Forester, James Milnes Gaskell.	WORCESTER. William Laslett, Osman Ricardo.
	WESTBURY. James Wilson.	WYCOMBE (CHIPPING). Sir George Henry Dash- wood, bt., Martin Tucker Smith.
	WESTMINSTER. Sir John Villiers Shelley, bt., Sir De Lacy Evans, G.C.B.	YARMOUTH (GREAT). Sir Edmund Henry Knowles Lacon, bt., Charles Edmund Rumbold.
	WESTMORELAND. Hon. Henry Cecil Lowther, Hon. Thomas (Taylour) Earl of Bective.	YORKSHIRE. (<i>North Riding.</i>) Edward Stillingfleet Cayley, Hon. Octavius Duncombe
	WEYMOUTH AND MELCOMBE REGIS. William Lockyer Freestun, George Medd Butt.	

List of

{ COMMONS }

Members.

YORKSHIRE—*continued.*
(*East Riding.*)
Rt. hon. Beaumont (Hotham)
Lord Hotham,
Hon. Arthur Duncombe.
(*West Riding.*)
Richard Cobden,
Edmund Beckett Denison.
YORK.
John George Smyth,
William Mordaunt Edward
Milner.

SCOTLAND.

ABERDEENSHIRE.
Hon. George John James
(Gordon) Lord Haddo.
ABERDEEN.
George Thompson.
ARGYLLSHIRE.
Sir Archibald Islay Campbell, bt.
AYRSHIRE.
Sir James Fergusson, bt.
AYR, &c.
Edward Henry John Craufurd.
BANFFSHIRE.
James Duff.
BERWICKSHIRE.
Hon. Francis Scott.
BUTESHIRE.

CAITHNESS-SHIRE.
George Traill.
CLACKMANNAN AND
KINROSS SHIRES.
James Johnstone.
CUPAR, ST. ANDREWS, &c.
Edward Ellice.
DUMBARTONSHIRE.
Alexander Smollett.
DUMFRIES-SHIRE.

DUMFRIES, &c.
William Ewart.
DUNDEE.
George Duncan.
DYSART, &c.
Robert Ferguson.
EDINBURGHSHIRE.
Hon. William Henry Walter
(Montague-Douglas-Scott)
Earl of Dalkeith.
EDINBURGH.
Charles Cowan,
Adam Black.

ELGINSHIRE AND NAIRNE.
Charles Lennox Cumming
Bruce.
ELGIN, &c.
George Skene Duff.
FALKIRK, &c.
James Baird.
FIFESHIRE.
John Fergus.
FORFARSHIRE.
Hon. Adam (Haldane-Duncan) Viscount Duncan.
GLASGOW.
Alexander Hastie,
John MacGregor.
GREENOCK.
Alexander Murray Dunlop.
HADDINGTONSHIRE.
Hon. Francis Wemyss (Characteris) Lord Elcho.
HADDINGTON, &c.
Sir Henry Robert Ferguson
Davie, bt.
INVERNESS-SHIRE.
Henry James Baillie.
INVERNESS, &c.
Alexander Matheson.
KILMARNOCK, RENFREW,
&c.
Rt. hon. Edward Pleydell
Bouverie.
KINCARDINESHIRE.
Hon. Hugh Arbuthnott.
KIRKCUDBRIGHT.
John Mackie.
KIRKWALL, WICK, &c.
Samuel Laing.
LANARKSHIRE.
Alexander Dundas Ross
Wisheart Baillie Cochran.
LEITH, &c.
Rt. hon. James Moncreiff.
LINLITHGOWSHIRE.
George Dundas.
MONTROSE, &c.
William Edward Baxter.
CRKNEY AND SHETLAND.
Frederick Dundas.
PAISLEY.
Archibald Hastie.
PEEBLES-SHIRE.
Sir Graham Graham Montgomery, bt.
PERTHSHIRE.
William Stirling.
PERTH.
Hon. Arthur FitzGerald Kinaird.

RENFREWSHIRE.
Sir Michael Robert Shaw
Stewart, bt.
ROSS AND CROMARTY
SHIRES.
Sir James Matheson, bt.
ROXBURGHSHIRE.
Hon. John Edmund Elliot.
SELKIRKSHIRE.
Allan Elliott Lockhart.
STIRLINGSHIRE.
Peter Blackburn.
STIRLING, &c.
Sir James Anderson, knt.
SUTHERLANDSHIRE.
Hon. George Granville William (Leveson) Marquess of Stafford.
WIGTONSHIRE.
Sir Andrew Agnew, bt.
WIGTON, &c.
Sir John MacTaggart, bt.

IRELAND.

ANTRIM.
Thomas Henry Pakenham.
George Macartney.
ARMAGH.
Sir William Verner, bt.,
James Molyneux Caulfield.
ARMAGH (CITY).
Joshua Walter McGeough
Bond.
ATHLONE.
Hon. Henry Handcock.
BANDON BRIDGE.
BELFAST.
Richard Davison,
Hugh MacCalmont Cairns.
CARLOW.
John Ball,
William Bunbury M'Clintock
Bunbury.
CARLOW (BOROUGH).
John Alexander.
CARRICKFERGUS.
Hon. Wellington Henry Stapleton Cotton.
CASHEL.
Sir Timothy O'Brien, bt.
CAVAN.
Hon. James Pierce Maxwell,
Robert Burrowes.
CLARE.
Sir John Forster FitzGerald, K.C.B.,
Cornelius O'Brien.

<i>List of</i>	{ COMMONS }	<i>Members.</i>
CLONMEL.	KERRY.	NEWRY.
COLERAINE.	Henry Arthur Herbert,	William Kirk.
Rt. hon. Richard Southwell	Hon. Valentine Augustus	PORTARLINGTON.
(Bourke) Lord Naas.	(Browne) Viscount Castle-	Francis Plunket Dunne.
CORK COUNTY.	rosse.	QUEEN'S COUNTY.
Richard Deasy,	KILDARE.	Michael Dunne,
Vincent Scully.	William Henry Ford Cogan,	Sir Charles Henry Coote,
CORK (CITY).	David O'Connor Henchy.	bt.
Francis Bernard Beamish,	KILKENNY.	ROSCOMMON.
William Trant Fagan.	William Shee,	Fitzstephen French,
DONEGAL.	John Greene.	Oliver Dowell John Grace.
Thomas Conolly,	KILKENNY (BOROUGH).	ROSS (NEW).
Sir Edmund Samuel Hayes,	Michael Sullivan.	Charles Tottenham.
bt.	KING'S COUNTY.	SLIGO.
DOWNSHIRE.	Patrick O'Brien,	Sir Robert Gore Booth, bt.,
Hon. (Arthur Edwin Hill)	Loftus Henry Bland.	Richard Swift.
Lord A. E. Hill,	KINSALE.	SLIGO (BOROUGH).
David Stewart Kerr.	John Isaac Heard.	Rt. hon. John Arthur Wynne.
DOWNPATRICK.	LEITRIM.	TIPPERARY.
DROGHEDA.	Hugh Lyons Montgomery,	Francis Scully,
James McCann.	John Brady.	James Sadleir.
DUBLIN.	LIMERICK.	TRALEE.
James Hans Hamilton,	Stephen Edward De Vere.	Daniel O'Connell.
Thomas Edward Taylor.	LIMERICK (CITY).	TYRONE.
DUBLIN (CITY).	James O'Brien,	Rt. hon. Henry Thomas
Edward Grogan,	Francis William Russell.	Lowry Corry,
John Vance.	LISBURN.	Rt. hon. (Claud Hamilton)
DUBLIN (UNIVERSITY).	Jonathan Joseph Richard-	Lord C. Hamilton.
George Alexander Hamilton,	son.	WATERFORD.
Rt. hon. Joseph Napier.	LONDONDERRY.	Nicholas Mahon Power,
DUNDALK.	Thomas Bateson,	John Esmonde.
George Bowyer.	Theobald Jones.	WATERFORD (CITY).
DUNGANNON.	LONDONDERRY (CITY).	Thomas Meagher,
Hon. William Stuart Knox.	Sir Robert Alexander Fer-	Robert Keating.
DUNGARVAN.	guson, bt.	WESTMEATH.
John Francis Maguire.	LONGFORD.	William Henry Magan,
ENNIS.	Hervey George Hughes,	William Pollard Urquhart.
Rt. hon. John David Fitz-	Fulke Southwell Greville.	WEXFORD.
Gerald.	LOUTH.	Patrick McMahon,
ENNISKILLEN.	Chichester Samuel Fortes-	John George.
James Whiteside.	cue,	WEXFORD (BOROUGH).
FERMANAGH.	Tristram Kennedy.	John Thomas Devereux.
Mervyn Edward Archdall,	MALLOW.	WICKLOW.
Hon. Henry Arthur Cole.	Sir Charles Denham Or-	Hon. William Thomas Spen-
GALWAY.	lando Jephson Norreys, bt.	cer (Wentworth Fitzwil-
Sir Thomas John Burke,	MAYO.	liam) Viscount Milton,
bt.,	George Henry Moore,	William Wentworth Fitz-
Thomas Bellew.	George Gore Ouseley Hig-	william Hume.
GALWAY (BOROUGH).	gins.	YOUGHALL.
Anthony O'Flaherty,	MEATH.	Isaac Butt.
Martin Joseph Blake.	Matthew Elias Corbally,	
	Edward McEvoy.	
	MONAGHAN.	
	Charles Powell Leslie,	
	Sir George Forster, bt.	

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FIFTH SESSION OF THE SIXTEENTH PARLIAMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 3 FEBRUARY, 1857, IN THE TWENTIETH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 3, 1857.

MINUTES.] *Took the Oaths.*—The Right Hon. Edward Strutt, having been created Lord Belper; Several Lords.

Sat First in Parliament.—The Earl Cowper, after the Death of his Father; The Lord Middleton, after the Death of his Cousin.

PUBLIC BILL.—1^a Select Vestries.

MEETING OF THE PARLIAMENT.

THE PARLIAMENT, which had been prorogued successively to the 7th October; thence to the 13th November; thence to the 16th December; and thence to the 3rd February; met this day for the Despatch of Business.

The Session of the Parliament was opened by Commission.

THE LORDS COMMISSIONERS, namely, the Lord Chancellor (Lord CRANWORTH), the Lord Privy Seal (the Earl of HARROWBY), the Lord Steward of the Household (Earl SPENCER), the President of the Board of Trade (Lord STANLEY of ALDERLEY), the Postmaster General (the Duke of ARGYLL), and being seated at the foot of the Throne, and the COMMONS being at the bar, with their SPEAKER,

THE LORD CHANCELLOR delivered the Speech of the LORDS COMMISSIONERS to both Houses of Parliament, as follows:—

“ My Lords, and Gentlemen,

“ WE are commanded to assure you, that Her Majesty has great Satisfaction in recurring again to the Advice and Assistance of Her Parliament.

“ WE are commanded by Her Majesty to inform you, that Difficulties which arose in regard to some of the Provisions of the Treaty of *Paris* delayed the complete Execution of the Stipulations of that Treaty.

“ THOSE Difficulties have been overcome in a satisfactory Manner, and the Intentions of the Treaty have been fully maintained.

“ AN Insurrectionary Movement which took place in *September* last in the *Swiss* Canton of *Neufchâtel*, for the Purpose of re-establishing in that Canton the Authority of The King of *Prussia* as Prince of *Neufchâtel*, led to serious Differences between His *Prussian* Majesty and the *Swiss* Confederation, threatening at one Time to disturb the

general Peace of *Europe*. But Her Majesty commands us to inform you, that, in concert with Her august Ally The Emperor of the *French*, She is endeavouring to bring about an amicable Settlement of the Matters in dispute, and Her Majesty entertains a confident Expectation that an honourable and satisfactory Arrangement will be concluded.

“IN consequence of certain Discussions which took place during the Conferences at *Paris*, and which are recorded in the Protocols that were laid before you, Her Majesty and The Emperor of The *French* caused Communications to be made to the Government of The King of the *Two Sicilies*, for the Purpose of inducing him to adopt a Course of Policy calculated to avert Dangers which might disturb that Peace which had so recently been restored to *Europe*.

“HER MAJESTY commands us to inform you, that the Manner in which those friendly Communications were received by His *Sicilian* Majesty was such as to lead Her Majesty and The Emperor of The *French* to discontinue their Diplomatic Relations with His *Sicilian* Majesty; and they have accordingly withdrawn their Missions from the Court of *Naples*.

“HER MAJESTY has directed that Papers relating to this Subject shall be laid before you.

“HER MAJESTY commands us to inform you, that She has been engaged in Negotiations with the Government of the *United States*, and also with the Government of *Honduras*, which She trusts will be successful in removing all Cause of Misunderstanding with respect to *Central America*.

“HER MAJESTY has concluded a Treaty of Friendship and Commerce

with *Siam*, which will be laid before you.

“HER MAJESTY commands us to express to you Her Regret that the Conduct of the *Persian* Government has led to Hostilities between Her Majesty and The Shah of *Persia*.

“THE *Persian* Government, in defiance of repeated Warnings, and in violation of its Engagements, has besieged and captured the important City of *Herat*.

“WE are commanded by Her Majesty to inform you, that a *British* Naval and Military Force, despatched from *Bombay*, has taken possession of the Island of *Karrack* and of the Town of *Bushire*, with a view to induce The Shah to accede to the just demands of Her Majesty's Government.

“HER MAJESTY has seen with Satisfaction that the Naval and Military Forces employed on this Occasion have displayed their accustomed Gallantry and Spirit.

“HER MAJESTY commands us to inform you, that Acts of Violence, Insults to the *British* Flag, and Infraction of Treaty Rights committed by the local *Chinese* Authorities at *Canton*, and a pertinacious Refusal of Redress, have rendered it necessary for Her Majesty's Officers in *China* to have recourse to Measures of Force to obtain Satisfaction.

“THOSE Measures had, up to the Date of the last Accounts, been taken with great Forbearance, but with signal Success as regards the Conflicts to which they had led.

“WE are commanded to inform you, that Her Majesty trusts that the Government of *Pekin* will see the Propriety of affording the Satisfaction demanded, and of faithfully fulfilling its Treaty Engagements.

"Gentlemen of the House of Commons,

"HER MAJESTY has directed the Estimates for the ensuing Year to be laid before you. They have been prepared with every Attention to Economy, and with a due regard to the efficient Performance of the Public Service at home and abroad.

"My Lords, and Gentlemen,

"HER MAJESTY commands us to inform you, that Bills will be submitted to your Consideration for the Consolidation and the Amendment of important Portions of the Law; and Her Majesty doubts not that you will give your earnest Attention to Matters so deeply affecting the Interests of all Classes of Her Subjects.

"HER MAJESTY commands us to recommend to your Consideration the Expediency of renewing for a further Period the Privileges of the Bank of *England*, the Conditions imposed on the Issue of Bank Notes in the United Kingdom, and the State of the Law relating to Joint-stock Banks.

"HER MAJESTY commands us to express the Gratification which it affords Her to witness the general Well-being and Contentment of Her People, and to find that, notwithstanding the Sacrifices unavoidably attendant upon such a War as that which has lately terminated, the Resources of the Country remain unimpaired, and its productive Industry continues unchecked in its Course of progressive Development.

"HER MAJESTY commits with Confidence the great Interests of the Country to your Wisdom and Care, and She fervently prays that the Blessing of Almighty God may attend your deliberations, and prosper your Councils, for

the Advancement of the Welfare and Happiness of Her loyal and faithful People."

Then the COMMONS withdrew.

ADDRESS IN ANSWER TO THE SPEECH

The LORDS COMMISSIONERS' Speech having been reported by The LORD CHANCELLOR,

THE EARL OF CORK said that, in rising to move that a humble Address be presented to Her Majesty in answer to Her Majesty's gracious Speech from the Throne, it was unnecessary for him to ask from their Lordships that kind forbearance and indulgence so invariably extended to all Members of that House, and which were more especially needed by one who not only had the honour of addressing their Lordships for the first time, but who had not very long enjoyed the privilege of a seat in their Lordships' House. Arduous as the task which had devolved upon him must always be, it was perhaps more especially so on the present occasion, when the variety and importance of the subjects brought before their Lordships' consideration by Her Majesty were such as to require far more ability in handling than he could hope to exhibit, even had he acquired the necessary experience. It would therefore be his endeavour to touch upon them as briefly as possible, and he was the more inclined to do so from a strong conviction that the discussion of many of them would be at that moment somewhat inopportune, until their Lordships should be in possession of the more complete information which would, he believed, be shortly given to the House. It would be fresh in the recollection of their Lordships that when Parliament met about this time last year, the country was still engaged in conflict with a powerful adversary, but that Her Majesty announced in Her gracious Speech on that occasion that she had accepted the good offices of the Emperor of Austria with a view to mediation. In the course of last spring peace was accordingly concluded on such terms as we were warranted in hoping would secure the independence of Turkey from being again endangered by her powerful neighbour. He wished he could say that the Power with whom we treated had evinced a subsequent intention of carrying out that treaty in fairness of spirit, so as to meet the objects for the fulfilment of which this country, in the

flush of victory, when supported by an army splendid in its equipment, and a navy perhaps the most powerful we ever sent forth, had abstained from making all the demands we were then in a position to urge. Unfortunately this was not the case; unexpected difficulties arose; Russia strove still to preserve her position on the Danube by the substitution of an unknown Bolograd for the place intended by that name; she wished to retain the Island of Serpents, and so to have the means of blockading and turning that artery of Europe, destined by nature to be the highway of commerce, into a Russian stream. That, however, could not be. France and England had not squandered their treasure, had not poured forth the dearer blood of their sons, in order that the advantages hardly won by their arms should be lightly wrested from them by diplomacy. Thanks to the loyalty of the French Emperor, thanks to the firmness of the statesmen of this country—these dangers had been averted; the objects for which we originally entered into the late severe struggle had been effectually attained, and the independence of Turkey had been placed upon a well-defined ground by the establishment of a natural barrier, which, indeed, appeared as though originally formed by Providence to be her protecting boundary against the aggressions of a powerful and enterprising neighbour. This final adjustment of the much-vexed Eastern question, in a manner calculated to raise the position of England, and that without derogating from the dignity of her great adversary, was mainly due, he apprehended, to the firm, unswerving, and fixed line of policy maintained upon that occasion by Her Majesty's Government. But, in paying this tribute to the skill with which these negotiations had been conducted, their Lordships would, he felt assured, agree with him in thinking that too much praise could not be given to the conduct of the English people throughout these transactions. While showing, on the one hand, their willingness to bear the necessary additional burdens to obtain the ends for which they had entered into the struggle, those ends once achieved they had exhibited to Europe the example of a great nation actuated by higher motives than mere national advantage or glory, and as disinterested in counsel as they were determined in action. Whether the country for which so much had been done and gained would prove worthy by her future conduct of the

efforts that had been made in her behalf yet remained to be seen; but it was not too much to expect that she would spare no exertion to shake off the apathy and want of energy in her internal administration which had so long prevailed to her detriment, and which, but for extraneous assistance, had nearly caused her to succumb at once to the attempts made by her more powerful and energetic neighbour to lower her place irrecoverably in the scale of nations.

The second point in Her Majesty's Speech namely, the impending settlement of the questions which have arisen in consequence of the miserable attempts at insurrection made at Neuchâtel last summer—must afford to every lover of peace the satisfaction expressed by Her Majesty. The consequences which might have ensued from the insane enterprise of a few hot-headed men went nigh to embroil Europe in a war of the character of all others the most to be dreaded—a war not for any material object, but essentially, if not wholly, a contest of opinion. It was impossible to suppose that the King of Prussia or his Government could have been originally parties to this petty insurrection so promptly defeated by the patriotism and energy of the people of the town and canton of Neuchâtel. But it was not the less true that for the protection of the insurgents and the barren question of a titular suzerainty he took arms, and was apparently upon the point of entering upon a contest from which the courage and patriotism of the Swiss would not have shrunk, in which the great countries of Europe must soon have become involved, and which would probably not have ended without the overthrow of more than one established Government. This general disturbance of the peace of Europe had been happily avoided by well-timed and judicious counsels and mediation, and we were now relieved from the grave apprehension which had at one time been generally entertained. With respect to the state of our diplomatic relations with Naples, their Lordships being well aware of the views strongly expressed by several of the Plenipotentiaries at the Congress of Paris on the dangers attending the King's persistence in his system of misgovernment, could not have been surprised to learn that on the determined rejection by this Sovereign of the advice tendered to him in the most friendly manner and with the best intentions by the Governments of England

and France, those two Powers should have found no other course left to them but the suspension of diplomatic relations, and the demonstration thereby to the rest of Europe that they could not, in the interests of humanity, overlook the contempt of their remonstrances, and, by the presence of their representatives at that Court, continue to give indirect sanction to a system of tyranny and oppression which in its folly threatened the tranquillity of Europe and in its cruelty disgraced the age to which we belong. Whatever differences of opinion might be entertained by their Lordships as to the right and expediency of interference on the part of one State in the internal administration of another; in this case, surely, if ever, the motives carried with them their own justification; and surely, too, their beneficial results were already becoming apparent in the terms recently offered by the King of Naples to his heretofore unfortunate prisoners.

The paragraph of Her Majesty's Speech which perhaps most called for congratulation, was that in which Her Majesty informed them that she had been engaged in negotiations with the Government of the United States, and also with the Government of Honduras, which she trusted would be successful in removing all cause of misunderstanding with respect to Central America. After the differences which last year threatened to disturb our amicable intercourse with that Government, their Lordships must all rejoice that the impending misunderstanding had been happily averted, and that there was every prospect of a successful issue to the negotiations announced, for it was impossible not to feel the importance of every circumstance calculated to cement our union with that great nation—a nation sprung from the same origin as ourselves, speaking our language, holding many of our opinions, and closely connected with whom so many of our interests must ever remain bound up.

Their Lordships would also have heard with pleasure the announcement of a treaty of friendship and commerce having been concluded with Siam, there being every reason to believe that the commerce likely to be carried on between this country and Siam would be to a large amount, and highly beneficial to both.

Her Majesty has next expressed Her regret that the conduct of the Persian Government has led to hostilities between Her Majesty and the Shah; the Persian Go-

vernment having, in defiance of repeated warnings, and in violation of its engagements besieged and captured the important city of Herat. It was unnecessary for him to follow step by step the course of events as they had occurred since those relations were first troubled by the hostile attitude assumed by the present Shah towards this country. To all who had watched the progress of affairs in that quarter, it must have been evident that that spirit of hostility, instead of being conciliated by the moderate tone adopted by the British Government through its Minister, became only more gross and insulting, until, in December, 1855, after enduring a long series of provocations, followed by subterfuges and evasions of all kinds on the question of redress, no option remained to the representative of our country but to close the mission there abruptly. Serious as the position had then become, he, for one, did not believe that war was even then by any means an inevitable consequence, unwilling as we naturally were to resort to any measures calculated to imperil a country which, for obvious reasons, we sought to maintain in its normal integrity. But the next measure resorted to by the Shah, in open violation of an engagement of comparatively recent standing, and in defiance of every warning—namely, the siege of Herat, followed by the surrender of that town in October last—showed that forbearance must have a limit, and that the hour of action had arrived. He forbore to weary their Lordships by an account of the fruitless negotiations during the course of that siege; they sufficiently evinced the spirit of faithlessness in which the Shah acted throughout, and it would have been altogether useless to allude to them, except as an additional testimony to the justice of our cause, and the imperative necessity which actuated Her Majesty's Government in sending forth the expedition which quitted Bombay in the middle of last November, with the view of inducing the Shah to accede to our just demands. The accounts received during the past week of the success which had hitherto attended the movements of this expedition and of the brilliant capture of Bushire were such as must cause them to respond most warmly to the gracious expressions of satisfaction addressed to them by Her Majesty upon the subject. Every detail in the despatches of General Stalker and Sir Henry Leeke bore witness to the gallant conduct alike of the

officers and men; and, while they deplored the loss of those who had fallen in the moment of victory, they had just reason to be proud of both the living and the dead. It was, perhaps, full early to offer predictions as to the effect of this triumphant commencement of operations upon the Shah, but it was impossible that he should not feel severely the speedy capture of one of the principal forts of his empire, nor did the hope seem unreasonable that intimidation might enforce without delay what moderation had failed to effect, and that we might shortly be enabled to renew our amicable relations with Persia by placing them upon a footing which should render them not again liable to the like violent interruptions from the duplicity and ill-feeling which had been cherished towards us at the Court of Teheran.

Her Majesty next informed them that acts of violence, insults to the British flag, and infractions of treaty rights committed by the local Chinese authorities at Canton, and a pertinacious refusal of redress, had rendered it necessary for Her Majesty's officers in China to have recourse to measures of force to obtain satisfaction; that those measures had, up to the date of the last accounts, been taken with great forbearance, but with signal success as regards the conflicts to which they had led; and Her Majesty trusts that the Government of Peking will see the propriety of affording the satisfaction demanded, and of faithfully fulfilling its treaty engagements. Our position with respect to China was at this moment in a state of transition, which, if unsatisfactory in itself, might, there was reason to hope, lead to much ultimate benefit. Unsatisfactory as the relations of that country with other Powers had ever been, it had long been obvious that they must, sooner or later, prove untenable on their existing terms; and that they had eventually become so by their own acts of insolence and obstinacy could be matter of surprise to no one. The insult to our flag, aggravated and made to bear the character of premeditation by the subsequent conduct of the Chinese High Commissioner, it was, indeed, impossible to submit to. It was what no Power could suppose we should tolerate, and what few nations, we had a right to believe, would rashly have offered. By the Chinese, wise in their own conceit, this had been done; and it would indeed be a striking instance of the good that sometimes arose out of

evil should the overwhelming excess of Chinese arrogance and shortsightedness be the immediate cause of establishing, on a broad and equitable basis, the commerce between China and Europeans. To the country itself with which we were at issue, we might fairly assume that this termination of affairs would be in the highest degree beneficial. The system of injustice and monopoly which all more than suspected to prevail in the internal administration must, as a natural consequence of unrestricted intercourse with other nations, greatly diminish; corruption must gradually be checked by exposure; while the increase and additional security of our already extensive trade with China would be profitable to both sides alike—to ourselves not a little, to the Chinese unquestionably more; and, much as we might regret, even with these chances of eventual good, finding ourselves again engaged in hostilities with that country, it was, he thought, obvious that it would have been establishing too dangerous a principle to permit the infringement of a treaty by a people disposed, like the Chinese, to ascribe moderation to fear, and to encroach even more largely upon forbearance. Any backwardness upon our part would, therefore, have made the position of the British residents at Canton still worse than it had hitherto been, whence it became doubly incumbent upon us to protect them efficiently from fresh and wanton insults by the Chinese authorities.

Another subject, which he approached with great diffidence, and on which it would best become him to touch very lightly, was the momentous but intricate one of the necessary reforms in our existing laws of divorce and testamentary jurisdiction. That in both, as they now stood, glaring abuses cried for correction was well admitted on all sides. How or in what manner that correction might best be devised and applied to secure the necessary protection for property and individuals, alike to rich and poor, it was not for him to suggest. The question was not a party one, and it demanded the serious consideration of all competent to deal with it; for his part, it would suffice that he should express his earnest hope that the hour of law reform was at hand, and that such reform would be so comprehensive in its basis and so vigorous in its application as to satisfy the deep feeling which was entertained upon this subject by all classes of the people.

Varied as might have been their Lordships' opinions on the preceding topics, they must, he was sure, have all heard with gratification of the prosperous and contented condition of the people, and that notwithstanding the increased taxation consequent upon a state of war. The revenue returns for the past year showed a large increase in the consumption of those articles which were only enjoyed by the lower classes when labour was abundant and wages were in proportion. As regarded our commerce, the exports alone of the past year had exceeded in value by twenty millions those of the preceding one. While upon this subject he could not refrain from alluding, in a few words, to the state of that country with which he was himself more intimately connected, and the rapid transition of which from the depths of misery and degradation to prosperity hitherto unexampled in her annals must cause the utmost thankfulness to all who were in any way connected with her. The voice of sedition was no longer heard there, raising class against class, and too frequently in its specious declamation leading on to ruin the unfortunates who might have been misled by a semblance of patriotism. The empty state of the work-houses, the poor law returns, and last, but not least, the police reports, all bore witness to the diminution of pauperism and crime, which were the natural consequences of the improvement in the agricultural classes, the profitable increase of the manufactures, and the universal rise in the condition of the people. The only proof of these statements with which he would trouble their Lordships was the comprehensive fact that, whereas on the 1st of January, 1851, the number of those who received in-door relief in Ireland exceeded 206,000, on the same day, this year, they barely surpassed 55,000.

Having thus endeavoured to bring before their Lordships' notice, as briefly as possible, the various subjects contained in the Speech from the Throne, he did not know that he could better conclude than by the final prayer of that Speech, that the blessing of Divine Providence might attend upon their deliberations and prosper their councils for the advancement of the welfare and happiness of Her Majesty's loyal and faithful people. The noble Earl concluded by moving That an humble Address be presented to Her Majesty in answer to Her Gracious Speech from the Throne.

The following is a copy of the Address agreed to.

"MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return to Your Majesty our humble Thanks for the gracious Speech which Your Majesty has commanded to be made to both Houses of Parliament.

"WE thank Your Majesty for assuring us, that Your Majesty has great Satisfaction in recurring again to the Advice and Assistance of Your Majesty's Parliament.

"WE humbly thank Your Majesty for informing us, that Difficulties which arose in regard to some of the Provisions of the Treaty of *Paris* delayed the complete Execution of the Stipulations of that Treaty, but that those Difficulties have been overcome in a satisfactory Manner, and the Intentions of the Treaty have been fully maintained.

"WE humbly thank Your Majesty for informing us, that an Insurrectionary Movement which took place in *September* last in the *Swiss* Canton of *Neuchâtel*, for the Purpose of re-establishing in that Canton the Authority of The King of *Prussia* as Prince of *Neuchâtel*, led to serious Differences between His *Prussian* Majesty and the *Swiss* Confederation, threatening at one time to disturb the general Peace of *Europe*.

"WE thank Your Majesty for informing us, that, in concert with Your Majesty's August Ally The Emperor of the *French*, Your Majesty is endeavouring to bring about an amicable Settlement of the Matters in dispute, and that Your Majesty entertains a confident Expectation that an honourable and satisfactory Arrangement will be concluded.

"WE humbly convey to Your Majesty our humble Thanks for informing us, that in consequence of certain Discussions which took place during the Conferences at *Paris*, and which are recorded in the Protocols that were laid before us, Your

Majesty and The Emperor of the *French* caused Communications to be made to the Government of The King of the *Two Sicilies*, for the Purpose of inducing him to adopt a Course of Policy calculated to avert Dangers which might disturb that Peace which had been so recently restored to *Europe*.

“WE learn with Regret, that the Manner in which those friendly Communications were received by His *Sicilian* Majesty was such as to lead Your Majesty and The Emperor of the *French* to discontinue Diplomatic Relations with His *Sicilian* Majesty, and that the Missions of Your Majesty and The Emperor of the *French* have accordingly been withdrawn from the Court of *Naples*; and we thank Your Majesty for having directed that Papers relating to this Subject shall be laid before us.

“WE thank Your Majesty for acquainting us, that Your Majesty has been engaged in Negotiations with the Government of the *United States*, and also with the Government of *Honduras*, which Your Majesty trusts will be successful in removing all Cause of Misunderstanding with respect to *Central America*.

“WE thank Your Majesty for the Assurance that Your Majesty has concluded a Treaty of Friendship and Commerce with *Siam*, which will be laid before us.

“WE assure Your Majesty that we participate in the Expression of Your Majesty’s Regret that the Conduct of the *Persian* Government has led to Hostilities between Your Majesty and The Shah of *Persia*; and that the *Persian* Government, in defiance of repeated Warnings, and in violation of its Engagements, has besieged and captured the important City of *Herat*.

“WE thank Your Majesty for informing us, that a *British* Naval and Military Force, despatched from *Bombay*, has taken possession of the Island of *Karrack* and of the Town of *Bushire*, with a view to induce The Shah to accede to the just Demands of Your Majesty’s Government; and we learn with Satisfaction that the

Military and Naval Forces employed on this Occasion have displayed their accustomed Gallantry and Spirit.

“WE humbly express our Regret that Acts of Violence, Insults to the *British* Flag, and Infraction of Treaty Rights committed by the local *Chinese* Authorities at *Canton*, and a pertinacious Refusal of Redress, have rendered it necessary for Your Majesty’s Officers in *China* to have recourse to Measures of Force to obtain Satisfaction.

“WE thank Your Majesty for informing us, that those Measures had, up to the Date of the last Accounts, been taken with great Forbearance, but with signal Success as regards the Conflicts to which they had led; and we assure Your Majesty that we concur with Your Majesty in trusting that the Government of *Pekin* will see the Propriety of affording the Satisfaction demanded, and of faithfully fulfilling its Treaty Engagements.

“WE humbly thank Your Majesty for acquainting us, that Bills will be submitted to our Consideration for the Consolidation and the Amendment of important Portions of the Law; and we assure Your Majesty that we will give our earnest Attention to Matters so deeply affecting the Interests of all Classes of Your Majesty’s Subjects.

“WE assure Your Majesty that we will take into our careful Consideration the Expediency of renewing for a further Period the Privileges of the Bank of *England*, the Conditions imposed on the Issue of Bank Notes in the United Kingdom, and the State of the Law relating to Joint Stock Banks.

“WE participate in the Gratification which it affords Your Majesty to witness the general Well-being and Contentment of Your People, and to find that, notwithstanding the Sacrifices unavoidably attendant upon such a War as that which has lately terminated, the Resources of the Country remain unimpaired, and its productive Industry continues unchecked in its Course of progressive Development.

“We humbly thank Your Majesty for informing us, that Your Majesty commits with Confidence the great Interests of the Country to our Wisdom and Care; and in common with Your Majesty we fervently pray that the Blessing of Almighty God may attend our Deliberations, and prosper our Councils, for the Advancement of the Welfare and Happiness of Your Majesty’s loyal and faithful People.”

THE EARL OF AIRLIE, who was very indistinctly heard, seconded the Address. The noble Earl was understood to say, that although the Speech from the Throne embraced a greater variety of topics than was usual in documents of that nature, yet the majority of them had been so well touched upon by the noble Earl who had preceded him that he was happy to say it would not be necessary for him to occupy much of their Lordships’ time, and he trusted that in the course of the few observations he should make, nothing would fall from him calculated to interrupt the harmony of debate or to convey any reflections upon any party in their Lordships’ House. For his own part, when he examined the history of the last few years, and considered the cordial support afforded to Her Majesty’s Government both by the Parliament and the people, he found it difficult to realise the existence in this country of a large and powerful political party, entertaining different political views from those held by the actual Administration; for no one could fail to have remarked in the conduct of that party, not only during the progress of the late war, but also since, during the negotiations for peace, the same absence of partisanship, by the same sacrifice of party interests to the purposes of the nation, which he trusted it would always manifest; and perhaps to the unanimity of the Parliament and people of England on the great question of the day, and to the determination which they had clearly evinced to be satisfied with nothing short of the complete attainment of those objects which had been laid down as the basis of negotiations by the Treaty of Paris, to that determination and that unanimity in conjunction with the firm and dignified attitude of Austria, and the unswerving fidelity to his engagements of their Ally, the Emperor of the French, was to be mainly ascribed the satisfactory adjustment of those difficulties which had arisen respecting the frontier of

Bessarabia and the Isle of Serpents. He felt sure that the House and the people would partake of the satisfaction expressed by Her Majesty, that those differences had been settled in a manner which would effectually secure the free navigation of the Danube. With regard to the question at issue between the King of Prussia and the Swiss Confederation, he (the Earl of Airlie) was also sure that the House would hear with satisfaction the confident expectation entertained by Her Majesty of an honourable and satisfactory arrangement of the matters in dispute. But at the same time, and without in any way entering into the merits of the question, he (the Earl of Airlie) could not advert to this subject without expressing in the strongest manner the admiration which he felt at the gallant bearing of the Swiss people. Conscious of the perils of their situation, but undismayed by the power of Prussia, buoyed up by no vain hopes of glory, but ready to face every danger in asserting the independence of their country, resolute but calm, the Swiss had shown themselves worthy descendants of the heroes who had conquered at Granson and Morgarten. It was such men who had in every age been the true guardians of freedom, and their conduct must raise a feeling of admiration in every heart. He thought that Her Majesty’s Government well deserved the thanks of Parliament for the part they had taken in preventing collision between Prussia and the Swiss Confederation. With regard to the relations which existed between this country and the King of the Two Sicilies, he was satisfied that the House would approve the course adopted by Her Majesty, as well as of the advice tendered to that Monarch. Her Majesty’s Government could not countenance a course of policy which was calculated to extend danger and disturb the peace of Europe, while at the same time they were bound to abstain from anything like armed interventions. While he was upon that subject, although it was not perhaps quite regular to refer in either House of Parliament to the conduct of a foreign Sovereign—he could not refrain from saying that the conciliatory policy now adopted by the Emperor of Austria towards his Italian subjects was worthy of every regard, and he trusted that it would meet with its reward in the consolidation and strengthening of his empire. It must, no doubt, have been extremely gratifying to all of their Lordships to hear the expres-

sion of Her Majesty's hope that the negotiations on foot with the United States on the subject of Central America, were likely to be successful in removing all causes of dissatisfaction on that subject; and they were aware that the danger of a suspension of diplomatic relations with that country which last year seemed imminent, had been removed. Her Majesty's announcement that a treaty of friendship and commerce had been entered into with Siam would, he was sure, be received with satisfaction by their Lordships. The next subject referred to in Her Majesty's Speech was the hostilities which had been commenced against the Shah of Persia. It was not for him then to enter into a detail of the causes which had led to the adoption of those hostilities; but he might say that in the opinion of every man acquainted with the East, it was necessary for the safety of our Indian Empire that decisive steps should be taken; that it was indispensable that Herat should remain independent and should not, under any circumstances, become a dependency of Persia. He would quote the opinion of the highest military authority on this point; the Duke of Wellington writing in 1838 had said, "if the siege of Herat is to continue, I do not see that the Company can do otherwise than provide for its defence." And surely no one would contend that it was less necessary now than in 1838 to maintain the independence of Herat. Since 1838 we had annexed Scinde and the Punjab, we had been brought into immediate contact with the Afghans, we had pushed the frontiers of our Indian Empire up to the confines of Aghanistan; we could not, if we would, abstain from taking some part in the political affairs of that country. He was satisfied also that their Lordships would partake in the sentiments expressed in the Royal Speech in admiration of the gallantry and spirit displayed by our naval and military forces in the capture of Bushire and Karrack. They had to deplore the loss of some brave men in the attack on Bushire; but considering the strength of the fortifications and the number of the men engaged in the defence, it was only surprising that the loss had not been greater. Whatever might have been the causes of the war, he hoped that the successes already obtained by our forces would induce the Shah to put an end to hostilities; for we must never forget that the safety of our Indian Empire must render us deeply interested in the affairs of Per-

sia. Her Majesty referring to China had next informed their Lordships that the acts of violence and insults to the British flag and the infraction of treaty rights committed by the local authorities at Canton, and the pertinacious refusal of redress had rendered it necessary to have recourse to measures of force to obtain satisfaction. Whatever doubts might be expressed in reference to the affair of the *Arrow*, it was notorious that within the last twelve months more than one vessel, having an unmistakeable British register, had been seized by the Chinese authorities, and that all attempts to obtain redress had been ineffectual. The seizure of the *Arrow* was but the last of these insults and annoyances; and as by the stipulations of the existing treaty the Chinese were bound to admit Her Majesty's subjects into the city of Canton, which they had hitherto pertinaciously refused, he was convinced that their Lordships would agree with him that Her Majesty's officers in those seas were fully justified in the course they had taken in the matter. It was, at least, a tolerably strong presumption in favour of the justice of our cause, that of all the merchants engaged in the China trade (and of the importance of that trade their Lordships might form some estimate from the fact, that the value of our imports from China amounted last year to £9,000,000, while the value of exports to China from Great Britain and the British possessions in India amounted to nearly as large a sum), while many of these men, sufferers by the war, in consequence of the stoppage of their trade which it entailed, had loudly proclaimed the necessity and the justice of the war with China, not one had come forward to denounce it. On the contrary, they complained that successive Governments had erred on the side of too great leniency towards the Chinese, and a laxity in insisting on the rights guaranteed to us by the treaty of 1842. Hitherto the right of British subjects to enter into Canton had been waived by our authorities, but it had never been abandoned; and so long as British subjects had no access to Canton, and all business transactions between the town and the foreign factories was carried on by written correspondence, it was evident that such a state must give rise to endless misunderstandings, and that it had become necessary, considering the immense increase of our commerce, to enforce the full admission of our rights. He would not refer to the circumstances connected with the seizure

of the crew of the *Arrow*—all he would say was, that it appeared to him that the British Government had a perfect right to act as they had done under the stipulations of the treaty with China.

Her Majesty had then referred to various measures for the consolidation and amendment of the law. He was perfectly sure that this announcement would be acceptable to their Lordships, for the necessity of such reforms was obvious to all persons.

Her Majesty had next referred to the great question of the renewal of the Bank Charter. He (the Earl of Airlie) was not himself of opinion that it was necessary to make any alteration in the banking system of this country; but if any alteration should be deemed expedient, he trusted that care would be taken to proceed on the safest and most approved principles; and that no changes would be introduced into the system of banking in Scotland, which had hitherto given general satisfaction throughout that country. With regard to that part of Her Majesty's Speech which referred to the general well-being and contentment of the people, he (the Earl of Airlie) was happy to find that that representation was fully borne out by the Returns which related to the extent of our commercial relations with other countries. A comparative statement of the exports and imports of the years 1853, 1854, and 1855, showed a general and marked improvement in the progress of the country, notwithstanding the sacrifice unavoidably attendant on the late war; and he was satisfied that the prosperity of the country was proved beyond dispute. He begged leave, in conclusion, to second the Motion.

THE EARL OF DERBY: My Lords, I entirely concur with the observation of the noble Lord, whose speech in addressing the House for the first time I have heard with great pleasure, that this is not the proper opportunity for discussing in detail the topics contained in Her Majesty's Speech, involving as it does so many subjects of great importance, and requiring the most mature deliberation—upon that ground I quite concur with the noble Earl that it is not desirable to enter into their consideration upon the present occasion. There are various subjects, both foreign and domestic, adverted to in the Speech now before your Lordships, upon which great differences of opinion exist, and on which much discussion must take place. But for many reasons, and especially considering the importance and mul-

tiplicity of the questions involved, I have to repeat that I concur with the noble Earl in thinking that this is an inconvenient period for entering into the consideration of any one of them, or even of raising a miscellaneous discussion of the different subjects introduced to our notice. It has of late years been the practice—the laudable practice—of Parliament that, except on some extraordinary occasions, the Address to the Crown in answer to the Speech from the Throne at the commencement of the Session should pass, at least in this House, without a division, and be, in point of fact, the unanimous and respectful expression of the deference with which we receive the first communication of the Session from the Queen. But, on the other hand, it should be the practice that the Ministers of the Crown should bring forward in the Speeches from the Throne a statement of the most material circumstances of public importance which have occurred since Parliament separated, and that they should intimate generally the most material measures which it is their intention to bring under the consideration of Parliament. Holding these views, I confess, my Lords, I can only entertain a hope that, with regard to the future, Her Majesty's Government may intend to perform something more than they have set forth in the programme now before your Lordships, for a more meagre bill of fare for the coming Session, and a more vague and shadowy portraiture of the measures to which our attention is to be directed, I never recollect to have seen than is contained in the few paragraphs of the Speech that are devoted to domestic affairs and future events. There are two questions of this nature to which the Speech particularly refers—one the general subject of the amendment of the law, which has been brought before Parliament on various occasions by Members of both Houses not connected with the Government; and the other that most important and difficult question, on which I carefully abstain from expressing an opinion, the renewal of the Bank Charter Act. With regard to the first of these questions, I shall only say that I shall rejoice to see the Government entering into an open and honourable rivalry in the spirit of law reformers with those noble, honourable and learned persons who, though unconnected with office, have in this, and the other House of Parliament, so zealously and, to a great extent, so successfully, for many years

devoted their attention to this subject. I may venture to express a hope that, among the many difficulties which obviously stand in the way of any great improvement of our complicated system of law, one at least may not be found—that difference of opinion between high legal authorities, both in this and the other House of Parliament, has prevented the success of former attempts at amendment. With regard to the second of these questions—the renewal of the Bank Charter—I must say that I observed, my Lords, with some surprise—and I think it is another indication of the discretion of the noble Earl who moved the Address—that, although he carefully but briefly noticed every other topic of the Speech from the Throne, he was altogether and discreetly silent with regard to this. I hope I am not unjust in attributing the noble Earl's discretion at this point to his not very well knowing what to say on it. I can imagine the noble Lord at the head of Her Majesty's Government, when instructing the noble Earl as to the points upon which it was desirable that he should dwell, informing him that the less he said with reference to the Bank Charter, and the more careful he was not to commit Her Majesty's Government on that subject, the better satisfied they would be. Not doubting, therefore, the discretion of the noble Earl for one moment, I think, however, I may assume that, like Hotspur's wife, he abstained from stating the precise course which the Government intend to pursue on this important subject, because "he could not utter what he did not know." In one of the paragraphs of the Royal Speech, Her Majesty recommends to our consideration three things; first, "the expediency of renewing for a further period the privileges of the Bank of England;" next that we should consider "the conditions imposed on the issue of bank-notes in the United Kingdom;" and, thirdly, that we should consider "the state of the law relating to Joint-stock Banks." I cannot, my Lords, gather from this paragraph whether Her Majesty's Government intend to alter the law on these subjects, which I agree with the noble Earl who moved the Address, are in a very unsatisfactory state; or whether they intend to take any other course. I trust, however, that Her Majesty's Government have made up their minds, on this matter at least, as to the course which they intend to recommend to Parliament,—that they are not going again to launch this great and important ques-

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tion into the abyss of a Select Committee, or to invite a deluge of pamphlets and correspondence from the pen of "Mercator" and his contemporaries; but I do trust that, acting upon the best judgment they can form, they will, upon their own responsibility as a Government, submit to Parliament such a measure, whether in adherence to or in alteration of the existing law, as they may deem expedient, and that the question may be settled by Parliament upon a plan deliberately submitted as the result of the careful consideration of the Government of the day. I believe, my Lords, I have now adverted to the only measures of domestic policy which are indicated by the Government in the Speech from the Throne; but there is in that Speech one paragraph which may undoubtedly lead to very important consequences, although it is less addressed to your Lordships than to the other House of Parliament, and relates to the subject to which perhaps it is scarcely proper for me to advert in this place. But, my Lords, looking to the gravity and importance of that subject, I cannot withhold the expression of my conviction that I have greatly misunderstood both what appears to me the duty, and what I think will prove to be the inclination, of the House of Commons, if the vague and meagre reference to the Estimates made in the stereotyped terms in the Speech from the Throne, that "they have been prepared with every attention to economy, and with a due regard to the efficient performance of the public service at home and abroad," will sufficiently satisfy that House, which is, as it ought to be, the guardian of the public purse. We are now at a very critical period, and the financial statement which will be made this year must involve in its consideration, in its discussion, and in its consequences, not merely the provision for a single year, but it must be the well-considered and matured plan on which the finance of the country can rest securely for many years to come. In the year 1853 a very comprehensive and able budget was submitted to Parliament; and, although I cannot concur in the extravagant amount of encomium which was bestowed upon that budget as an absolutely unsurpassed financial measure, yet it undoubtedly possessed this great merit—that it took a broad and comprehensive view of the state of our national finances. Although I dissented from some of the propositions contained in that budget—although I thought

it a grave injustice to maintain taxes which pressed with peculiar hardship upon particular interests—yet there was in it a degree of comprehensiveness which redeemed many of its defects; and, above all others, it laid down one principle which I hold to be of the utmost importance—namely, a positive pledge that beyond the year 1860 the income tax should not be maintained. Now, I say that Parliament will not do their duty if they are satisfied with less than the full *bonâ fide* redemption of that pledge. That pledge was ratified by an Act of Parliament now in force; but it was suspended during the war—generously and magnanimously suspended—and for such a period as Her Majesty's Government thought necessary after the termination of the war, in order to meet the expenses of hostilities; it was suspended by an Act which not only continued, but which very largely increased the heavy burden of the income-tax; and, for the purposes of the war, but with a strict limitation to those purposes, the public generously and magnanimously submitted to all the sacrifices which were required from them, confident in the good faith of the Government that the tax was henceforth to be a war tax—a tax of tremendous power, an instrument of vast energy and effect, exhibiting in the strongest degree to foreign countries the immensity and the power of our resources for war; but a tax which, if not limited to the purposes of war, is an instrument of dangerous facility to intrust in the hands of any Minister. Although this subject is not one for your Lordships' special consideration, and although there is no reference to the special subject in the Speech from the Throne, yet deeply as you are interested in it personally, and deeply as you are interested in it also with reference to the public welfare, I could not allow this, the first opportunity of the Session, to pass without expressing my confident hope and belief, in which I am sure your Lordships will concur, that Parliament will insist upon the full and entire accomplishment of that pledge by which in 1860 the income-tax will cease to be imposed. I will now proceed to what is to me by far the largest and by far the most unsatisfactory portion of the Royal Speech—that devoted to the subject of our foreign relations. I cannot read this portion of the speech without casting back a look of regret to those good old days when the stereotyped passage of the Royal Speech,

containing in a single paragraph all reference to foreign affairs, stated that His Majesty or Her Majesty was happy to inform Parliament that he or she continued to maintain the most friendly relations with all foreign powers. Now, my Lords, I will venture to say that that single paragraph would give more satisfaction to the people of this country, and would afford a better security for the peace of Europe, than all the multitudinous paragraphs in the Speech which has just been read to us, referring, I am sorry to say, in every instance, to disputes partially or not entirely settled, and to questions more or less complicated. Her Majesty is scarcely able to refer with unmitigated satisfaction to our foreign relations with any State, unless, indeed, it be to the important fact that "Her Majesty has concluded a treaty of friendship and commerce with Siam." I do not wish to speak with levity of that treaty, or of the consequences which may result from it. I believe the present King of Siam to be a man of considerable intelligence and energy, who appreciates the advantages of civilisation, and who entertains the most friendly disposition towards this country. For my own part, I should always rejoice at every extension of our commercial relations, so long as they do not tend, as sometimes they do, to place us in positions inconsistent with the prosecution of peaceful enterprise. I rejoice, therefore, to hear of the conclusion of a treaty which may promote commercial intercourse, and which may strengthen our friendly relations even with the King of Siam. Another paragraph, of a very different character, is that in which Her Majesty refers to the difficulties which had arisen with regard to some of the provisions of the treaty of Paris. Her Majesty tells us that "those difficulties have been overcome in a satisfactory manner, and the intentions of the treaty have been fully maintained." My Lords, as we are now at peace, and as I trust in God that peace will long be maintained, I cannot but regret that the noble Earl who opened the discussion should have indulged in some expressions not very complimentary to the good faith of that potentate with whom we have lately been at war, and with whom we have now concluded peace. I have always thought and have always said that when we were engaged in hostilities we were bound to prosecute the war with the utmost energy and determination. I was not myself satisfied with the results

of that war. I was not satisfied with that peace which apparently affords so much satisfaction to the noble Earl opposite and to Her Majesty's Government, any more than I approved of the conduct of the war in some particulars. But let me impress upon the noble Earl, who has, I hope, a long and useful career before him, that from the time when peace was concluded no word of bitterness should be heard to drop from any Member of this House with regard to our late opponent. The difficulties which arose were certainly of a somewhat extraordinary nature, and, though the noble Earl tells us that they cast suspicion upon the good faith of Russia, the noble Earl must forgive me for saying that they reflect no very great credit on the clear-sightedness and intelligence of Her Majesty's Government. I am told—but it is quite incredible, and I hope I shall be contradicted by the noble Earl opposite (the Earl of Clarendon), that the main difficulty arose, not upon the interpretation of some doubtful phrase, but upon the delineation of the boundary which was laid down in the map and described in the terms of the treaty; and I am told—but it is so incredible that I shall scarcely believe it until the noble Earl tells me that I have been correctly told—that it is really the fact that the map upon which the whole construction of the treaty turned, as it delineated and was the authentic record of that which was for the future to be the boundary of the two empires, was not *paraphrased*—that is, the signatures of the Plenipotentiaries were not affixed to it. Why, my Lords, if you enter into a contract for the purchase of a field the map delineating its boundaries is always attached to the instrument of purchase and forms part of it; and yet in a question which was to settle the boundaries of empires, in which the line of demarcation was the very point of all others to which the attention of the Plenipotentiaries ought to have been turned, it appears that there is no evidence of the authenticity of the instrument upon which our Plenipotentiaries had to rely in support of their interpretation of the treaty. That is a circumstance not very creditable to the clear-sightedness and, I may say, to the business habits of Her Majesty's Government. It was a point which ought to have been most carefully attended to; and the probability is, that if it had been attended to no difficulties would have arisen and no second Conference would have been necessary. But does it not strike your Lordships that the lan-

guage of Her Majesty's Government, of the leading Members of the Government, of the head of the Government in fact, when that second Conference was proposed, it was very inconsistent with the satisfaction now expressed at the results of that Conference? I recollect very well the tone and the language then employed. I do not mean by that portion of the press which appears to be at the disposal of Her Majesty's Government, I speak of the language used by the Ministers themselves—by the First Lord of the Treasury at Manchester. Then the Emperor of Russia was to be compelled to maintain good faith and to fulfil the treaty to the very letter; without allowing any question, any difference, or any discussion of its obligations, the treaty of Paris was to be carried out according to the sense in which England understood it. There were to be no more Conferences, our fleet was to be sent into the Black Sea, and we were not to be satisfied without a strict and literal fulfilment of our interpretation of the treaty. That was the noble Viscount's declaration at Manchester, and it was cheered to the echo as bold, spirited, and manly. And yet, what happened? In spite of all these fine words, which could admit of but one construction and not of any doubt, the noble Viscount, by the advice of his Allies, or it may be by something more than their advice, was compelled to refer these matters to another Conference, and, finally, he only obtained his own construction of the treaty by the cession of territory beyond that proposed in the original Conference. This may be a satisfactory arrangement, and I trust it will be; and now that peace is restored I hope there will be on all sides an adherence to the letter and spirit of the treaty, and that we shall not again hear from public men and from the public journals—who I must say do infinite mischief by their intemperance and indiscretion—any more of that violent abuse of those who were lately our adversaries, which I am convinced is a serious obstacle to the preservation of good relations with foreign States. I cannot but regret also that the noble Earl who moved the Address should have characterised as a “paltry, miserable insurrection,” the misguided efforts of those Royalists in the canton of Neuchâtel who rose for the purpose of asserting the rights, as they conceived them to be, of their lawful Sovereign. Misguided they undoubtedly were—erroneous their views may have been—unfortunate they cer-

tainly have been—their efforts were put down; but I never yet heard any man throw a doubt on the purity of the motives or on the sense of the allegiance and loyalty by which they were guided. Whatever their misfortunes and errors may have been, this is not the country in which to speak lightly of allegiance and loyalty. I certainly did entertain a hope that this matter was not only in course of being settled, but that it actually had been settled satisfactorily; and I regret to find from the Royal Speech that that is not the case. I may be permitted to say a few words with regard to the claim of the King of Prussia, because it was at a period when I was connected with the Government that that protocol was signed in London upon which it is said the King of Prussia now founds his claim. I must beg your Lordships to look back for a single moment to what was then the condition of Europe. France was then in a most unquiet state. The famous words *L'Empire c'est la paix* had not then been uttered; indeed, the Empire did not then exist. The public mind in France was greatly agitated. Piedmont, Switzerland, and Belgium were looking with great alarm to the solution of the questions then pending. France was making demands upon them inconsistent, as it appeared to them, with their national honour and independence, and the state of affairs was altogether exceedingly critical. I shall ever consider it a great satisfaction that the Government with which I was connected, by their good offices and friendly mediation, and by the moderation of the parties concerned, were instrumental in settling this question in a manner not compromising the independence and honour of Switzerland, and at the same time satisfactory to the just demands of France. But precisely at that time we were called upon by the King of Prussia not to take any active steps on his behalf, nor to enforce the rights which he claimed as Prince of Neuchâtel, but to recognise the existence *de jure* of certain rights, not very well defined, and perhaps not very easily reconcilable with the subsequent relations of Neuchâtel. Your Lordships will observe that these rights were confirmed to the King of Prussia—or rather to the Prince of Neuchâtel, for Prussia as a kingdom has nothing to do with the question, it only affects the interests of the Prince of Neuchâtel, who happens to be King of Prussia also—by the treaties of 1815,

which it was of the utmost importance at that time to the peace of Europe to preserve from infringement. They were the treaties, too, by which the independence and neutrality of Switzerland were guaranteed. The arrangement Her Majesty's Government made with the King of Prussia was, that the great Powers of Europe on the one part should admit the existence of the rights *de jure* which he claimed, while he on his part entered into an engagement not to disturb the peace of Europe by any attempt to enforce those rights, but to place himself in the hands of the great Powers, and to leave them to settle the question, as between him and the Swiss Confederation. I cannot conceive an arrangement not only more harmless in itself as involving no ulterior consequences, but more likely to attain first, the immediate preservation of the peace of Europe, and next, the ultimate settlement of the question at issue. I do not blame the Government which have succeeded for not having taken any steps to come to a solution of this matter. I think, indeed, that when they were dealing with the affairs of other countries, the proposition made at the Paris Conferences was not an unreasonable one—namely, to take into consideration as one among the causes which it was possible might disturb the peace of Europe, this question between the King of Prussia and Switzerland. They did not do so, however; and the consequence was, that some misguided men, in the excess of their loyalty, rose for the purpose of enforcing the rights of the Prince of Neuchâtel. They were immediately put down by the determined spirit of the Swiss people—[The Earl of CLARENDON: By the people of Neuchâtel themselves.] Well, by the people of Neuchâtel, and their acts were not unnaturally treated by the Swiss Confederation as acts of hostility to their Government. Under these circumstances the King of Prussia threatened to enforce his rights, unless these persons were at once dismissed without punishment, and, indeed, without trial. To have done this without any further understanding would have been for the Swiss Confederation to make an admission which it was impossible for them to make; and consequently the only step was to have recourse to the mediation of the other Powers of Europe. Now, Great Britain having taken the lead in 1852 in inviting the correspondence of the other Powers upon the subject, and afterwards in agree-

ing to the protocol of that date, it would, I believe, have been more in accordance with diplomatic etiquette and ordinary usage if, on this occasion, she had followed in the same steps, had taken the initiative, and had again invited the other Powers to consider what further steps should be taken in pursuance of that protocol, and that a Conference should have been held on the subject. But the King of Prussia, it appears, had placed himself unreservedly in the hands of the Emperor of the French, and a proposition was made by His Majesty to the Swiss Confederation, which was ultimately acceded to by them. For myself, I have gathered a very distinct impression that Switzerland was on the point of accepting the mediation, or rather the settlement, offered on the part of France, when the representations made to her by the British Government induced her to change her intention. And if I am correct in the assumption—and I must adhere to it until it is contradicted—that the Swiss are encouraged in standing out and in refusing the arbitration of France by Her Majesty's Ministers, I must say that, although I may rejoice that endeavours are being made by our Government, in concert with our august Ally, to bring about a settlement of the matters in dispute, yet I cannot help feeling that if our Government had not interfered with the efforts of our august Ally this vexed question would have been much earlier adjusted. There is another point which I trust is on the eve of satisfactory solution; I mean our differences with the United States in regard to Central America. Beyond the honourable engagements that we have undertaken towards certain Indian tribes, we have few interests peculiarly our own to maintain in that quarter of the globe. It is, however, a matter of importance to a great commercial people like this, and also to the world at large, that the neutrality of what may ultimately be the line of our communication across the Isthmus of Panama should be faithfully preserved between the Atlantic and Pacific Oceans. Our only interest in that respect is, that the route shall not fall into the hands of a Power capable of exercising a controlling influence over our commercial interests in that part of the world, and I shall view any sacrifice of the islands and territory which we may make in that region—provided they are intrusted to a Power adequate to prevent them from becoming the resort of lawless and disrepu-

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table characters, but still not adequate to exercise a controlling influence there to the prejudice of our interests—as fully compensated for by the attainment of the other objects involved in such a general arrangement. The arrangements on this subject have, I presume, been completed with the United States Government; but I wish to know in what position we shall stand in the possible, though perhaps not very probable event of the Senate of the United States refusing to ratify the treaty. In that case shall we not have surrendered Ruatan and the adjacent territory, without securing a guarantee on the part of the United States for the neutrality of the passage across the Isthmus, or our own authority over the Mosquito district? I hope we shall be told that the two engagements stand and fall together—that we shall not be bound by the one treaty without having the equivalent advantage of the other—that the two will, in fact, form part of one general arrangement, to the whole of which the United States will be equally pledged with ourselves.

Let us turn now, for a moment, to the other topics of difficulty which crowd upon us in this Speech, and which I am afraid will continue to crowd upon us as long as the noble Viscount (Viscount Palmerston) remains at the head of our affairs; because, admitting as I do, the extraordinary adroitness with which the noble Viscount comes out of the dilemmas in which he—unconsciously of course—places our foreign policy, I cannot help imagining that this very faculty of adroitness in getting out of difficulties tempts its possessor to launch us into the worst complications as frequently as possible, in order that he may have more opportunities for the exercise of his matchless skill in extricating the country from them again. In no other way can I account for it, that under his administration—whether the noble Viscount is at the head of our Foreign Affairs or at the head of our Government—we are becoming perpetually embroiled, first with one Power, and then with another. Not, indeed, that his system lands us in great wars, but in what are termed diplomatic “difficulties,” from which we always emerge, somehow or other, with more or less of discredit and disadvantage. But turning now to the affairs of Naples, so far as a judgment can be formed from such means of information as are open to me, I cannot myself conceive upon what ground the Government got out of that difficulty, or

how they arrived at the dignified resolution to which they came. It has been much the fashion to talk of the duplicity of Russia in the late transactions. Are we quite sure, my Lords, that our own conduct on all occasions has been perfectly straightforward,—can we say that we have held the same language to different nations, or that we have kept the spirit as well as the letter of the promises we have made and the expectations we have excited? Are we quite sure that we have held out no inducements which we have kept to the ear while we have broken them to the hope? Are we sure that we have kept faith in the spirit as well as to the letter of the expectation and promises which we held out to the Sardinians? Are we quite certain that we have not obtained valuable support from a warlike and, if not a powerful, at all events a brave and noble people, by encouraging them to expect our interference, if not by action, at least by moral persuasion, for the improvement of their position in relation to the other States of Italy? Have we not given them ground to look for our active aid in relieving them from a continual menace hanging over their heads in securing their independence, and in enabling them to diminish those expenses which press so heavily on their finances? Are we quite sure that after we had reaped the advantage of her co-operation we made a return to them at the final close of the Paris Conferences, in the shape of such an amount of assistance and material support, as our words and acts had led them to calculate upon? My Lords, I greatly doubt it. I have not forgotten the language of the Sardinian Commissioner when he referred, and referred in terms of some bitterness, to the hope which his country had conceived, and which it had been induced to cherish, from the conduct of the French and British Governments. I have not forgotten the evasive answer (I use the word in no offensive sense) which the noble Earl opposite (the Earl of Clarendon), after an interval of six short weeks, was compelled to give in reply to the remonstrance of the Sardinian Minister. It is true, my Lords, that at the Paris Conferences we kept the word of promise to the ear. We introduced some vague unmeaning words about the foreign occupation of the Papal States and the Legations being an “abnormal state of things,” and a serious evil. We put our hands to these unmeaning words, but did we take

the slightest step, or press our Allies, France and Austria, to take the slightest step towards putting an end to this serious and abnormal state of affairs, and to remove that protection by foreign troops which enabled them with impunity to violate the rights and threaten the independence of Piedmont? I am well aware that Austria objected to the introduction into the Conferences of any matters alien to their immediate object. And I ask, has Austria no reason for entertaining diminished confidence in us in consequence of the equivocal course we have pursued? I have always thought that, while it was no part of our business either to interfere between Austria and her Italian subjects, to encourage her subjects to revolt or to seek to disturb her in her possessions, at the same time it was not for us to go out of our way to strengthen her position in the Italian peninsula. On the contrary, a rigid good faith requires us to abstain from all kinds of such intermeddling. But I ask the noble Earl opposite whether Austria has not by the Acts of her Allies, in the course of these negotiations, obtained a greater security than ever for the maintenance of her Italian territories? I greatly doubt whether the noble Earl can answer that question in the negative. But, my Lords, what did we do? Abstaining from entering into such arrangements as might satisfy the just expectations of Piedmont, we yet embarked in a policy of interference with the internal government of the kingdom of the two Sicilies, based on the pretext of a regard for the peace of Europe. What had the state of the kingdom of the two Sicilies to do with the peace of Europe? You tell us that communications were made to the government of the King of the Two Sicilies, “for the purpose of inducing him to adopt a course of policy calculated to avert dangers which might disturb the peace which had been so recently restored to Europe.” But will the noble Earl rise up on the part of the Government and gravely tell this assembly that Her Majesty’s Ministers had the slightest apprehension that the course of conduct adopted by the King of Naples towards his own subjects would occasion the smallest chance of any disturbance of the peace of Europe? It is all very well to talk of the danger of Austrian interference and of the danger of French interference; but the noble Earl knows that there was nothing to fear from any conflict of opinion between France and Austria on

this point. The plea of any such danger was a mere plea, without any substance in it. Your interference with Naples was partly dictated by a sense of the necessity for adhering in form to the declarations you had previously made, and by that mischievous spirit of meddling to which the noble Viscount at the head of the Government is so strongly addicted. But what were your demands upon the King of Naples? If you are on amicable and intimate terms with any Sovereign you might no doubt take the liberty to represent to him in a friendly manner that he is not pursuing a system of internal administration in his own dominions which you think calculated to advance his own interests. No doubt, in so doing, you take a great liberty. But were our relations with Naples based upon so close and equal a footing as to justify the slightest interference on our part in the management of his domestic affairs? Observe, my Lords, that I am not supporting the tyrannical measures of the King's Government, as I believe them to be; I am not defending him; I am not defending the state of things at Naples or in the Papal States, made infinitely worse in the latter case by the occupation of foreign troops; neither do I look with satisfaction upon the position of constitutional government in Spain. But what have we to do with Spain? what have we to do with Rome? or with Naples? If English subjects suffer from the acts of any of these States, you are indeed bound to interfere and defend them; but, as between a Sovereign and his own subjects, I say that, according to every principle of international law, remonstrance is going to the utmost limit to which you have a right to go, and the breaking off of friendly relations because a monarch refuses to accept your advice as to the management of his own kingdom, cannot be defended by any persons in the slightest degree acquainted with the principles of international law. On what ground, then, did you withdraw your ambassadors? I am not to be deterred by being told that, in attacking this policy, I am attacking that of the Emperor of the French. I have the profoundest respect for the Emperor of the French; I respect his great talents; I especially admire the scrupulous fidelity with which he has observed his engagements with this country, and for the desire he has uniformly shown to maintain inviolate the friendly relations between the two nations. I am not going too far even

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when I say that at this moment he is, perhaps, the only firm friend you have in Europe; but I think the Emperor of the French, acting as he does in concert with the Government of this country, is very likely to fall into error, and that he has done so in this case. What have you done? You make a demand upon the King of Naples. He answers in a manner which you may, if you choose, consider offensive; but he only bids you to attend to your own business. Whereupon you say, "If you don't mean to govern your country as we wish it to be governed, and to follow our advice in a matter in which we have no earthly excuse for tendering advice, we will withdraw our Ministers." Now, on this subject, just recollect the language which for weeks and months was held by that portion of the press which is supposed to receive its inspiration from the noble Viscount at the head of Her Majesty's Government; and that it does so the noble Earl opposite (the Earl of Clarendon) will hardly venture explicitly to deny. Was there any term of vituperation that was not used in connection with the King of Naples? We were told that the British fleet was to sail to the Bay of Naples, that it required nothing but the sight of our fleet to make the people of Naples and of Sicily revolt, that the King would thereupon become a fugitive upon the face of the earth, and that then—God knows what was to happen. And yet the Royal Speech now refers to the "friendly communications" held with the King, and the noble Earl, the Mover of the Address, expresses great surprise that His Majesty refused to take the advice tendered to him in such terms as these. In consequence of this, England and France withdrew their Ambassadors. And what was the reply of the King of Naples to that? He merely said to the Ambassadors, "I wish you good morning, Gentlemen!" Thus, two of the greatest nations in Europe threaten to withdraw their missions as a menace, and in return the Ambassadors are quietly told that they may walk down stairs. The Ambassadors submit to that indignity; they go away without the slightest excitement on the part of any human being; no additional precautions are taken by the Neapolitan Government; the King of Naples passes through the street; a miserable attempt at insurrection in Sicily is put down in an instant; a wretched attempt at assassination ends in the execution of the criminal; and that is the whole

result of your interference, except that, at the hands of a petty power like Naples, the Governments of England and France, the two most powerful nations of Europe, have received a well-deserved affront. I think, then, that the interference of Her Majesty's Ministers at Naples was unworthy of the policy of this country, and I think that the result is an undignified conclusion to an unjust attack.

My Lords, I regret that the topics upon which I am obliged to touch are so numerous, but I am compelled to follow, to a certain extent, each of the subjects upon which Her Majesty invites us to pronounce an opinion or to call for explanation. Passing to another point, I confess that I see with deep regret the two petty wars in which we now appear to be involved. I regret the state of our relations with Persia; I look with even more regret, and with even greater doubt as to the justification of our cause, upon what has taken place in China. Assuming, as undoubtedly I do assume, that the independence of Herat, or rather the non-occupation of Herat by Persia (if Persia is to be considered as a country in a state of dependence upon Russia) is not a subject of indifference to this country, I am certainly not prepared to defend the tortuous and devious policy pursued by that State with reference to Herat. In 1852, I, or rather my noble Friend (the Earl of Malmesbury), had occasion to express ourselves pretty strongly to the Court of Teheran, and we received in return from the Persian Minister the most solemn assurances—assurances which were not adhered to—that no attempt should be made upon Herat. Subsequently we felt it necessary, in consequence of the falsehood—I will use no other word—of the representations made by Persia, to suspend all diplomatic relations with the representative of that country resident here. At the same time, however, we did not on that account relax our efforts to carry out our object; and being at that time on terms of perfect amity with Russia, and the Russian Minister at Teheran co-operating cordially with ours, we did obtain in 1852 the abandonment of Herat by the Persians; and in 1853 an agreement was entered into between the Shah and Colonel Shiel, of which, it is true, I know nothing except from the public papers; but which, judging from what has there appeared, does not seem to have been very skilfully drawn up or expressed. Of what has passed between this country and Persia since that

time I know very little, at least from official sources, because the articles of agreement to which I have alluded have never been laid before Parliament. But, as I understand, in that agreement Persia undertook to make no attack upon or occupation of Herat; while we undertook, should there be any such attack on the part of any other Power, to use moral persuasion in order to prevent the conquest of this city. Now, if I am rightly informed, there never was any Persian attack on Herat from that time until the beginning of the year 1855, at which time our new Ally and old enemy, Dost Mahomed, advanced an Affghan army to Candahar. The ruler of Herat for the time was apprehensive that Dost Mahomed was meditating a march on Herat—and had he meditated such a march, it would have justified the interference of Persia—in the belief of a coming Affghan attack the ruler of Herat himself called for the interference of Persia to defend him; but as the Persians came a little nearer than he thought quite desirable, he suddenly turned round and asked the Affghans to defend him against the Persians and his own people. In the conflict which ensued the Affghans were signally defeated by the Persians, who having in the first instance advanced, as I have said, at the request of the Governor of Herat, followed up their successes, and made themselves masters of the city. Now, if the Affghans really intended to take possession of the city, this occupation of Herat by the Persians, however displeasing it might be to the British Government, was not under such circumstances a violation of the agreement. But observe, on the other hand, what has been the state of Persia. She, a weak, powerless, but at the same time an Oriental, and therefore an astute State, has found herself subjected to the pressure of two mighty antagonists, England and Russia. If I have been rightly informed, she offered, when it first broke out, to take part in the war in the East, and to join in an alliance offensive and defensive with England and France, by which she might secure her independence against Russia. That proposal, I believe, was declined, and she was required to maintain a strict neutrality. She did, in consequence, abstain from making any attack upon Turkey; she did, I believe, maintain that strict neutrality which consists in refraining from offending either of the two great antagonists; but at the conclusion of the war, when the predomi-

nance of Russia, as indicated by the capture and abandonment of Kars, appeared to have given her the supremacy in Asia, as it undoubtedly did—at that time Persia thought that she was subjected to more danger from the hostility of Russia than she could be from the hostility of England, and she consequently took no great pains to disguise her unfriendly feelings towards this country. I will not go into that miserable business which appears to have been the immediate cause of Mr. Murray's retirement from Teheran, because that was only one of the petty affronts which Persia thought she might safely offer to the representative of this country. But I think it exceedingly natural that Russia, being at that time at war with us, should stimulate Persia to take the step she did, and should endeavour to inflame her against England. I am also persuaded, my Lords—I was never persuaded of anything more than of this—that it is at the present moment the sincere desire of Russia not to be involved in another war with this country, but to maintain friendly relations with her; and that with that view she is at the present moment exercising her whole influence to induce Persia to comply with your desires and to act in the manner which you require. Let me take the liberty of saying, too, that I think it would be for the benefit of England and Russia, not only now but for all time, that the two countries, Afghanistan and Persia, should form an interval between their respective territories; and that it is an object to be aimed at by every statesman who talks of resisting the encroachments of Russia to maintain between India and Russia the largest possible space of independent territory, and thus to prevent any contact between the two countries, and at the same time to prevent the chance of a collision. I believe that Russia herself is deeply impressed with that truth, and that although she stimulated Persia when she herself was your enemy to resist your wishes, yet at the present moment, when that is no longer the case, she is making efforts in a very different direction. For my own part, with regard to a settlement with Persia, I believe more in the efficacy of the representations of Russia than I do in the expedition to the Persian Gulf. I say nothing against the valour, the zeal, and the promptitude displayed by that small expeditionary force. On the contrary, the signal manner in which it has succeeded reflects the

highest credit upon the Indian Government, and it must be satisfactory to my noble and gallant Friend near me (the Earl of Hardwicke) to reflect that Admiral Sir H. Leeke, who has conducted the naval operation in the Persian Gulf, was one of that unfortunate class of Admirals who, upon account of it being supposed that their age was not adapted for active service, or from some other cause, have been put upon the retired list by the Home Government. Sir H. Leeke, then, entered the Indian service, and it must be satisfactory to my noble Friend to see—to have seen it shown—that the step to which I have referred deprived England of some of her best Admirals, and that among those officers who were compelled to retire were many who were capable of good and meritorious service. I heard with dismay, and I heard with satisfaction, first, of the advance of troops on Cabul, and then of their retrograde movement, though I am at a loss to understand the cause of the first advance of that small body of troops. [The Earl of CLARENDON was understood to deny that such a movement had taken place.] Well, then, perhaps when the papers which have been promised to us are laid upon the table they will throw some light upon the subject, and I will now only say that I should view with great anxiety any advance on that side. The papers also, when laid before the House, will explain, I trust, on another subject in regard to which we are at present in a state of peculiar ignorance. My Lords, there is another point, one of the deepest importance in a constitutional point of view—and that is the authority by which the war with Persia was begun. I have seen, undoubtedly, the proclamation of the Governor-General of India, by which he declares war against Persia; but I have yet to learn that the Governor-General of India has any constitutional power of proclaiming war on the part of this country. I have hitherto always understood that the proclamation of war was part of the prerogative of the Crown, and that war must be declared by the Crown with certain formalities. If in this instance it had been intended to declare war it would have been the duty of the Government to call Parliament together at the earliest possible moment, and to make them acquainted with the grounds upon which Her Majesty was advised to take that step. I quite understand that wars in India, undertaken for Indian objects against Native princes, stand upon a different footing; and that a royal

proclamation is not required; but in Her Majesty's Speech the troops engaged in this expedition against Persia are spoken of as British troops, so that this war is by the Government of this country treated, not as an Indian war, but as a British war. I think that the people of this country are pledged by the Government to the expenses of this war beyond a given portion which is to be contributed by the East India Company. I understand, too, that whatever the opinion of the East India Company in respect of this war may be, the Company alleges that it was entered into by direction of the Government at home; that, as I said before, it is not an Indian but a British war. If this be so, then I say it is a war which ought to have been proclaimed by the British Sovereign and announced to the British Parliament at the earliest possible moment. I do not know what answer the noble Earl (the Earl of Clarendon) has to give to this statement. I presume that if the war have the authority of the proclamation of the Crown he will be able to answer me; but if not, then I say the proclamation of this war was unconstitutional—nay, almost illegal. If, my Lords, that be my opinion with regard to the war with Persia, it is hardly necessary for me to say that I have looked at the Chinese war with astonishment. Who authorised that war? In this case the hostile proceedings on our part were accompanied by measures which it might have been supposed were unknown in civilised warfare. What then was my astonishment to hear it stated in Her Majesty's Speech, and in the speech of the noble Mover of the Address, that those proceedings are characterised by great forbearance? My Lords, I do not say that the Chinese have not violated the treaty into which they have entered; but what I do say is, that I think it exceedingly doubtful whether the *lorcha* was properly and duly under the protection of the flag of this country; and if it was not, then your whole case falls to the ground. Sir John Bowring admits that the time for which the *Arrow* was authorised to carry the British flag had expired; but, he adds, the Chinese did not know that such was the case. I have very great doubts as to the legal validity of the colonial register on which Sir John Bowring relies. I think there is infinite dangers in committing to local authorities, at very great distances, unlimited power of granting British protection, and thus enabling people enjoying it to claim the interference of the

whole British power. But my belief is that the validity of the colonial register is very doubtful, inasmuch as I think that it is repugnant to the law of England; and there is nothing more clear in colonial affairs than this, that colonial acts must not be repugnant to the general law of England. I believe it will be found that these colonial registries confer the rights of British vessels upon vessels not owned by British subjects, but by persons who being foreigners have, by the payment of large sums of money, been enabled to become possessed of land in Hong-Kong, but who by thus becoming residents in a British colony cannot by the general mercantile law claim for their vessel the protection of the British flag; and my opinion is that it is not competent to a colonial registry to confer upon any one a protection repugnant to the law of England. But, my Lord, suppose the regulation as to colonial registry to be quite correct, and suppose the Chinese to be ten times more in the wrong than they were—as wrong as wrong could be—suppose the insults to us to have been repeated over and over again; still the course pursued by our representative there is one which I should have expected to hear censured instead of vindicated by the Government of this country. There is no doubt whatever as to this—that the *Arrow* was in Chinese waters—although I know I may be told that the power of the consul extends over those waters—there was a man on board that vessel chargeable—and, I believe, fairly so—with the commission of acts of piracy; that man was arrested, and with him the remainder of the crew. On the demand of the consul, however, the Chinese offered to restore the crew, retaining the man who had been guilty of piracy. Now, I say that in this case, whatever may have been the inadequacy of the reparation, it was a case in which the British representative ought to have received the men, although he might express disapprobation at the proceedings; and he ought not to have rejected such an *amende* without applying to his Government for instructions. Instead of adopting that course, he takes upon himself to enter upon hostilities of the most aggravated character. He not only destroys their forts, but he goes still further in that course of forbearance so much lauded by the Government. In time of peace, that is to say with no war legally proclaimed—without, I believe, giving any notice of his intention—upon his own authority—

without the sanction of the Crown he orders the Admiral on that station to do—what? You took great credit for sparing Odessa. You were told that Odessa was full of food and military stores; you were at war with a mighty empire; this country was taxed to the utmost; but you said in the heat of war that, on grounds of humanity, you would not destroy a commercial town. You justified a magnanimity—which in that case you carried too far, by saying that such a bombardment would be repugnant to the principles of all civilized nations. But now in the time of peace, without the sanction of the Crown, the British representative takes upon himself, not only to destroy forts, but to bombard a peaceful commercial town, with an indiscriminate slaughter of unoffending citizens—a town with which you have no relations but commercial relations—a town which could have given no support to your enemies—a town the destruction of which was not only an act of singular cruelty towards the unoffending inhabitants, but was also destructive to your own commercial and pecuniary interests. And we are told that such a bombardment is an act of signal forbearance! My Lords, I look upon that transaction with pain, and with no expectation of the benefits which we are informed will result from it. At all events, if such benefits do result it is probable that they have been the real object from the first, and that you have gone to war on false pretences. But I doubt whether you will gain the anticipated advantages. I doubt whether the literal fulfilment of the Treaty of Pekin will tend to augment our trade with Canton, which has increased so largely within the last few years. It may be desirable to overcome the repugnance of the Chinese to the admission of foreigners into their empire; but I doubt whether the best means for gaining admission into the interior of the country is the bombardment of a large town and the massacre of its unoffending inhabitants. My Lords, I have now gone through the topics which are adverted to in the Speech. I believe the Address is so framed as not to pledge your Lordships to any particular measures; and it is not my intention, nor do I think that it is upon general grounds advisable, to move an Amendment which might interfere with the unanimity with which the House would otherwise pass the Address. While I rejoice, however, in the prosperity of the country which is announced in the Speech, and which, with some exceptions, I believe to be a correct

representation of the case, I cannot but see in the foreign policy of this country, which I regret to find occupies so large a space in the Speech, another unfortunate repetition of that meddling spirit and un-called-for interference with foreign countries which has so often characterised the previous proceedings of the noble Viscount at the head of the Government; which cannot raise our character or procure us friends in foreign countries, and which will interfere by its perpetual disturbance of our commercial relations with that which I trust will long be the growing and increasing prosperity of this great country. My Lords, I cannot approve the course which has been pursued by the Government in its foreign policy; but I forbear from embodying the opinions which I have expressed in any Amendment, because they may be—and I trust that they will be—modified by the papers which I presume Her Majesty's Government will shortly lay before Parliament.

THE EARL OF CLARENDON: My Lords, I cannot but express my regret that the noble Earl opposite should so far have departed from the practice which he so much eulogised, of abstaining from entering into a discussion of points brought forward in Her Majesty's Speech with regard to our foreign policy; and that, in the absence of the information which will shortly be laid before your Lordships, he should have entered into so long and so strong a vituperation of Her Majesty's Government. I think that the object of the noble Earl would have been better served, that he would more closely have adhered to that practice of Parliament which he praised, and that he would greatly have consulted the convenience of all your Lordships if he had waited until the papers in question were in your hands; for I am sure it is impossible that anybody could have listened to his speech without feeling the want of the information which those papers would have contained. My Lords, before I proceed to offer some observations upon what has fallen from the noble Earl in the same order in which he has noticed the principal topics of the Speech, I must express my entire agreement with him upon the propriety and importance of not permitting one word of disrespect or bitterness to fall from us against that great Power with which we were so recently at war. I am quite certain that such was not the intention of my noble Friend who moved the Address, and I am persuaded that no Member of your Lord-

ships' House will so far forget what is due to the dignity and to the interests of the country as to fall into such an error. My Lords, with respect to the differences which took place in the execution of the Treaty of Paris, your Lordships are aware that there are two Bolgrads, but that only one of them was marked on the map used by the Congress. The Russian Plenipotentiary requested that the Bolgrad which was on the map should be retained by Russia, because it was the *chef lieu* or capital of the Bulgarian colonies, and the line which was drawn out for the boundary was a mere deflection to meet the wishes of the Russian Plenipotentiary, and did not in any way interfere with the objects which the Conference had in view—and, in fact, of so little consequence did it appear, that to have refused compliance with that which was but a natural wish on the part of the Russian Plenipotentiary would have been nothing less than a gratuitous discourtesy. No more was heard upon the subject until the Boundary Commissioners arrived upon the ground, and then the Russian Commissioners claimed the right to draw the line south of another Bolgrad, or New Bolgrad, which had never been heard of before, because that was, they said, the capital of the colony. Now, not only was this Bolgrad not known to the Congress, but it was evident that it would give to Russia an important strategical position which was never contemplated, and that it would have defeated the objects of the treaty, by bringing Russia into communication with the Danube. Still Russia persisted in her claim to that as the Bolgrad which had been ceded by the Congress. The admission of this claim to the new Bolgrad, however, would have been a distinct concession to Russia which three of the contracting parties to the Treaty of Paris determined that they would not make, because it would give her an important strategical position, would bring her into connection with the Danube, and would cut off the ceded portion of Moldavia from Moldavia proper, and the Russian Government was informed that if the Bolgrad of the map had been conceded on the representation of Russia, that it was the *chef lieu* of the colony, and it turned out not to be so, she could not be allowed to profit by the error into which, by no fault of its own, the Congress had been led. A great deal of correspondence took place on the subject, which might, it is said, have been avoided, if we

had at once agreed to the reassembling of the Conference. But Her Majesty's Government objected to referring the matter to a Conference, for the simple reason that a Conference could not have settled the question; it could only have increased the difficulty and have rendered more notorious, and perhaps irreconcilable, the differences which existed between the Powers. In this state of things, therefore, three of the contracting Powers having determined not to make a further concession to Russia, it appeared that the only way of settling the matter was, if I may so express it, by an "arrangement out of court." The Emperor of the French accordingly proposed a plan which was agreed to by the several parties, and which by no means involves the concessions which the noble Earl appears to imagine; because by it both the towns of Bolgrad remain to Moldavia, and Russia is not brought nearer to the Danube, or essentially nearer to the Pruth. She obtains, however, a small addition to her Bessarabian territory, and she obtains, also, a small town which will hereafter be the capital of her Bulgarian colony. The Treaty of Paris was moreover improved on one very important point of arrangement. The territory ceded by Russia was altogether ceded to Moldavia; but as Moldavia has no ships and no force to maintain order at the mouths of the Danube, the Porte attached great importance to the islands in the Delta of the Danube and to Serpents Island being Turkish instead of Moldavian. That was agreed to. The protocols which explain the acts of the Conference which met at Paris, accompanied by a map showing the alterations, I have laid upon your Lordships' table this evening; but we do not propose to lay upon the table any other papers on the subject, because it has not been the custom—and I think it wise to adhere to precedent in such a case—not to produce correspondence relating to differences with foreign countries which have been amicably settled, and when the production of them, without any good end in view, might give rise again to feelings of ill-will which I rejoice to think have been completely allayed by a conclusion satisfactory to all parties.

I next come to the question of Neufchâtel. I agree with the noble Earl opposite that the men who embarked in that reckless enterprise on the 4th of September—an enterprise which contained within itself no one single element of success—

were influenced by honest motives, and were stimulated only by feelings of loyalty and allegiance. I do not wish to enter into any details upon this subject, because, as your Lordships are aware from the announcement made by Her Majesty, negotiations are now going on with a view to the amicable settlement of the question at issue, and I should deeply regret if, upon a matter which concerns more the *amour propre* than the material interests of the parties engaged, any imprudent expression of opinion were to mar the success of those negotiations. I must, however, take leave to say that the protocol of London of 1852, so far from answering the description given of it by the noble Earl, settled no question whatever. It was at most but a suspension of the question. By it the King of Prussia simply renounced resorting to means of coercion for the purpose of asserting his rights, upon condition that the other parties to the protocol should endeavour to obtain the recognition of those rights. The protocol did not pretend to settle the question, and, indeed, the longer the *de facto* Government in Neuchâtel lasted the more difficult it became to the King of Prussia to assert his rights by himself, and the more difficult also it became to the other Powers, on the supposition that they wished to assist him, to adopt measures with that view. That was another reason why the Conference has not been brought together again. The Conference could have reassembled only for the purpose of authorising the King of Prussia to coerce the Swiss. Means were taken to ascertain whether there was any method by which the Swiss people could be induced, by negotiation, to recognise the King of Prussia and restore him to the enjoyment of his rights. There were found to be none, and therefore the Conference was not called together again. I have now to give to the charge—if I may call it so—which the noble Earl has brought against Her Majesty's Government of having encouraged the Swiss to refuse the mediation of France and the offers which they were disposed to accept, the most direct and unqualified denial. We thought that a peremptory demand for the release of the prisoners would amount to an unjustifiable interference with a matter of which the Swiss Government ought to be the sole judges. The Royalists had lived for years under a Government which they termed illegitimate, but which was, at least, the *de facto*

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Government, and, having enjoyed its protection for so long a period, they had no right all at once to stir up insurrection, and by bloodshed and civil war endeavour to destroy the existing state of things. It was impossible we could deny that the acts of these men ought to be submitted to judicial decision, and therefore we did not call upon the Confederation to set the prisoners unconditionally at liberty. But, at the same time, we offered to join our good offices to those of the Emperor of the French, to induce the King of Prussia to agree to a settlement of the question in the sense desired by the Confederation. The King of Prussia made known to the Emperor of the French the terms on which he was willing to treat. Those terms were not communicated to us: but we did not advise the Confederation to refuse them; we simply abstained from giving to the Federal Government any assurance upon a matter of which we were ignorant. We put it to the Swiss Government whether their interests would not be served by the liberation of the prisoners; but at the same time, although we offered to unite our efforts with those of the Emperor of the French in order to bring about a settlement of the question, we did not pledge ourselves to that of which we knew nothing.

The noble Earl has condemned in unqualified terms the course pursued by the Paris Congress with respect to Italy, and has stated, greatly to my surprise, that we are chargeable with having failed to fulfil the hopes we had excited, and the promises we made to Sardinia. It would appear, according to the noble Earl, that for joining her forces to those of the Allies in the war against Russia, we had held out expectations to Sardinia of certain advantages in Italy. Now, my Lords, I can conscientiously say that I have heard that statement for the first time this evening. No promise of the kind was ever made to Sardinia. Your Lordships have before you the despatches and papers connected with the treaty entered into three years ago with the Sardinian Government. No offer was made to Sardinia; no terms were asked by her; nothing was required from us except that amount of pecuniary assistance which was necessary to enable Sardinia to bring her army into the field. But I think, my Lords, that the Members of the Congress at Paris were justified in holding the language they did. If the great Powers of Europe represented at Paris had neglected that opportunity of calling attention to the

state of Italy and more especially to the system of Government existing at Naples, they would, in my opinion, have been justly liable to censure. I entirely agree with the noble Earl in what he has said, as to the inexpediency and danger of one or more States interfering in the internal affairs of another; but I am convinced that if ever an exception to that rule was justifiable it was in the case of Naples. For the interest of humanity, for the welfare of the Neapolitans, in support of the monarchical principles, in order to prevent revolution, it was the duty of the Powers represented at Paris to protest against the system of Government established in Southern Italy. The Governments of France and England acting in concert, determined to make simultaneous representations to the Government of Naples, recommending the adoption of such acts of grace and amnesty as should betoken a change in the spirit of the Government. An answer was returned to these representations, couched, as the noble Earl has remarked, in not very courteous terms. We were told, in effect, to mind our own business. But no notice was taken of that communication; we hoped that reflection might induce the King of Naples to reconsider his decision and to adopt a system of government more consistent with humanity and more in harmony with the spirit of the age. And, in fact, we received a second communication from the Government of Naples, apologizing for the terms in which our advice had been rejected in the first, but giving no expectation whatever that it would be acted upon. The English and French Governments then thought that the time had arrived for making a public protest against the existing state of things in Naples, and accordingly the English and French missions were simultaneously withdrawn. Now, my Lords, nobody, I think, can say that the two Governments were not acting within the strictest limits of their legitimate rights. Nobody can say that England and France were not at liberty to protest against such a system of government as that pursued in Naples, and not to encourage by the presence of their Ministers a policy so fraught with danger. I believe that many subjects of the King of Naples regretted that the Ministers were withdrawn in the manner described by the noble Earl; I believe that many would have greatly preferred a naval demonstration; but we had every reason to think

that a naval demonstration would have produced an insurrection. It is impossible to say what the result of a great popular movement might have been; but we desired no such movement. We wished for a change of system, not for a change of dynasty, desiring that the King's subjects should be better affected towards him, we abstained from any measures that might have incited them to revolt. The noble Earl, I think, has rather undervalued the importance of what has since occurred. The remonstrance of the French and English Governments has not been so entirely without effect as the noble Earl seems to think. At any rate, English and French subjects have been treated ever since with the greatest care and courtesy; there have been moreover various acts of amnesty, and those acts, it is said, will be extended to all who ask for them and promise to obey the laws. Moreover, there has been a convention signed between the King of Naples and the Argentine Republic by which all political prisoners who, of their own free will, wish to go to South America will be enabled to settle down there in the possession of land as colonists. I am not attaching much importance to these symptoms of improvement, but there is one thing to which I do attach importance, and that is, I have reason to believe that every one of the great Powers of Europe has come in aid of the course that has been pursued by the Government of England and that of France, and has, each in its own way, and in the manner it thought most likely to be effectual, entreated and advised the King of Naples to change his system. Much time may, of course, elapse before the King of Naples admits that he is amenable to any human tribunal, but he cannot always stand alone in thinking himself right, and that all the rest of mankind are wrong in the judgment which they pass upon his acts.

With respect to the negotiations with the United States and Honduras, I think the noble Earl has rather over-stated the difficulties which may lie in the way of a thorough settlement of the matters in dispute. There is no reason to doubt that the objects of the treaties into which we have entered will be realised, and that they will fulfil all those points to which the noble Earl has directed your attention. Your Lordships will find that all those engagements which we are bound in honour to maintain will be maintained, while all

the rights of territory which Honduras possesses will be secured to that State. These two treaties are in no way connected with each other. The treaty with the United States has merely reference to the dispute that has arisen with respect to the protection of the Mosquito territory. With reference to Ruatan, which was supposed to belong to Honduras, we have made that island over in such a way as that it shall be under the sovereignty of Honduras. There is now a proposal for the construction of a railroad over these territories, and this, I believe, will be found to be the best practical mode of establishing a communication between the two oceans. On both sides of the Isthmus there are magnificent harbours, and Her Majesty's Government thought that, as all the maritime Powers of the world would have an interest in this means of communication, they would certainly take exception to any arrangement by which an island, which lies almost at the entrance of the line of communication should be left in the hands of any one Power. It has been placed under the sovereignty of Honduras, which is placed under an obligation not to give it up to any other Power. I believe, therefore, that these treaties will be found fully to answer the purposes which the Governments of England and the United States had in view, and that they will have the effect of preventing any future misunderstandings between the two countries on this question. I will only further add that I agree with the noble Earl opposite that we have no interest whatever in Central America beyond that of possessing a free transit across the Isthmus, and I cannot see any reason why upon that question there should in future arise any difficulty between us and the United States.

Before I enter upon the question of the Persian war, and make any observations on what has fallen from the noble Earl in reference to that subject, I shall endeavour to give some explanation as to the causes which led to the breaking off of diplomatic relations with that country, and at the same time express my satisfaction at what has been said by the noble Earl with reference to the imputed causes which led to the suspension of those relations. I would particularly ask your Lordships to wait a few days for the papers that will be laid on the table on this subject, and in the mean time to dismiss from your minds all that has been said and written on the subject, more particularly with reference to

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the supposed connection of a lady with the rupture of our relations. That lady was the wife of a person who had been long under the protection of the British mission, and as such had been acknowledged by the Persian Government; but when, in order to induce him to abandon that protection and to place himself in the power of his bitter and unrelenting enemy, the Prime Minister of Persia, his wife was taken away from him, Mr. Murray most properly protested against the unjust and arbitrary act. It was admitted that the man had a right to British protection, and yet the Persian Government claimed the right to imprison and persecute his wife. Mr. Murray would have failed in his duty if he had not remonstrated against this arbitrary conduct; but when I tell you that I have received from Mr. Murray the most solemn assurance, and that he has given me his honour as a gentleman that he was influenced by no improper motives in the steps he has taken, your Lordships will agree with me in placing reliance upon Mr. Murray's word, that there is not the shadow of foundation for the calumnious charges that have been made against him. In the absence of that gentleman, a servant of the Crown who has been unjustly maligned, I feel it to be my duty to take the earliest opportunity of vindicating his reputation from the aspersions that have been cast upon it. Mr. Murray was compelled to suspend his relations with the Government of the Shah. Having received no explanation he left Teheran; and he was perfectly justified in so doing, for, had he remained he would have been in the position of an unprotected traveller, liable to insult every day. There would have been great excitement against him—there is good reason to believe that the populace were incited to molest him. Had he rehoisted his flag without having obtained the redress he sought, the act would have been attributed to fear, and that would have brought upon him an accumulation of insults, and he would in the end have been forced to abandon the place without having secured his object—that of reparation for the injury which had been done. Mr. Murray very properly thought that the Queen's representative should not be exposed to the ignominious alternative, and he exercised a wise discretion in leaving Teheran. But I hope your Lordships will bear in mind that this rupture was not the cause of the war. I should certainly have expected that time

and reflection, the recollection of the many interests Persia has in being on terms of friendship with England, as well as of the many good offices for which she is in our debt, and the knowledge that we were no longer at war with Russia, for that has been the secret of her hostile feelings towards us, would have led to an honourable settlement of the differences between us. But the case assumed a different aspect when Persia exhibited a determination to get possession of Herat. On that subject we did not fail to make our representations to the Persian Government. On the 11th of July, 1856, I wrote a letter to the Sadr Azim, demanding reparation for the breach of engagements respecting Herat, and the withdrawal of the Persian troops from that city. The following is the letter—

“Foreign Office, July 11, 1856.

“The undersigned, &c., has the honour to recall to the recollection of the Sadr Azim the articles of agreement respecting Herat, which were concluded in the month of January, 1853, between his Excellency and Lieutenant Colonel Shiel, then Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of the Shah.

“By those articles the Persian Government engaged not to send on any account troops to Herat, unless when foreign troops invaded Herat, that is (troops), from the direction of Cabul or Candahar, or other foreign country. In the event, too, of troops being sent in that case the Persian Government engaged that the said troops were not to enter the city of Herat; and whenever the foreign troops returned towards their own territory the Persian troops were immediately and without delay to return to the Persian soil. The Persian Government also engaged not to interfere in any way whatsoever in the internal affairs of Herat, such as in taking possession, or occupying, or assuming the sovereignty, or in governing, unless in so far as it interfered during the lifetime of Yar Mahommed Khan. The Persian Government also engaged to abandon the pretensions and demand for the coinage and the Khotek, or any other mark whatsoever of the people of Herat, being subjects or under the Government of Persia.

“The British Government have been informed that since the beginning of the present year Persian troops have not only invaded the territory of Herat, but have laid siege to the city of Herat, and have interfered in the internal affairs of Herat, and that the movements of troops in different parts of Persia indicate a determination on the part of the Persian Government to persist in its aggression on Herat, and in its disregard of solemn engagements contracted with the British Government.

“Such conduct on the part of Persia is considered by the British Government to constitute an act of open hostility against Great Britain; and the object of the undersigned in now addressing the Sadr Azim is to make known to the Persian Government that, unless reparation is promptly made by it for this breach of engagement and for

this act of hostility, and unless the Persian troops are forthwith withdrawn from the city and territory of Herat, the British Government will adopt such measures as a regard for its own honour and its own interests may prescribe; and will hold itself absolved from any responsibility for the consequences of those measures, however disastrous to Persia they may prove.

“The undersigned, &c.”

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My Lords, to this letter I received a most vague and unsatisfactory answer. It was, in fact, a mere letter of pretences; not even alluding to the subject of Herat, but stating that the disagreement between the Persian Government and Mr. Murray was merely a personal dispute, which might be arranged by the Persian Ambassador who was about to proceed to Paris. Her Majesty's Government then thought it proper that a more detailed communication should be addressed to the Persian Government, and on the 10th of October I addressed the following letter to the Persian Minister for Foreign Affairs:—

“The undersigned, &c., had the honour to receive on the 25th of September the letter which the Sadr Azim, Prime Minister of His Majesty the Shah of Persia, addressed to him on the 17th of August, having reference to the letter which the undersigned addressed to the Sadr Azim on the 11th of July, on the subject of the proceedings of the Persian Government in regard to Herat, but containing no answer to that letter.

“Her Majesty's Government had hoped that the letter of the undersigned would have elicited from the Persian Government a distinct assurance that that Government would at once desist from the enterprise which it had undertaken against Herat in violation of solemn engagements entered into with the British Government in former times, and in defiance of the often-expressed determination of the British Government not to tolerate any interference on the part of Persia with the States of Afghanistan, and not to allow the extension of the authority or the territory of Persia in that quarter. Her Majesty's Government had hoped that such assurance would have been given, and would have been followed up by the immediate withdrawal of the Persian armies from Afghan territory, and by complete reparation for the insults which had been offered to the British Government in the person of the Queen's Envoy, and which had led to the withdrawal of the British Mission from Persia.

“If all this had been done Her Majesty's Government would have been enabled to replace, on a friendly footing, its relations with the Court of the Shah.

“Her Majesty's Government have been disappointed in these hopes and expectations. The redress demanded in the communication made by the British Ambassador at Constantinople to the Persian chargé d'affaires in that city, in the month of June last, for the insult offered to the British Mission, has not been afforded; the reparation required in the note of the undersigned of July 11 for the disregard shown by Persia of her engagements as to Herat has not been given; but, in-

stead of this, vain excuses and pretexts of delay have been put forward, and Her Majesty's Government have been told to expect satisfaction from the result of a negotiation, the conduct of which the Persian Government pretends to have confided to an Ambassador some time since appointed by the Shah to the Court of France.

"But, in the meanwhile, the Persian Government has not been content even to let the questions in dispute remain without further aggravation. The insults which occasioned the withdrawal of the British Mission from Teheran have since that period been followed up by other insults to the British Government, which of themselves call for ample reparation.

"The insults to which the undersigned here more particularly refers are the prohibition of intercourse by subjects of the Shah with Her Majesty's Consul at Teheran; the violation of the engagement to pay to Seyd Abdoolah, a British subject, an allowance which he was to receive as a commutation for a portion of his claims on the Government of Persia; the attempt on the part of the Sedr Azim to possess himself of the water long since assigned to the British Mission for its use at its summer encampment; the interception of the supplies of water ordinarily assigned to the British Mission in Teheran; the refusal to enforce the punishment of parties who committed a violent assault on one of the servants of the British Consul; the refusal to recognise the right of property of Her Majesty's Government in the British Consular residence; the expulsion from Asterabad of a person in the employment of the British Mission; the publication in the public paper under the control of the Government of Persia of injurious statements as regards the British Government; and, lastly, the direct incentive held out to fanaticism to irritate against British subjects the conduct pursued at a former time, when the city of Teheran witnessed the massacre of the representative of a foreign State by an infuriated mob.

"All these transactions are publicly known throughout the Persian capital, and until the redress demanded for them shall have been given, and shall have been made as publicly known, it will be impossible for a British Mission to reside with security, still less with honour, at the Court of the Shah.

"But even these transactions are of less account than the wanton disregard by the Persian Government of its engagement to abstain from any interference in the internal affairs of Herat, and from any attempt to occupy, or take possession, or assume the sovereignty or government of that province.

"There are indications, indeed, that before the British Mission retired from Teheran intrigues were on foot to promote the views of aggrandizement which Persia has continually entertained in the direction of Herat. Persian forces were collected on the frontier of that State; and, as if more distinctly to evince the hostility of Persia towards Great Britain, even at this early stage of these transactions the Persian Government selected for the command of those forces an officer, high in rank and nearly connected with the Royal Family, who had then lately rendered himself notorious by grossly indecent language applied by him to the Sovereign of England at a public entertainment given to members of the Royal Family by the Vizier of Teheran.

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"From that period the operations of the Persian forces have been pushed forward with unabated perseverance against the city and in various quarters of the territory of Herat; language of defiance against Great Britain has been openly held by the Persian Government, and demonstrations have been made of the intention of the Persian Government rather to engage in conflict with Great Britain than to concede the just demands of the British Government, the Persian Government appearing to wish to display to the Persian people its indifference for the friendship of England, and its conviction that Persia has nothing to fear from the just resentment of Great Britain.

"But the British Government can no longer passively submit to the insults and wrongs which it has received from the Government of Persia. An expedition destined for Persia is now about to leave the British territories, and, whatever may result to Persia from this measure, which her Government has wantonly provoked, the responsibility thereof will rest on the evil counsellors of the Shah, who have led His Majesty to countenance insult and injury towards Great Britain, and to violate the solemn engagements of an international compact.

Every Government of this country has felt the importance of maintaining the independence of Herat. That city, as many of their Lordships are no doubt aware, is situated upon the immediate confines of Persia, in a plain of such unparalleled fertility that the late Shah was able to maintain there an army of 40,000 men during his unsuccessful siege of the place, which lasted a twelvemonth. The value of the position is enhanced by the fact that the surrounding territory to the west, to the south, and to the east, is comparatively barren. The climate is salubrious, water is abundant, and the town is surrounded by a bank of clay thirty yards high, and which is of such singular tenacity, that it cannot be breached by artillery. Herat would, therefore, be a most valuable and important base of military operations; a commander in possession of the town is completely master of his own position, and can always advance or retreat at his pleasure. I will not enter into any discussion as to the probability of an invasion of India, although if timely precautions are not taken, that is a subject which will hereafter press itself more and more upon our attention. Now we sometimes hear a phrase used in reference to America, about a nation being impelled forward by its destiny. I believe the whole Russian people, as well as the Government, entertain the belief that they are destined to extend by conquest the territorial limits of the empire; and when we look at the rise and progress of our Indian Empire, I must

say that other nations are entitled to say the same of us. But, as the noble Earl has said, I also believe that there is no disposition whatever on the part of the Russian Government to go to war with us on the subject of territory in the part of the world to which I am referring. Our communications with the Russian Government have been frank and friendly. I think, however, that it is for the interest both of Russia and England that between their respective territories a neutral country should exist, such as Afghanistan, but that will not be the case if Persia is in possession of Herat, for she will only have to avail herself of the feuds or the cupidity of the Afghan chiefs in order to obtain complete command of Afghanistan. I have no doubt that all these grave considerations were fully weighed by my noble Friend opposite (the Earl of Malmesbury), when, in more than one able despatch, he instructed Sir Justin Sheil to desire that the city and territory of Herat should be evacuated by the Persian troops. Sir Justin Sheil executed those instructions with great ability and judgment, and, indeed, went beyond them. I say, then, that by the efforts we have constantly made, and by the anxiety we manifested on the subject in 1852, we publicly proclaimed to Persia, Afghanistan, and India the supreme value which we attach to the independence of Herat. Remember, my Lords, that the position we occupy in the East differs from that of Russia. She has been able to make her power felt, and to punish Persia for the violation of treaties or other misdeeds. Our position is entirely dependent upon our character, upon our *prestige*, and upon our supposed resolution to maintain our rights and to defend our interests at every risk. If, therefore, we permit Persia to violate with impunity the solemn engagements into which she has entered with us, and to inflict upon us by our own avowal a great injury, we shall lose our *prestige*, and the respect we have hitherto inspired. It is for the purpose of maintaining that *prestige*, which constitutes the moral force by which we hold our Indian empire, that Her Majesty's Government have been most reluctantly compelled to go to war with Persia. Having said so much as to the causes of this war, I may inform your Lordships, without breach of duty, that the Persian Ambassador, who has lately arrived at Paris, has solicited an interview with Lord Cowley, which took place two days ago. He expressed to Lord Cowley

the earnest desire of his Government to renew friendly relations with this country, and he exhibited to him his full powers to enter into negotiations. Her Majesty's Government have not hesitated to say that we shall be prepared to enter into negotiations, and we have transmitted to Lord Cowley the conditions on which we are prepared to treat; and if the powers of the Persian Ambassador be such as I believe they are, there is every reason to expect that those negotiations will be brought to a favourable termination. Her Majesty's Government have no wish to humiliate the Shah and no intention to injure Persia; all we are anxious for is to secure the fulfilment of the engagements which that Power has entered into with us; but we require a sufficient guarantee that, when the peace is concluded, it shall be placed on a sound and permanent footing.

My Lord, I must express my entire dissent from all that has fallen from the noble Earl with respect to the Chinese war, and I exceedingly regret the expression of such opinions by a person in the high position of the noble Earl. There is not the slightest doubt that the lorchas were to all intents and purposes a British vessel when seized by the Chinese. She was owned indeed by a Chinese of Hongkong, but had an English master on board, and carried the British flag. The noble Earl has expressed a strong opinion that her register was an illegal one; but the colonial ordinance, under which these registers are granted, was sanctioned by an Order in Council, and there is no reason whatever for saying that it is not in accordance with the law of these realms. The register of this particular lorchas, it is true, had expired four or five days before the attack made upon her, but that did not at all render her a Chinese vessel, or give the Chinese police any right to board her, and to take away her crew as they did. The colonial ordinance provides completely for the position in which she was placed. These are its terms:—

“And be it further enacted and ordained, that any colonial register granted under this ordinance shall be in force and effect for one year from the date of such register, and no longer, and that such register be renewable by endorsement on the same, under the hand of the governor, lieutenant-governor, or officer administering the Government, on the payment of a fee of ten dollars, provided always that such register be deposited in the office of the Colonial Secretary one week be-

fore the expiration of the year for which the register has been granted, or if the registered ship or vessel be at sea, then on her return to the waters of the colony."

This was exactly the position of the *Arrow*; she was then at sea. This ordinance is dated March 3, 1855. It was ratified by an order in Council, and it was communicated to and recognised by the Imperial Commissioner. There could be no doubt as to the nationality of the vessel. As the same denotes, a lorcha is not a Chinese but a Portuguese vessel; and, in accordance with the colonial regulations, she had her name painted on her stern in large Roman and Chinese characters. This lorcha, then, was considered to be a British vessel by the British authorities at Canton, the Imperial Commissioner, moreover, allowed in his correspondence that he was aware that she had been in possession of a British register from the time of her launch; and she had a British flag flying when she was boarded by the Chinese authorities at Canton. Their professed object was to search for a man who, as they say, was suspected of piracy—the noble Earl said "Guilty of piracy," but he did not state why he said so—but however that might be, the police, in order to make sure of one man, carried off twelve out of the crew of fourteen. The master of the vessel made his complaint to the consul, who forwarded it to the Chinese authorities; but they took no notice whatever of it, except to threaten the master with violence if he did not desist from it. Application was made to the Commissioner, but this also, like every other application, was treated with contempt. Subsequently, however, the Commissioner sent back a portion of the crew; but in such a way that the British consul very properly refused to receive them—for if he had accepted anything short of his claim, his forbearance would only have been attributed to fear, and would have given rise to further insults. The British authorities were not disposed to treat matters with a high hand, but they could not have demanded less than they did without giving another triumph to the Chinese and laying the foundation for future insults. It was absolutely necessary that they should insist upon an apology and a restoration of the men, to be dealt with according to the terms of the treaty. When the affair was handed over to the Admiral all that he did at first was to take possession of a junk belonging to the Chinese Government; and before we

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sent an approval of even that, we took the advice of the law officers of the Crown as to whether the Chinese Government had violated the treaty, and whether there was any impropriety in the Admiral taking possession of the junk. The Queen's Advocate was very decided on that matter, and in that sense we wrote to Sir John Bowring and to the Admiral. The Imperial Commissioner was still determined to make no apology, and to give no redress, and he refused to hold any direct intercourse with the Admiral or the Plenipotentiary. The Admiral then proceeded to further measures, but not in the inhuman way described by the noble Earl, there was no bombardment of the town and no indiscriminate slaughter. The Admiral destroyed one of the forts, and then made fresh representations, and waited a day or two to give time for reflection. Still finding the Commissioner determined, he went on until all the fortifications belonging to the Chinese Government were destroyed; but as for that destruction of Canton city and the indiscriminate slaughter of its inhabitants of which the noble Earl opposite talks, Her Majesty's Government know of none; and the noble Earl is as much misinformed on this as he appeared to be on several other points on which he touched in the course of his speech. It is the persistence of the Chinese in the system of exclusion, the non-observance of that part of the treaty which we ought long ago to have insisted upon, and which, indeed, we only suspended for a specified time, which lies at the root of the evil. It embarrasses the transaction of all business, and obliges the merchants to carry on their affairs by means of native agents, who are not always honest; and so long as this system of non-access is persisted in there never will be any improvement in the social, moral, or even commercial position of foreigners in this part of the empire. Our exclusion from Canton, too, places in danger our relations with the other four ports, for it is made a matter of reproach by the inhabitants of Canton who frequent those ports against the inhabitants of them that they do not exclude foreigners; and upon more than one occasion this has led to disturbance. Our commercial relations with the Chinese, and the mode of transacting business at the four ports is most favourable as compared with Canton. There is one remarkable feature in recent events. We have the satisfaction of knowing that the factories, which are not

always agreed, are unanimously of opinion, without distinction of nationality, that in this matter the British Government has only done that which was necessary and for the interests of all. Everybody felt that sooner or later this must come, and now that it has come all are agreed that we have taken the best course. The American commander has taken the same course as ourselves in avenging an insult offered to the United States' flag, and I see by a letter I received from Washington this morning that the news of what has occurred had been received there with great approbation. I can only hope that, in the present as in the former war, by asserting our treaty rights, and, above all, by standing by our flag, which is our only protection in that country, we shall not only successfully settle the present dispute, but shall lay the foundation of a great extension of our trade with China.

EARL GREY: My Lords, The noble Earl opposite, began his speech by referring to the general desire felt by your Lordships that the Address in answer to Her Majesty's Speech at the opening of the Session should be agreed to by an unanimous vote of the House. I concur in that desire, but there are occasions (and this I think is one of them) when this wish ought to yield to higher considerations. There is a passage in the reply which has been proposed to the Royal Speech to which I cannot assent, and on which I intend, therefore, to move an Amendment. I allude to the part of the Address which refers to the war with Persia. I could have wished to have made some remarks on the answer made by my noble Friend (the Earl of Clarendon) to the noble Earl opposite both as to the affairs of Naples and the rupture with China, which I regard as by no means satisfactory; but as no Amendment has been moved on these points, and I do not intend myself to move one, I shall confine my observations strictly to the paragraph in the Address which I feel compelled to object to because it expresses opinions which, I for one, do not entertain. The Address which was moved with very great ability and very well seconded by my noble Friends on the Bench above seems to me to be so framed as to pledge the House to an opinion in a manner which is not usual on these occasions. We are made to assure Her Majesty that we share in her regret that the conduct of the Persian Government has led to the hostilities between the Shah and our

own country; and reference is made to the justice of our demands. Now, this plainly assumes that the entire blame of the war rests upon Persia; whereas, although I have no wish to commit your Lordships' House prematurely to an opinion one way or the other, I believe that this war has not been brought on by Persia and that on the part of this country it is neither just nor politic. The Address is also defective from the absence of any allusion in it to the important constitutional question raised by the noble Earl opposite, with regard to the carrying on of hostilities without Ministers having recommended the Sovereign to take the earliest opportunity of appealing to Her Parliament for its advice and support. My Lords, I must in the first place endeavour to prove to your Lordships that we are already in possession of information sufficient to convince us that the war in which the country has been involved is not one which we ought hastily to imply our approbation. The Governor General of India issued to the world, on the 1st of November last, a proclamation in which he expressly states that he acts under the immediate directions of Her Majesty's Government, and which sets forth both the grounds of the war and our vindication for entering into it. We are therefore furnished with authentic information as to the causes and origin of the war, and I am prepared to maintain, without knowing what may be the reply of Persia, that, even on the showing of our own Government, the war is indefensible. It is said that an agreement between this country and the Shah has been violated; but I hold that the mere breach of an engagement between nations without reference to the nature of that engagement or to the circumstances of the case, does not necessarily justify a declaration of war. The nature of the engagement, the magnitude of the interests involved, and the possibility or impossibility of obtaining redress by milder means must be considered before we can judge whether it is right to have recourse to the last alternative, the sword. Otherwise a free course is left to the encroachments of great States upon their weaker neighbours. It has often been made a reproach against Russia that she has a habit of inveigling her weaker neighbours into imprudent treaties, and then, when their stipulations are broken through, with making that a pretext first for war, and subsequently for their conquest. But the encroachments of Russia have never

been considered to be justified by being carried on by this insidious policy; on the contrary, it has always been regarded as rendering her spirit of aggrandisement not less but more dangerous, and has always been cited as a proof of her ambitious designs. Similar reproaches have been cast upon England for making entangling treaties with the native rulers of India, and then making the infraction of these treaties the ground for warfare and the ultimate absorption of their territory. This charge has always been indignantly denied, I wish I could say I thought always with success; but be this as it may, there is no question we have always denied having acted upon such a principle. I trust, therefore, that I shall not hear the doctrine laid down in this House that any violation of a treaty between us and Persia is a sufficient warrant for war, irrespective of the nature of that treaty and the attendant circumstances. The whole discussion must turn upon the nature of the agreement. Its substance was, that Persia engaged not to invade Herat, unless it were attacked by others. Now, I want to know what principle of the law of nations authorises one country to take upon itself to dictate to another independent nation what course it shall pursue in its relations with other States? Persia might have a legitimate cause of quarrel with her neighbour. I saw it stated at a public meeting the other day by a zealous missionary who has laboured long and faithfully in those countries, that the original ground of dispute between Persia and Herat some years ago was, that the people of the latter place, with the connivance of their Government, persisted in making plundering excursions into the Persian territory for the purpose of carrying off its inhabitants and selling them as slaves. If that be so, nobody can doubt that such outrages constitute the most valid ground for war. I am quite ignorant of the facts of the case on this point; but it may be that good cause for war against Herat has been given to Persia; and I totally deny that we have any right to dictate to independent States in what manner they shall vindicate their rights, and punish the invasion of them by their neighbours. But, even supposing Persia to be in the wrong in her quarrel with Herat, who, I ask, gave us the authority to regulate and prescribe the relations between the barbarous or semi-barbarous people of Central Asia? It is asserted

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that in one instance the advance of Persia upon Herat, of which we so much complain, actually took place at the instigation of the ruler of Herat himself. If the ruler of Herat thought it his interest to invite the protection of Persia against any attack with which he was threatened, and Persia thought proper to comply with such an application, the law of nations gives us no title whatever to interfere. Looking at the question as one of policy only, I maintain that it is not good policy on the part of this country to attempt to regulate the relations with each other of these half-civilised tribes. I know, indeed, that it has been held by no mean authority that it is our business to watch over the politics of Asia, in order to check the rise of any Power likely to endanger our Indian dominion; but setting aside all questions as to our right to act on this principle, I contend that its practical adoption is altogether unwise and inexpedient. Whatever might have formerly been the position of our Indian Empire, undoubtedly we have nothing to fear for it now from any other Asiatic Power. Its resources are so great, modern inventions and improvements in the weapons and arts of war have made the superiority of civilised over barbarous or semi-civilised nations so enormous that even if all the independent States of Asia united were to attack us we need not have the slightest apprehension for the result. The late Duke of Wellington did not express too high an opinion of our superiority to any native army in the field when he stated, in explanation of his opinion that the difficulties of Oriental warfare consisted almost entirely in the difficulty of keeping up the communications and of obtaining constant supplies—that 5,000 British troops could defeat any Asiatic force, no matter how numerous, that might be brought into the field against them, and could, if adequately supplied, march triumphantly from one end of Asia to the other. England, we may rest assured, has no occasion to fear any Asiatic Power; but we are told that we must watch over Central Asia, lest Russia should make through it a road to our Indian Empire. Now, I think this is quite as much of a chimera as the other. If there is one lesson to be learnt more than another from the late war, it is that, however powerful Russia may be for self-defence, whatever credit she deserves for defending a fortress at the extremity of her empire for nearly a year against the

united power of four nations, her strength for offensive warfare is very limited. If Russia, having accumulated her resources during a long peace, which had been sedulously devoted to the task of creating a powerful army and of collecting an almost unexampled amount of stores and materials for war, was able to do so little in offensive operations against Turkey before the Allies came to the assistance of the Sultan—if she could bring so small a force under the walls of Silistria, which may be said to be almost at her own door—what reason is there to believe that she could bring to our frontier in India any force with which it would not be an act of insanity to undertake a campaign against our forces? If we could not supply our army with proper necessities at a distance of 1,500 miles, all of which, with the exception of some seven miles, we were able to traverse with our ships—if we found this too hard a task for us in the first year of the late war with all our immense resources in ships and steamers—do you think it possible that Russia could provide for 100,000 or 150,000 men (and I believe that even this number would be insufficient for the purpose) to march entirely by land almost as great a distance as separates us from the Crimea? Could she convey that force, with the requisite artillery and supplies, to the frontiers of our Indian Empire? I think a moment's reflection by any man who will allow his reason fair play, and who will not give way to this bugbear of Russian power, will satisfy him that such an invasion is impossible. But then I know what is the answer to this. We are told it is not Russia directly that we have to fear, but it is Russia wielding the power of Persia and of other Asiatic countries between our territory and hers. My Lords, before Russia can bring these countries into a condition in which she can use them for her own purposes, she has to achieve a task even more difficult than that which we have accomplished in the creation of our great Indian Empire. She has to bring into order and subservience the tribes of Asia—the most insubordinate, the most lawless, the fiercest people on the face of the earth, and so divided from each other by all sorts of animosities springing out of religion and race, that to make an alliance with one of them is infallibly to make an enemy of another. She has, I say, to bring all these various tribes into order. She has to discipline and to

organise countries which do not possess the first elements of union and organisation; all this she must do before she can wield the tribes of Central Asia to our damage. Why, even if she could command a succession of such men as Clive and Warren Hastings, this would be the work of generations; and, in my opinion, there is no true wisdom in incurring great immediate evils in order to provide against dangers so remote. But grant that the danger is all that is supposed. Grant that you have that reason to fear Russia in India which some people of active imaginations suppose. In that case I assert still more strongly that the policy upon which you have acted is altogether erroneous. If you are afraid that Russia will wield against you the power of Central Asia, what is the first thing you ought to endeavour to secure? Why, you should first of all cultivate the friendship of Persia; and you should endeavour to make Persia so strong and powerful that it would not be likely to fall under Russian ascendancy. Now, let any man tell me whether the war which we have now commenced is not calculated in every way to play the game of Russia, not of England, and to create a state of things in Persia favourable to those designs which you so gratuitously impute to the Czar? You want to be on good terms with Persia. Are you taking a course likely to conduce to this object when you arrogantly claim a right which you would never dream of insisting on in the case of any European Power—when you say that Persia shall not pursue, without your permission, that policy which she thinks fit with regard to her near neighbours? Is it likely to promote good feeling between England and Persia when, without any proper proclamation of war, you invade her country, slaughter her troops while defending their own homes, and take possession of a peaceable town? I say that those proceedings of the English Government at Bushire will not be forgotten for many generations, and that by what you have done you have alienated Persia from you probably for ever. Again, you want to keep down Russian ascendancy in Persia. Are you now taking such steps as are likely to accomplish your object? We know that, partly by intimidation, partly by corruption, Russia is able to exercise an immense influence in Persia; but we also know that there is not a single Persian, from the Monarch who sits on the throne down to his meanest subject, who does not

in his heart fear and detest Russia as the enemy of his country and of his religion. We know that that is the feeling prevailing among the Persians, and therefore, unless you drive them to seek for support against you, they will most undoubtedly resist, so far as they can, the ascendancy of Russia, which Russia, while this feeling operates, will not find it easy under the jealous eyes of Europe to establish. But if you make war against Persia—if you, with your gigantic power, attack a country too weak to defend itself—what resource has she? She must, willingly or unwillingly, throw herself into the arms of Russia; and thus you are accomplishing, by the very means you are now pursuing, that which you believe to be the aim of the Russian Government and people. If Persia is compelled, either directly or indirectly, to admit Russian ascendancy—if she is driven to employ Russian officers to command her troops, and to avail herself of Russian skill and discipline—she will undoubtedly very soon be in the position of the horse in the fable, who applied to man to assist him against the stag. Again I say, then, that it is for our interest to make Persia strong and powerful. Does it conduce to that object when you lay waste her territory, slaughter her soldiers, and destroy the small amount of regular force which she possesses? But then, I am told, we are doing all this for the sake of Herat; and my noble Friend the Foreign Secretary has given us a description of the advantages and resources possessed by that city. I have little doubt, my Lords, that Herat does possess great natural advantages; but to what account are these advantages turned? and what claim has Herat upon us? We all know that, in spite of all its advantages, its inhabitants are poor and miserable. That among all the ill-governed States of Asia—that among all the people who are most disorderly—Herat and its inhabitants enjoy an unenviable pre-eminence. When Herat was attacked by Persia on a previous occasion, it was saved by the extraordinary gallantry of Major Eldred Pottinger, and no sooner was the city saved, than its inhabitants turned upon their brave defender, and treated him with the greatest contumely, going so far even as to threaten him with violence, and finally compelled him to leave the town which he had saved. Upon every occasion, the Government of Herat have utterly disregarded the wishes of the British Govern-

ment. It would seem to be our object to ensure the continuance of Herat as a petty, turbulent, and ill-governed State, since we insist that it shall remain independent, and that it shall not be taken possession of either by Persia or by the Chief who rules the rest of Afghanistan. We tell Persia that we will go to war with her if she attacks Herat, and we promise her to try and prevent Dost Mahomed from annexing it to his territories. Now, I confess, my Lords, that this appears to me a most extraordinary policy, since our real interest is to create in those countries some great and powerful State—which is impossible while Herat remains independent. But, my Lords, this involves a larger question as to what ought to be our general policy in Asia, and I must endeavour to show you that we have been acting on views altogether false, and that, in endeavouring to regulate the political relations of the tribes of Central Asia with each other, and to maintain that distribution of power and territory among them which is most in accordance with our notions of what is for our own interest, we have undertaken a task which it is impossible for us to accomplish, and which it is worse than useless for us to attempt. It is impossible to maintain any stable political system, because these countries are in a state of continual change, and have been so from time immemorial. New chiefs keep rising into power, and old dynasties disappearing—now one State and now another, under some able and energetic ruler, acquires wide dominion, and becomes formidable to its neighbours; and again, when the able founder of a great power is followed by an incapable successor, its decay is as rapid as its rise. The political relations of these countries with each other are also perpetually fluctuating, and the bitter enemies of to-day become the allies of to-morrow. In such a state of things it is vain to attempt to regulate the political affairs of those countries, with a view of creating and maintaining some permanent arrangement favourable to British interests; and if you do attempt this, after spending time, labour, treasure, and sometimes unhappily blood also, in bringing about some political combination, which appears desirable from the state of things at the moment, you are surprised to find that when a few short years are gone by the aspect of affairs is entirely changed, and that the arrangement you have toiled to effect is become,

under altered circumstances, the very one you think it right to make no less strenuous efforts to defeat. A very strong instance of what I am saying is afforded by the very country the affairs of which we are now discussing. At the beginning of the century Sir John Malcolm was sent by Lord Wellesley to the Court of Persia on a mission which was attended with very considerable expense, and which threw a serious burden on the finances of India, the ostensible object of which was to induce the Shah of Persia to march an army upon Herat. How, then, can the Persians think your policy consistent in now protecting Herat, or that you can have any right to do so, when they know that some fifty years ago you spent large sums of money and bribed all her courtiers, in order to induce them to do the very thing which you are now making war upon them for attempting? In like manner it appears that our close ally in what is now taking place is Dost Mahomed. Why, my Lords, it is only seven or eight years ago that we committed the fatal error, the Affghan war—and I am bound to take my full share of the blame, as I was at that time a Member of the Administration—we went to war in order to depose Dost Mahomed, and to substitute for him a prince whom we supposed to be more favourable to our views. With these facts before us the conclusion is irresistible, that it is most unwise policy to make such costly sacrifices, which are almost certain to prove fruitless, for the purpose of maintaining, either with respect to Herat or to the other States of Central Asia, those political arrangements which we may imagine to be best calculated to secure the safety of India from attack; but I say further that these sacrifices are much worse than fruitless, and that we are pursuing a policy which, in Central Asia as in Persia, is calculated to defeat the very object you have in view. Among all the tribes of Central Asia there exists great jealousy of the British rule. These tribes are not ignorant of the history of the rise of our Indian Empire; they know that every State which has been brought in contact with the British Government has gradually been absorbed by it, and they naturally fear that the same fate may await themselves. It is impossible, my Lords, to enter into diplomatic relations with these people, or to take part in the quarrels which divide them, without increasing those feelings of jealousy and suspicion. It is im-

possible for us to take part in their continual disputes and struggles for power with each other, to support one and oppose another, without irritating all alike. One of the most distinguished of the many eminent men the Indian service has produced, has most truly and wisely said, that he had never known a close alliance between a civilised and a barbarous State which did not in less than three years end in mutual hatred between them. I cannot doubt the truth of this observation, and the obvious conclusion to be drawn from it is that the only method of keeping upon good terms with the independent States of Asia is for the Government of India to have as little dealing with them as possible. If you make treaties with them, they are so short-sighted as to their real interest, and so faithless, that they will infallibly sooner or later violate their engagements, and then you are placed in the position which the noble Earl has stated to be that in which you have found yourselves with regard to Persia, when you must be prepared to be asked if you are willing to injure the prestige of England in the East by not resenting a breach of faith. If we have diplomatic dealings with these people, we are sure to find ourselves in the position of being compelled to make choice between submitting to open insult, by having solemn stipulations made with us shamefully broken, or else of engaging in costly and hazardous military operations in a poor and difficult country, at an immense distance from the seat of our power. I think that no danger threatens our Indian Empire which is so great as would be a further extension of frontier, more especially an extension of it to the north and north-west; we have acquired in this direction the best frontier for the purposes of defence we could possibly possess, and are in such a position that our armies collected in a fertile district could be brought at once to crush any invading enemy as soon as the heads of his columns emerged from passes of great difficulty. But if you persevere in a system of seeking to regulate the distribution of power among the tribes of Central Asia, and of making our influence felt—to use a favourite phrase with many—you are certain to be drawn into quarrels in which you will be compelled to support your diplomacy by the sword, and the wars in which you will engage will end, as all your Indian wars have ended, in the acquisition of additional territory. You will, then, if you go further, acquire a poor and

difficult country, inhabited by men far different from the timid Hindoos, bold, active, and energetic, loving their independence, trained to arms from their earliest infancy, and so poor that it would be utterly impossible to obtain from them the means of paying any portion of the expenses of the war. You will acquire a territory, from which, when once obtained, it will be extremely difficult to withdraw, and which you cannot maintain without great expense and danger. The subject, however, is too extensive for me to go fully into it at this moment. I do not now wish to carry these observations further than is necessary for the purpose of showing that if the policy of this war is not clearly bad, it is at all events far too questionable to be at once approved. I must now say a few words upon the question of its justice; because, whatever may be the policy, I think that the first question which we should always consider is the justice of a war. Surely, my Lords, we are all agreed that war is almost the greatest scourge which can afflict mankind, and that therefore an awful responsibility presses upon that nation which engages in it without necessity. I believe also that I am following the highest authorities, when I say that a case of necessity for war can only be made out from circumstances which directly or indirectly resolve themselves into considerations of self-defence; and that it is for self-defence alone that any nation is justified in making the awful appeal to arms. There is no question that on the face of it we are the aggressors in this case, because we invaded the Persian territory. I grant that an apparently aggressive war may sometimes turn out upon inquiry to be strictly one of self-defence; but, in order to make it so, you must be able to show that you attack your enemy in order to anticipate an attack with which you yourselves are threatened, or at least to avert some great and certain danger. Now, when I examine the proclamation of the Governor General of India, I do not see it stated there that Persia meditated any attack upon Great Britain, or upon any British possession whatever. The proclamation is equally silent with regard to any great peril or certain danger which the war is intended to avert. I maintain, therefore, upon these grounds that we are engaged in a war which is not consistent either with a wise view of our real interests or with the higher principles of justice. You have, moreover, entered upon this war without

affording Parliament at the proper time any opportunity whatever of expressing an opinion upon it. I find that the proclamation was dated on the 1st of November, and that the expedition sailed from Bombay on the 13th of the same month; and, as both those measures were ordered from home, it is obvious that the order to invade Persia must have been sent from this country not later than the middle of September. I say, then, that when Her Majesty's Government determined on making war with Persia and sent out those orders, it was their bounden duty at the same time to advise the Crown to call Parliament together and to appeal in the usual form to Parliament for support. Since we have had a Parliamentary government I challenge you to produce any one instance in which this country has engaged in war without the Ministers of the Crown having thought it their duty, so soon as war was resolved upon, to communicate that important determination to Parliament. No doubt the prerogative of making peace and war rests with the Crown, and I think that it ought to rest there; but, if the prerogative of the Crown is undoubted, the privilege and duty of Parliament to exercise its judgment on the manner in which that prerogative is exercised by the advisers of the Crown is equally unquestioned; and it has always hitherto been held to be the duty of the servants of the Crown to take care that Parliament should have the earliest opportunity of expressing its judgment upon the matter. I know what the answer will be. I know that I shall be told that this is an Indian war, and that the rule has never been considered to apply to India, will be proved by innumerable precedents. My Lords, I might now demur to the doctrine that our practice now ought to be regulated by precedents drawn from a period when the relations between the Government of India and the Home Government were much less intimate than they are at present. But it is unnecessary for me to go into this question, because I maintain that there can be no doubt whatever that this is not an Indian war, but a British war; and for these reasons:—The original agreement, the violation of which is made the ground for your taking up arms, was entered into not by any envoy of the Governor General of India, but by an envoy accredited by the Queen to the Shah of Persia. Again, when that agreement was alleged to be violated, the communications demanding redress were not

carried on through the civil servants of the East India Company acting under the direction of the Governor General, but they were carried on partly by the diplomatic servants of the Crown, and mainly by letters which were actually signed by Her Majesty's principal Secretary of State for Foreign Affairs. I ask, then, is this an Indian war, when the Secretary of State himself signs the letters applying for redress to the Minister of Persia, and ultimately informs him that war will be declared, and when the orders for commencing it were sent out from this country? But, my Lords, that is not all; for this is not a war which affects merely the interests of our Indian Empire. Far from it. This is a war to which the other Powers of Europe are by no means indifferent, and which may seriously affect our relations with more than one of them. More than all, this is a war no small portion of the burdens of which will fall upon the people of this country. If this war continues, do you suppose that India can be called upon to pay all the expenses? It would be utterly unjust to attempt to make her do so, and if you did it would be impossible for you to succeed in the attempt. Then, when you are invading Persia in this manner, am I to be told that Her Majesty's Ministers escape the responsibility because there has been no formal proclamation of war on the part of the Crown? On the contrary, I say that their abstaining from making that formal proclamation of war is an additional reason for condemning the course which they have pursued; because, when they really determined to make war upon Persia, they ought in common honesty and fairness to have taken the ordinary course, and to have made a proclamation of war in the usual way. It is possible that by neglecting to proclaim the war you have involved yourselves in great difficulties. If you are not in a state of proclaimed war with Persia, do you enjoy all the rights of a belligerent with regard to other Powers? Do you even possess those powers over your own subjects which a state of war gives? Can you restrain English merchants from exporting powder and arms, and the munitions of war, to Persia, as you could have done if a proclamation of war had issued? I am not lawyer enough to answer these questions; but they may be raised and may have to be dealt with; and at all events you do not avoid your constitutional responsibility for having engaged in a war without applying for the consent of Parliament,

because you have omitted the usual form of proclamation. The war is one not for Indian, but for British purposes. It ought, therefore, to have been communicated at the first possible moment to Parliament; and if Parliament is to maintain that control which it has hitherto exercised over the advisers of the Crown—if Parliament is not prepared to abandon its right of being consulted upon measures which may impose heavy burdens upon the people—if you are not to set aside as obsolete and of no value the traditions and practices of a century and a half of Parliamentary government—I say that you should declare that Her Majesty's Government, by the course they are pursuing, have justly incurred the censure of Parliament. You cannot pass by these proceedings without some serious notice, unless you are prepared to give up the high position you have hitherto held in the State, and to lower the dignity and authority of this House. It is with these views that I am now about to move an Amendment to the Address. I do not, strong as my opinion is with respect to the impolicy and injustice of the war, ask you to condemn it. I think that, as a fitting mark of respect to the Crown, we should abstain from pronouncing any opinion upon the policy of the war until the papers have been laid before us; but, while I do not ask you to condemn the war, I cannot consent to words which by implication approve it. I therefore call upon the House simply to express its sorrow at the breaking out of hostilities with Persia; but I also convey in my Amendment, though in terms of the utmost moderation and of the greatest respect to Her Majesty, that censure upon the proceedings of the Government which I think is due to our character and to the authority of Parliament. I propose to leave out the two short paragraphs which begin with the words, "We share with your Majesty in the regret that the conduct of the Persian Government has led to hostilities between your Majesty and the Shah of Persia." I do not seek to alter the paragraph which refers to the naval and military operations, because, however I may regret that the expedition has been sent, I would do justice to the men who composed it. I propose to insert, in place of the passage I have referred to, the following words—

"Humbly to inform Her Majesty that, while we deeply deplore the occurrence of circumstances which have led to hostilities between Her Majesty and the Shah of Persia, we also feel it to be our

duty very respectfully to express our regret that when Her Majesty's servants advised Her Majesty to give orders for the invasion of Persia by a British force they did not at the same time advise Her Majesty to call Her Parliament together, so that Parliament might have learnt without delay that the nation was about to be involved in war, and might have had an opportunity of humbly submitting to Her Majesty any advice it might have judged such an occasion to require."

I have framed and moved this Amendment without communicating with any one Member of your Lordships' House. I know not whether I shall or shall not receive any support. I shall not be disappointed if all support is withheld from me; but I have so strong a sense of the inexpediency of passing the Address in the shape in which it has been moved that, however painful it may be to stand alone, I think I am but discharging an important and imperative duty in proposing the Amendment which I have read to your Lordships.

Amendment proposed, by leaving out the Tenth and Eleventh Paragraphs, and inserting the following Paragraph—

"Humbly to inform Her Majesty, that while we deeply deplore the Occurrence of Circumstances which have led to Hostilities between Her Majesty and the Shah of Persia, we also feel it to be our Duty very respectfully to express our Regret that when Her Majesty's Servants advised Her Majesty to give Orders for the Invasion of Persia by a British Force, they did not at the same Time advise Her Majesty to call Her Parliament together, so that Parliament might have learnt without Delay that the Nation was about to be involved in War, and might have had an Opportunity of humbly submitting to Her Majesty any Advice it might have judged such an Occasion to require."

EARL GRANVILLE : My Lords, notwithstanding the statement made by the noble Earl (Earl Grey) of the obligation under which he finds himself to move an Amendment upon the present occasion, I cannot help thinking that he would have done well if he had listened to the appeal of the noble Earl who moved the Address in a manner which gave promise of his being an ornament to this House, supported as it was by the noble Earl who seconded the Address, and by the high authority of the noble Earl opposite, who pointed out the advantages of the system pursued for some years in both Houses of Parliament of not going too deeply into the questions touched upon in the Speech from the Throne. It appears to me that when we enter too minutely into these questions without having had an opportunity of reading the papers which will be laid before Parliament, we are led into conversations

which it would be much better to avoid—namely, statements of facts which may be contradicted by those who are in possession of papers which have not yet been submitted to your Lordships. Following the noble Earl (Earl Grey) over the different points urged by him, I will begin with the *casus belli* with Persia. The noble Earl thinks that the whole *casus belli* depends upon a certain engagement made by the Shah with this country, and he argues that the mere breach of that engagement, even if it could be proved, does not constitute a *casus belli*. Now, I believe that whenever, under ordinary circumstances, one Power makes an engagement with another, the violation of it constitutes in itself a *casus belli*. It may become a question of policy whether military measures should be consequent upon such a breach or not; but *per se* a deliberate violation of an engagement constitutes an absolute right of war. But I hold that without this engagement by the Shah at all there would have been reasonable grounds for a military demonstration against Persia on our part to anticipate schemes which we thought dangerous to our Indian Empire; and if the noble Earl had shown less impatience, and waited for the papers which will be immediately laid before your Lordships, he would have found that not only the present Government, but also the Government of the noble Earl opposite, most clearly intimated to the Shah the possible occurrence of an expedition to the Island of Karrack in case he persevered in his designs against Herat. When the papers are laid before the House, your Lordship will be satisfied that this is a correct statement. The noble Earl next strongly objected to the character of the engagement entered into with Persia; he said it was an engagement perfectly inconsistent with any which it would be possible to make in Europe. It appears to me that the noble Earl is quite wrong in this respect. Are there no engagements entered into in Europe to prevent aggressions upon other Powers? Why, Europe swarms with them. One of the most approved acts of the noble Earl behind me (the Earl of Clarendon) was the guarantee given to Sweden during the Russian war by England and France protecting her against invasion. That guarantee, however it might be disapproved by the noble Earl, was received with great applause in this country, the conclusive proof of which was that not the slightest objection was taken to it in either House of Parliament. The noble

Earl argued the whole of this point on abstract grounds, without reference to the actual facts of the case. But the common-sense view of the question—taken, he was glad to remark, by the noble Earl opposite (the Earl of Derby)—is that, whatever may be the desire of the Russian Government now, it was natural that during the war, anxious to make an impression both upon our finances and our arms, they should encourage Persia to take that opportunity of accomplishing those designs on Herat which it had so long attempted in vain. The noble Earl (Earl Grey) stated the reason why, in his opinion, it was a mere bugbear to talk of a Russian expedition being really dangerous to our Indian dominions. Now, my Lords, I, for one, am not inclined to attach any exaggerated importance to the probability of the Russian Government making formidable expeditions of an aggressive character a long way from their own dominions. Moreover, I believe that at the present moment—and I am more justified than most other persons in saying this—it is not the intention of the Russian Government to take any such steps, and that their anxious desire is that this matter should be arranged as speedily as possible. But this does not affect the question of future contingencies. The noble Earl adverted to the facilities that Russia has for intimidating and influencing the Eastern nations, but added that our real danger in India was not the conflict of arms, but the weakness of finance. Now, Herat is considered by all a place of the greatest importance, and, indeed, the possession of that place is regarded as a *sine quâ non* to any attack upon India. Supposing, then, the case of Russia using that influence which the noble Earl attributes to her, of influencing Persia to keep possession of Herat and using that power to excite troubles, I ask whether means could not be devised without resorting to a warlike expedition to foment quarrels and create alarms that would lead to a heavy depression in the financial resources of India. The noble Earl has quoted the policy of Lord Wellesley in India, for the purpose of condemning the policy of Her Majesty's Government in the present case; but is it fair to quote cases in contradistinction to the present without making the slightest allusions to the change of circumstances which has taken place during the lapse of time? I do not think it applies in the slightest degree to the present case that because Lord Wellesley thought it right, in

order to meet the French then in Egypt, to adopt a certain policy in his day, the present Government shall not, if they should have distrust of Russia, take care to prevent possible danger in that quarter. The noble Earl proceeded to point out with great force the injustice of the undertaking on which we have entered; but there is hardly any war, even the most just and necessary, except in the case of actual invasion, that can be shown to be otherwise than indirectly a case of self-defence. If we were right in assuming danger either of a direct or indirect character to our Indian possessions from the possession of Herat by another Power, that does constitute a case of self-defence, and in my opinion the state of the case fully warrants the assumption of danger to India, and therefore constitutes the justification of the war. The noble Earl says we are the aggressors. I utterly deny that. It is the Persians who are the aggressors, stimulated by a Power who had the desire at the time to create a disturbance in its favour, and notwithstanding the engagement Persia had entered into not to molest us during the war in which we were engaged. The noble Earl asks in what light the war is to be considered—whether as an Indian war or a home war? It is more an Indian war than a home war; but it is also a war bearing the character of many wars that have occurred before. The noble Earl says, that the declaration of war is unconstitutional and almost illegal, because it had not been duly proclaimed. If, however, the noble Earl will only look back and will refer to other wars that have taken place—some of them when he was a Member of the Cabinet—he will find that for a period of thirty or forty years there has been no such proclamation of wars of this character by the Home Government. Take the case of the Affghan war, or even the war with China, and he will find that no proclamations were issued by the Home Government. In fact, the best authorities do not admit that a proclamation is necessary at all—that as regards the enemy it is merely matter of courtesy, and is only called for with regard to ulterior effects on neutrals, it being considered only fair, if you are likely to inflict indirect injury on neutrals, that you should give them notice. The mere form of proclamation I believe to be altogether unnecessary, and I think we are right in following the usual precedent on this occasion, and not adopting a novel one in its place; the more so as a proclamation might

have led to some inconveniences and difficulties of a legal character in preventing merchants from fitting out ships from this country for the East. I am not prepared to enter into particulars, but I believe it is possible that some such inconveniences would have been felt. The gist, however, of the noble Earl's speech was, that Her Majesty's Government had declared war with Persia without asking the concurrence of Parliament, and he says, that they ought to have assembled Parliament at once to submit to them the proposal of war. [Earl GREY: No.] I am sure the noble Earl implied blame to the Government for not having called Parliament together. The noble Earl omits to notice the fact that there was a direct intimation made to Parliament by the President of the Board of Control before the end of the last Session, that such a measure as the present would be necessary if the Persian Government persevered in the policy which it threatened. The noble Earl shakes his head, as if he was not to know what passed in the other House of Parliament; but it is a fact nevertheless that the statement was made and appeared in the papers, and that through that medium information was to a considerable degree communicated to the country. If the noble Earl thinks fit to bring forward this subject again when the papers are in our hands, we shall be ready to meet him on any point which he may select; but I cannot believe that he is serious in pressing his Amendment before the papers are on your Lordships' table, and after an intimation has been made that there is a chance of negotiations being entered into and brought to a peaceful close, which negotiations would be powerfully affected by an adverse vote of this House. I think, at the same time, that it is quite impossible for noble Lords on the other side of the House to vote with the noble Earl after the intimation we have had from the noble Earl (the Earl of Derby) and his friends, who place the greatest importance on the independence of Herat, that the Address should pass without amendment. It would be to the disadvantage of this House if we should show a want of unanimity on an occasion when it has been declared that respect for the Crown required that no opposition should be made to the Address.

THE EARL OF DERBY said, he had carefully guarded himself from expressing any opinion upon the justice of the question, and expressly stated that the unanimity of

his side of the House on the Address was not to be understood as committing them to the principle at issue.

EARL GRANVILLE considered the House pledged to nothing beyond thanking Her Majesty for giving the information.

EARL GREY objected to the form in which the Address was drawn. It represented the Shah of Persia as the cause of the war, whereas he maintained that the Government had caused the war.

LORD BROUGHAM said, he thought it would be convenient to abstain from discussing the Persian war at present, as the papers on that subject were promised in the Royal Speech, and would shortly be laid upon the table. He hoped and trusted it would not be found, when the Eastern hostilities were more closely considered, that this country, or rather the agents of this country in the East—and especially those in China—had been picking a quarrel for the sake of getting a benefit. With regard to the affairs of Naples, he was not one of those who thought that England had either done too much or too little. He was glad that Her Majesty's Government had not gone further than they had in this matter, and he must protest against what appeared to be a too generally prevailing notion, at least out of doors, among those who were rather prone to be led away by their feelings than guided by their judgment, that it was the vocation of this country—or, as it was called in the half-English language of the day, the mission of the country—to intermeddle in the affairs of foreign nations for the purpose of redressing the grievances of subjects of foreign princes, of restraining the conduct of those princes, and of propagating constitutional government all over the world. Englishmen might lament that other countries did not enjoy the incalculable benefits of constitutional government; and they might lament, also, that other nations were ruled by princes who were capable of those acts which no one abhorred more than himself. They might feel, that though such princes might grant amnesties—either voluntarily accorded or extorted by force—those amnesties—and he referred not to the north of Italy but the south—afforded little protection for the future so long as the unhappy subjects of these princes did not enjoy the blessings of constitutional government. He was by no means convinced that this country had a

right to remonstrate in such cases—but certainly they had no right to go one single hair's breadth beyond remonstrance—for the purpose of encouraging nations to obtain better institutions, or of controlling sovereigns who acted under such institutions as at present unfortunately existed. He remembered the time when a neighbouring nation deemed it their vocation to plant republics all around them, and thereby involved Europe in a general war; and he maintained that England had no more right to plant Parliamentary governments all over Europe than France had in 1792, to surround herself with republics. With regard to the Royal Speech itself, it was not so much exposed as such speeches usually were to the remark that they were framed upon the principle of the gardener's motto—look at everything and touch nothing; for it touched upon a number of most important matters. He had, however, been struck by the generality of the passage respecting the Estimates, which was couched in precisely the same words that had been adopted in almost every Royal Speech he had seen; and he was sorry to see that no reference was made to the income tax. Great excitement prevailed throughout the country on the subject. He had done his duty in opposing that tax on all occasions; and in 1842 he moved a set of Resolutions, discussing it in every point of view, and declaring the necessity—if it should be adopted at all—of modifying it in such a manner as to make a distinction between income derived from capital and income derived from professions, and a further distinction in the former class between income derived from property of whatever kind held only for life and income derived from property in fee. The great statesman whose loss they daily deplored—he meant the Duke of Wellington—and his noble Friend who was then at the head of the Board of Trade (the Earl of Ripon) distinctly confessed that they had not a word to say in reply to his Resolutions, and to the arguments adduced in their support, both on moving them and when the Bill came up from the Commons. The Minister—the illustrious Duke—then leader of the Government in that House, admitted that the tax could only be justified by absolute necessity, and ought not to continue for one hour after the necessity had ceased. It might be said the necessity for the tax had not yet ceased; but he remembered that, in 1816, when, in the other House, he waged war against the impost,

the Estimates were brought down to the House framed in the usual way, the King's Speech having promised the utmost economy consistent with the efficiency of the public service. After six weeks' campaign, which, in junction with his lamented friend, Mr. Baring, afterwards Lord Ashburton, he had the fortune to conduct, the income tax was put an end to. The Estimates had been framed on the supposition of the continuance of the tax. But the refusal of the tax by the House of Commons took away £14,000,000 or £15,000,000, and the Chancellor of the Exchequer abandoned the war malt tax of some £3,000,000 two days after on the mere notice of Motion. A sum of £18,000,000 was thus withdrawn from the supply, and the Chancellor of the Exchequer prepared an amended set of Estimates, framed on the principle of "cutting his coat to his cloth." He (Lord Brougham) hoped that in the present instance a diminution of the amount of income tax would lead to a corresponding reduction in the Estimates. He was aware that the noble Secretary for War had already effected a considerable reduction in the expenditure, but he hoped that the diminution of the income tax would occasion still further retrenchment. Nothing in the Speech gave him greater satisfaction than the promises of the Government with respect to measures for the improvement of the law, and though he well knew how little promises and professions cost, and how constantly wise men were wont to value them proportionately little, taking them, as it were, at prime cost, yet he felt bound to say he had every confidence that these promises would now be performed. Never was there a time when such reforms were more needed in many branches of the law, both civil and criminal. Without entering now into a discussion on the convict question, he would say that some change or other must take place in the mode of dealing with prisoners. This he took as being absolutely clear, and the result of actual experience. It was not easy to say what that change should be, but a considerable increase in our police force, he believed, would at any rate be absolutely necessary. He must also call upon their Lordships to attend to the representations of the mercantile classes on the subject of the mercantile law. He had lately had the honour of presiding over a conference of delegates from all the great mercantile towns in the United Kingdom, at which certain

changes in the law, and especially the law of debtor and creditor, were discussed. These representations were the result of the experience of men who were daily suffering under the defects of the existing law, and who were therefore the best witnesses to its evils. He would, in conclusion, only urge upon their Lordships the wisdom and justice of immediately proceeding with the measures for the amendment of the law. There could not be a more unfounded alarm than theirs who dreaded any improvement by alteration in our laws, provided these were carefully devised and temperately carried into execution. Timely changes tended to the preservation of our institutions; and the best and surest way to avert the destruction of our laws was to amend them. Referring to the renown of the Emperor Trajan, whom one of his successors called a wall-flower, because his name was carved on the numberless structures he had founded, Lord Bacon said that he preferred the fame of Adrian, who gloried in wrestling with time to repair his ravages. But it was still better to stay those ravages than to repair them; and he (Lord Brougham) would venture to affirm that timely alterations and improvements were certain to have that happy effect, and could alone prevent the devastations of time.

THE LORD CHANCELLOR said that, as the paragraph in the Royal Speech with regard to law reform was rather vague, it would probably be acceptable to their Lordships and to the country, if he intimated to them more in detail what measures it was the intention of the Government to introduce. The first subject to which the Government had directed their attention was the reform of the Ecclesiastical Courts—a subject of the greatest importance, and one which had been undertaken without success by every Government during the last twenty-five years. On that day week he should ask their Lordships to give a first reading to three Bills—one for the reform of testamentary jurisdiction, another to amend the laws of marriage and divorce, and a third on the subject of Church discipline. The Attorney General would also, as soon as possible—in the event of his hon. and learned Friend being re-elected to his seat—ask for leave to introduce into the other House a Bill to render criminal breaches of trust, of which there had unfortunately been so many instances of late. Some time ago, it would be in the recollection of

Lord Brougham

their Lordships, a Commission was issued to inquire into the subject of the registration of the transfer of lands; that Commission had not yet reported, though he had reason to know that it had prepared the draughts of a Bill or Bills to be laid before Parliament on the subject which were founded on the recommendations to be contained in their Report, and the object of which was to give Parliamentary titles in certain cases, as was done by the Incumbered Estates Court in Ireland. In the meantime it was his intention to ask the Legislature to effect a minor reform in the same direction, to render extremely simple mortgages of land by means of registration. Their Lordships were aware that there was at work at the present moment a Commission for the consolidation of the statute law. Nobody unacquainted with the subject could comprehend half the difficulties which beset it, but the Commission had succeeded in consolidating the whole criminal law, and Bills similar to those which he had laid on the table on the last day of the previous Session would be introduced for the purpose of effecting that consolidation. He should also ask their Lordships to refer the second Report of that Commission to a Select Committee, in order to consider the proposition in that Report for the adoption of means to improve the manner and language of current legislation. The Member who introduced a Bill was generally so glad to have it passed, that he consented without difficulty to any alteration that was proposed in it; and the result was, that, when the measure became law, its various provisions were found not to dovetail together. Moreover, the language of the statutes was frequently discrepant, leading to uncertainty as to its meaning. What the Government, therefore, proposed was, that there should be an officer appointed—who should be a very able lawyer—and whose duties would be to report, when called upon, on every Bill introduced for the alteration of the law; to explain exactly what its effect was, what was its bearing on the existing law, and generally to put the whole statute in order. And further, after a Bill had gone through Committee, the House should refer it, if it thought fit, to this officer to examine and state the alterations it had undergone in passing that ordeal, and also to point out how far those alterations affected its general tenor, and how far they affected, if it did affect, the general tenor of other laws. Of course, this officer would have it in

his power to offer suggestions for improving the language of an Act; and it was to be hoped that the result would be to render our statutes more clear, less verbose, and more in harmony with the ordinary language of mankind. Another part of the same officer's duties would be to classify the various Acts passed within the year. His functions would, of course, be at first tentative; but, no doubt, as they became generally more defined, they would prove highly useful. Before concluding, it was right also to mention that his right hon. Friend the Home Secretary intended to introduce a measure into the other House on the subject to which a noble Lord had alluded—namely, that of secondary punishments. Having made these announcements, he trusted their Lordships would not think that the Government had been idle during the recess in the important matter of the amendment of the law.

Question put, Whether the words proposed to be left out shall stand part of the Motion?

Their Lordships *divided*.—Content 45; Not Content 12: Majority 33.

List of the CONTENT.

Lord Chancellor.	Llandaff
DUKE.	London
Argyll	St. David's
MARQUESSSES.	
Aylesbury	BARONS.
Lansdowne	Belper
EARLS.	Broughton
Airlie	Camoys
Abingdon	Crewe
Besborough	Cremorne
Clarendon	De Tabley
Cork	De Mauley
Cowper	Dufferin
Granville	Foley
Ilarrowby	Glenelg
Shelburne	Hatherton
Spencer	Lilford
VISCOUNTS.	Lyndhurst
Falkland	Lytelton
Sydney	Methuen
Torrington	Panmure
BISHOPS.	Saye and Sele
Bath and Wells	Stanley of Alderley
Chester	Truro
Down	Vivian
Gloucester	Wenlock

List of the NOT CONTENT.

MARQUESS.	Grey
Bath	Leitrim
VISCOUNT.	BARONS.
Dungannon	Bateman
EARLS.	Cloncurry
Aberdeen	Lifford
Carnarvon	Ravensworth
Eglinton	Wynford.

Resolved in the Affirmative.

Then the original Motion was *agreed to*; and a Committee appointed to prepare the Address. The Committee withdrew; after some time, report was made of an Address drawn by them, which being read, was *agreed to*; and ordered to be presented to Her Majesty by the Lords with white staves.

[For the Address, see p. 14.]

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 3, 1857.

MINUTES.] NEW WRITS (*during Recess*).—For Suffolk (East), *v.* Sir Edward Sherlock Gooch, bt., deceased; for Lanarkshire, *v.* Colonel William Lockhart, deceased; for Salford, *v.* Joseph Brotherton, esq., deceased; for Downpatrick, *v.* Hon. Charles Stewart Hardinge, now Viscount Hardinge.

NEW MEMBERS SWOEN.—For Kerry County, Viscount Castlerosse; for Nottingham Town, Charles Paget, esq.; for Suffolk (Eastern Division), Lord Henniker; for Lanark County, Alexander Dundas Ross Wisheart Baillie Cochran, esq.

NEW WRITS (*now Ordered*).—For Greenwich, *v.* Peter Rolt, esq., Steward of Hempholme; for Hertford Borough, *v.* Right Hon. William Francis Cowper, Vice President of the Committee of Privy Council for Education; for Limerick County, *v.* Right Hon. William Monsell, President of the General Board of Health; for Aylesbury, *v.* Sir Richard Bethell, Attorney General; for Buteshire, *v.* Right Hon. James Archibald Stuart Wortley, Solicitor General; for Southampton Town, *v.* Sir Alexander James Edmund Cockburn, Chief Justice of Court of Common Pleas; for Newport, *v.* William Biggs, esq., Chiltern Hundreds; for Clonmel, *v.* John O'Connell, esq., Clerk of the Crown and Hanaper in Ireland; for Dumfriesshire, *v.* Viscount Drumlanrig, now Marquess of Queensberry, a Peer of Great Britain; for Kent (Western Division), *v.* Sir Edmund Filmer, bt., deceased; for Bandonbridge, *v.* Viscount Bernard, now Earl of Bandon, a Peer of Ireland.

PUBLIC BILL.—1° Outlawries.

The House met at half after One o'clock.

Message to attend The LORDS COMMISSIONERS; The House went; and being returned—

MR. SPEAKER reported The LORDS COMMISSIONERS' Speech, and read it to the House.

ADDRESS IN ANSWER TO THE SPEECH.

SIR JOHN RAMSDEN: Sir, the Speech which Her Majesty has graciously addressed to us to-day contrasts so favour-

ably with those to which we have been accustomed during the last three years, both in what it communicates and what it recommends to Parliament—the assurance of peaceful relations with all the great Powers of Europe is so agreeable a change from a call to war—the prospect afforded by diminished armaments, of a lightening of those burdens of taxation which war had imposed, and the injunction to address ourselves once more to those measures of domestic improvement which the war had interrupted, must be so gratefully and loyally responded to by this House and by the country that I can hardly charge myself with presumption in anticipating an unanimous assent to the Motion I am about to make—that we should present a humble Address to Her Majesty, conveying to Her Majesty our Thanks for Her gracious Speech, and our assurance that we will diligently and patriotically address ourselves to the consideration of those subjects which she has recommended to our attention. Her Majesty communicates to Parliament the result of recent diplomatic transactions at Paris—the sequel of the negotiations which were about to be commenced when Parliament assembled last year. At that time it was scarcely known whether we were at war or at peace. Her Majesty then announced to us that overtures for peace had been received, but at the same time wisely counselled increased preparations for war. For whether those overtures of peace on the part of an enemy we distrusted were or were not sincere,—whether the struggle in which we were engaged was to continue, thereby largely augmenting the burdens and sacrifices of our people, or whether it was then about to terminate,—whether the most efficient army that had ever left our shores was to go on to fulfil its mission, and permanently to weaken that Power we had undertaken to restrain, or whether that Power, by a well-timed and skilful retreat from an untenable position, was to evade the impending blow—all these were matters of speculation upon which the wisest among us spoke with doubt. But those negotiations were terminated, contrary to the expectation of most—contrary, I think I may say, at that time and in the then state of the contending Powers, contrary even to the wishes of many, those negotiations were terminated by the treaty of peace which was concluded at Paris in March last year—and although the terms of that peace were deemed by the people

of England—and I think justly deemed—more favourable to our weakened enemy than the relative condition of the combatants entitled him to expect, and although some disappointment was felt by England that the decisive blow for which she had gathered up her strength could not be struck, yet there was no hesitation on the part of a generous and peace-loving nation in at once adopting that treaty which the Sovereign had been advised to ratify, and the more so, because in the very moderation of the terms of peace the British nation saw, as it believed, the best guarantee for their strict and honourable fulfilment. It is not for me to say how far those just expectations—that generous confidence has been borne out by events; but I must confess that, during the recess, I did hear with surprise of those doubts and difficulties as to the construction of the treaty to which Her Majesty refers. I heard with surprise of questions raised about Bolgrad and the Isle of Serpents, and of the strengthening of the British fleet in the Black Sea; and, above all, I heard with a feeling almost of dismay that a second Conference was to be held at Paris for the resettlement of those questions for which we had rejoiced and illuminated, under the innocent misapprehension that they had been settled many months before. But whatever may have been the misgivings which, in common with many others, I may, I think, be pardoned for entertaining at that time, they serve now but to enhance our obligations to those who have prevented their realisation. It must be admitted that the position of the British Cabinet when that second Conference was forced upon them was one of grave difficulty and grave responsibility; and if, as I believe, it required great ability and firmness to secure even the terms of the treaty of last year, I think we may infer that it has required equal ability and still greater firmness to enforce their execution now. It cannot be in the power of any Minister to provide against the attempted misconstruction of the most solemn treaty, but it may be in his power, and then it is his duty, to defeat such attempt when made. Some concessions may, indeed, be necessary to preserve harmony with an Ally who asks no sacrifice of principle; but that which tests the character of a statesman is his ability to distinguish between what may be conceded with honour, and what must be retained—and so long

as the points at issue were vital points, I rejoice to think that if other Powers wavered in the construction of the treaty, England did not: and I am sure that in this House, where the honour of our public men and of our country are held to be inseparable, it must be a matter of pride to all sides of the House, that in these recent negotiations we had a Minister of England with the courage to proclaim that, though we valued our alliances, we were not dependent on them; and who, appealing to his countrymen whether the execution of its terms should not be the condition of that peace which England, in the fulness of her strength, conceded to the exhaustion both of enemies and Allies, received to that appeal an answer so prompt and so intelligible to foreign Cabinets, as at once to dispel their doubts, and leave to the baffled diplomatists at Paris no more onerous task than formally to record a settlement which they had been spared the trouble of accomplishing.

Her Majesty informs us that, in conjunction with the Emperor of the French, She has tendered friendly counsels to the King of the Two Sicilies, which have not been received in a corresponding spirit, and that in consequence diplomatic intercourse between the Courts of Great Britain and of Naples has been suspended. Her Majesty has also to deplore the outbreak of hostilities between the British Government and those of Persia and China. I do not hold, Sir, because the monarchy of Naples is miserably feeble, or because any resistance that can be offered by Persia or China to British arms may most easily be overcome, that on that account the questions involved in these differences are unimportant. On the contrary, I think that important principles may be involved, and that very large results may follow. But, as the information which the House at present possesses on these subjects is very imperfect, and as Her Majesty has ordered the papers to be laid before us, I am sure I am only adopting that course which the House will desire to follow, in refraining from any opinion upon transactions on which, in our present state of ignorance concerning them, it would be imprudent, and it might be unjust, to pass any judgment, anticipating that more complete and satisfactory discussion which must ere long ensue.

Passing from foreign to domestic topics, Her Majesty's Speech suggests to us the duty of reducing, as far at least as the na-

tional requirements will allow us to reduce, the public expenditure, with a view to the lessening of taxation. This is a duty at all times most grateful, but especially so now from our recent experience of the patience, the spirit, and the patriotism with which the poorest taxpayers in this country have welcomed their share of the burdens of a just war—a spirit the more commendable when we remember how sensibly they are affected, daily and hourly, in their homes and comforts, by what might appear to the majority of us an almost imperceptible increase or diminution of taxation. Now, Sir, whether the expectation be reasonable or not, it is one very generally entertained, that relief from war is to be followed by relief from taxation—and however inconvenient to the Chancellor of the Exchequer to admit it, or however difficult to act upon it, relief in some form or other is inevitable. But when it devolves upon the Chancellor of the Exchequer to devise how this relief is to be apportioned among us, I fear the prospect before him is not a cheering one. It is a matter of dispute, I have been told, among those most experienced in this House, and not yet, I believe, agreed upon, whether a Chancellor of the Exchequer with a surplus or a deficiency is in the least enviable predicament. A Chancellor of the Exchequer with a deficiency has one great advantage—he is an object of envy to none, but rather of pity to all. His misfortunes beget him many friends who sympathise with his sorrows and benevolently assist his struggles through them. But a pampered Chancellor of the Exchequer, expanding and glowing with a surplus, can expect no friends, and if I might venture, without appearing to fail in that respect which I unfeignedly feel both for him and for this House, to find a similitude for a Chancellor of the Exchequer so situated among us, I should say that he reminded me of a prize ox in the presence of a council of butchers. In what particular portion of his fat each judge may stick his knife we cannot yet say, but this we do know, that as soon as he is exhibited he is sure to be cut up. I am therefore disposed rather to condole with my right hon. Friend on the perils attendant on his good condition. His will be the very difficult task of reconciling large concessions with a persistence in large demands—of making large reductions, and yet retaining the means of a large expenditure; and especially as regards our military establishments, he will have to

bear in mind that while great armaments are viewed with jealousy in time of peace, small ones are inadequate to the security of extended possessions. The experience of the late war will, however, give the Chancellor of the Exchequer a great advantage in the lesson it has taught both to Parliament and the country. But if, on the one hand, there will be no renewed clamour for greatly reduced establishments, neither, on the other hand, shall we be satisfied that the Government has provided us a sufficient army, because the Estimates provide for a numerous force of men. That a very considerable and a very expensive army must be kept up by England no rational man can doubt. It is not that we would rival or imitate the continental systems, where great armies are maintained to impoverish the subjects, against whom they protect their Governments. But we cannot forget that Great Britain has territories to be watched and subjects to be defended in every quarter of the globe, and that from her vast wealth, and the enterprising character of her commerce, with establishments on every land and ships on every sea, she must be brought into constant collision with other States and that vulnerability on countless points is one of the conditions of her growing greatness; and we must also remember, and we cannot remember it too often or too well, that the defenceless state of a rich nation is a perpetual incentive to aggression, and that preparation for war is the surest guarantee of peace. On these grounds, I would venture to predict that there will be no desire on the part of the House of Commons to demur to the necessary expenditure on our naval and military establishments. A large expenditure on these heads is not only a necessity but a duty; and the Minister who shrank from its performance would be unworthy of his post. But what we do ask is, that whatever sums are spent on our public establishments shall be well spent; that the nation shall receive a full equivalent for its outlay, that every department shall be conducted with the greatest combination of economy and efficiency, and that every improvement which modern science has made known shall come in aid to perfect our military system. Considering the materials of which a British army is composed, the heroic prowess and stout English heart of the private soldier, the spirit of chivalry which animates our officers to deeds of sublime devotion, the generous sympathy

Sir John Ramsden

with which the nation follows and ministers to its gallant defenders, and the wealth of the country which needs leave nothing unprovided to perfect its condition, it is not too much to expect that the British army should be, as far as its numbers go, the model army of Europe—not only in its material, but in its system—a judicious system of promotions and rewards, open to all, and inspiring the emulation of all—the commander, relying on the invincibility of troops animated by the noblest spirit, and they, in their turn, following with increased enthusiasm a general who owed his elevation to the highest post of responsibility and honour to no other qualities than those which endear him to the soldier, and prove his capacity to command.

Her Majesty informs us, in Her gracious Speech, that She has ordered measures to be prepared and submitted to us on various important subjects of domestic legislation—for the consolidation and amendment of the law and other matters of domestic and financial interest. It is one of the conditions, and not the smallest of the calamities of war that it arrests those internal improvements upon which the well-being of a people so much depends; but I rejoice to find that the forthcoming budget of Ministerial measures promises an attempt to wipe off some arrears. But, Sir, there is one important, and I think pressing topic, of which we look in vain for some mention in the Ministerial programme, and the omission of which must, I think, cause some regret. I allude to the question of our convict and criminal population. It is a question upon which public feeling has been much and very justly roused. Now, making full allowance for that exaggeration to which insecurity and terror must always give rise, and attributing to the ticket-of-leave system and the early release of unreformed criminals only a fraction of the crimes which are charged against them, there is still sufficient in facts daily undisputed—in the testimony of magistrates—in the protests of our judges—and in the statistics of our gaols and prisons, to enable us to say that the experiment, under which the country is trembling and suffering, has been carried on long enough, and if, from the many difficulties by which the subject is undoubtedly surrounded, Her Majesty's Ministers do not see their way to propose any measure for our consideration, I trust that ere long some Member of this House will take

the question up, and give us an opportunity of expressing our sentiments upon a state of things which I cannot but feel is as discreditable to the Legislature as it is grievous to the community. But, whatever may be the measures which Her Majesty's Government may have to submit for our consideration, it must be acknowledged that the circumstances of the country are eminently favourable to their full and impartial discussion. Not only have we peace with all the great Powers abroad, but unparalleled prosperity and tranquillity at home. If we look to agriculture, we find that those evils which were apprehended from free trade have given place to a prosperity scarcely known in the best days of protection; and, at the same time, the steady employment and good wages enjoyed by the manufacturing population has enabled them to bear the high price of food with comparative ease; while their privations are no longer embittered by the thought that they result from the arbitrary provisions of a law imposed for the benefit of a law-making class.

If we turn to the commercial classes, we see the evidence of a yet more singular prosperity—of a trade growing with a rapidity beyond all precedent; and this is the more remarkable when we consider the character of the contest from which we have just emerged, and compare our own condition with that of the other Powers engaged—their strength exhausted, their finances disorganised—while the peace came only to arrest the development of our resources, and our commerce, uninterrupted by the war, springs forth with redoubled vigour and elasticity the moment its obstructions are removed. In this House, too, we cannot be insensible to the advantages which the Ministers derive, in the present Parliament at least, from the obliteration of many of those party distinctions and asperities which long stood in the way of fair discussion. A higher spirit now animates rival parties to unite in measures of public advantage, and uphold the reputation of our public men. For the conviction is daily more forced upon us by events abroad that the personal purity and unblemished character of the Ministers of the Crown, from which ever party they may be selected, is the nation's best security as well as her proudest possession. But while we acknowledge and are grateful for the advantages which as a nation we enjoy, we must not as legislators overlook the lessons which they

teach, and the responsibilities which they cast upon us. We are a free and a prosperous, because we have been a progressive people; and in progressing, improving, and reforming, lies our only safety. I feel confident that it is on this principle that the Government of the noble Lord will base their policy, not upon the false, mistaken, and dangerous principle of postponing reforms till they become revolutions; but upon the principle of looking forward in time, ever anticipating danger by timely concession, making changes when they are needed, not waiting till they are angrily demanded. Any one looking back to the legislation of the last few years must observe how many of our reforms have been the offspring of agitation. What is that, Sir, but a rebuke to the short-sightedness of our rulers, who have not sufficiently perceived that reforms are only safe in proportion as they are well considered and temperate, and that they can only be well considered and temperate when they result from the convictions of statesmen, and are not extorted by pressure from without? Acting, then, on these principles, adhering in our foreign policy to that rule which appears to me to have been laid down by the noble Lord, joining firmness with conciliation in our dealings with foreign States—jealous of the honour—watchful of the interests of our country, but showing an example of dignity and forbearance, as was exhibited, with the full approval of Parliament and the country, in the case of America last year—showing an example of dignity and forbearance where peace may be preserved without material sacrifices; and in our domestic legislation, proceeding ever with earnestness but with caution to repair and strengthen those institutions of which we are justly proud—pursuing this course in a calm and patriotic spirit, we may indeed hope that that blessing from above which Her Majesty invokes may rest upon our labours, and that we may be enabled to hand down to another generation, uninjured and unimpaired, those institutions at home, that extended empire abroad, which is not only the glory of England, but, as the harbinger of civilisation and freedom, a blessing to the world. The hon. Baronet concluded by moving to *resolve*—

“That an humble Address be presented to Her Majesty, to convey to Her Majesty the thanks of this House for the

Gracious Speech which Her Majesty has commanded to be made to both Houses of Parliament :

“To thank Her Majesty for assuring us that Her Majesty has great satisfaction in recurring again to the advice and assistance of Her Parliament :

“To thank Her Majesty for informing us, that difficulties which arose in regard to some of the Provisions of the Treaty of Paris delayed the complete execution of the stipulations of that Treaty, but that those difficulties have been overcome in a satisfactory manner, and the intentions of the Treaty have been fully maintained :

“Humbly to thank Her Majesty for informing us, that an insurrectionary movement which took place in September last in the Swiss Canton of Neuchâtel, for the purpose of re-establishing in that Canton the authority of the King of Prussia as Prince of Neuchâtel, led to serious differences between His Prussian Majesty and the Swiss Confederation, threatening at one time to disturb the general Peace of Europe :

“To thank Her Majesty for informing us, that, in concert with Her august Ally the Emperor of the French, She is endeavouring to bring about an amicable settlement of the matters in dispute, and that Her Majesty entertains a confident expectation that an honourable and satisfactory arrangement will be concluded :

“To convey to Her Majesty our humble thanks for informing us, that in consequence of certain discussions which took place during the Conferences at Paris, and which are recorded in the Protocols that were laid before us, Her Majesty and the Emperor of the French caused communications to be made to the Government of the King of the Two Sicilies, for the purpose of inducing him to adopt a course of policy calculated to avert dangers which might disturb that Peace which had been so recently restored to Europe :

“That we learn with regret that the manner in which those friendly communi-

cations were received by His Sicilian Majesty were such as to lead Her Majesty and the Emperor of the French to discontinue their diplomatic relations with His Sicilian Majesty, and that they have, accordingly, withdrawn their Missions from the Court of Naples ; and to thank Her Majesty for having directed that Papers relating to this subject shall be laid before us :

“To thank Her Majesty for acquainting us that She has been engaged in negotiations with the Government of the United States, and also with the Government of Honduras, which She trusts will be successful in removing all cause of misunderstanding with respect to Central America :

“To thank Her Majesty for the assurance that Her Majesty has concluded a Treaty of Friendship and Commerce with Siam, which will be laid before us :

“To assure Her Majesty that we participate in the expression of Her regret that the conduct of the Persian Government has led to hostilities between Her Majesty and the Shah of Persia, and that the Persian Government, in defiance of repeated warnings, and in violation of its engagements, has besieged and captured the important city of Herat :

“To thank Her Majesty for informing us, that a British Naval and Military Force, despatched from Bombay, has taken possession of the Island of Karrack, and of the Town of Bushire, with a view to induce the Shah to accede to the just demands of Her Majesty's Government ; and that we learn with satisfaction that the Naval and Military Forces employed on this occasion have displayed their accustomed gallantry and spirit :

“Humbly to thank Her Majesty for informing us that acts of violence, insults to the British Flag, and infraction of Treaty rights committed by the local Chinese authorities at Canton, and a pertinacious refusal of redress, have rendered it necessary for Her Majesty's Officers in China to have recourse to measures of force to obtain satisfaction :

“To thank Her Majesty for informing

us that those measures had, up to the date of the last accounts, been taken with great forbearance, but with signal success, as regards the conflicts to which they had led, and to assure Her Majesty that we concur with Her Majesty in trusting that the Government of Pekin will see the propriety of affording the satisfaction demanded, and of faithfully fulfilling its Treaty engagements :

“To thank Her Majesty for having directed that the Estimates for the ensuing year shall be laid before us, and for the assurance that they have been prepared with every attention to economy, and with a due regard to the efficient performance of the Public Service at home and abroad :

“Humbly to thank Her Majesty for acquainting us that Bills will be submitted to our consideration for the consolidation and the amendment of important portions of the Law, and to assure Her Majesty that we will give our earnest attention to matters so deeply affecting the interests of all classes of Her subjects :

“To assure Her Majesty that we will take into our careful consideration the expediency of renewing for a further period the privileges of the Bank of England, the conditions imposed on the issue of Bank Notes in the United Kingdom, and the state of the Law relating to Joint Stock Banks :

“That we participate in the gratification which it affords Her Majesty to witness the general well-being and contentment of Her People, and to find that, notwithstanding the sacrifices unavoidably attendant upon such a war as that which has lately terminated, the resources of the Country remain unimpaired, and its productive industry continues unchecked in its course of progressive development :

“Humbly to thank Her Majesty for informing us that Her Majesty commits with confidence the great interests of the Country to our wisdom and care, and in common with Her Majesty we fervently pray that the blessing of Almighty God may attend our deliberations, and prosper

our councils, for the advancement of the welfare and happiness of Her loyal and faithful People.”

SIR ANDREW AGNEW said, he could assure the House that it was with very great diffidence that he rose to second the Address so ably and eloquently proposed by the hon. Mover, but, even in the short Parliamentary experience which he had enjoyed, he had always observed the great indulgence which the House extended to Members who, like himself, rose, not to gratify their own loquacity, but to fulfil a necessary duty which they had undertaken. He would bespeak, therefore, a full share of that indulgence for himself on the present occasion, and though he felt how inadequate he was to the proper discharge of the duty he had to fulfil, he nevertheless trusted the House would unanimously accept the Address which had been proposed. He would at once assure hon. Members that he would not detain the House more than a few minutes, and he certainly should not exceed the limit which the hon. Member for Lambeth (Mr. Wilkinson) had judiciously proposed should be the extent of Parliamentary speeches on ordinary occasions. He would now proceed to make some observations on the different paragraphs of the Queen's Speech, though he was aware he could not do so with the same effect and eloquence as the hon. Gentleman who preceded him. It must have been a subject of great regret to all to have seen that not only great difficulties were thrown in the way of the fulfilment of the treaties with Russia, but that even our great Ally the Emperor of the French, who stood by us in the hour of danger and trial, seemed at the last moment inclined to give way to the demands of Russia, who desired to recede from the performance of the moderate arrangements which this country, after the great amount of blood and treasure it had expended, was, he considered, fully entitled to insist on. The great point to be gained was to cut off Russia from all contact with, and all authority over, the Danube, and that point, notwithstanding some trifling concessions made to Russia in respect to territory, amounting to about 110 square miles of country, had been secured. Russia was thus separated from contact with the Danube, which had consequently been rendered a great highway open to the merchant vessels of every country, unannoyed by the gunboats of Russia and those ab-

surd impediments she placed in the way of the free navigation of that river. He should next advert to the subject of Neuchâtel. It might be in the remembrance of hon. Members that in 1848 the inhabitants of Neuchâtel threw off their allegiance to the King of Prussia, and established a republican form of government. This Government had been recognised by the European States, and, notwithstanding that the King of Prussia asserted his rights, was considered almost as established; and though the Government of the day, in 1852, allowed a protocol to be signed recognising the rights of Prussia, it, however, gave him no power to act on them. The King of Prussia, indeed, never acted on them, but in last October some of his partisans rose and were put down by the force of the Government of Neuchâtel. These persons were detained in custody to be tried on a charge of treason. The King of Prussia remonstrated against the trial, and demanded that they should be set at liberty. This was refused, and the Emperor of the French seemed inclined at one period to take the part of the King of Prussia. At last the dispute was satisfactorily arranged, Neuchâtel making the concession of setting the prisoners free; they receiving, in fact, a sort of ticket of leave, being conveyed across the frontier to the French territory, while the Governments of England and France promised to use their best endeavours to induce the King of Prussia to renounce all his rights, or supposed rights, over the State of Neuchâtel. This policy was, without doubt, both necessary and wise; for it would be quite inconsistent with the peace of Europe that the King of Prussia should put in march 130,000 troops to seize the Swiss provinces north of the Rhine. If Prussia had succeeded in her design, a principle would have been established which no politician in this country could have assented to; and if her troops had been defeated by those hardy sons of freedom, the result might have been that the whole of Europe would be involved once more in the flames of war. Her Majesty's Government had thought it right to remonstrate with the Government of Naples; the state of things in that country was a scandal to the civilised world. They all recollected that the wretched assassin Milano had justly forfeited his life to the law; but it was to be regretted that any Sovereign in Europe should add the barbarity of torture to the punishment of death. He, therefore, con-

sidered that in consequence of the ill-advised obstinacy of the King of Naples, Her Majesty's Government had acted quite right in withdrawing all diplomatic connection with a Monarchy which acted so unworthily. With regard to Persia, the Government was subject to several pressures. It was on the one side said that Her Majesty's Government should be urged to act with greater courage, while another party declared that the Government ought not to interfere at all. Then Her Majesty's Government had sometimes to contend with a third party, which might be termed the pressure from within, but he (Sir Andrew Agnew) certainly thought the Government should be supported in their measures for preventing the Persians holding Herat. At that moment Russia had established a great arsenal on the east side of the Caspian Sea, and a road had been made from Astrabad, which would render Persia little more than an appanage of the Russian Empire. It was no visionary idea that Russia had for a long series of years endeavoured to extend the limits of her dominion eastwards, and it was evidently the interest of England to take care that Herat should not be made the basis of operations for a Russian army, as the British Empire in the East might be thereby seriously menaced. The Speech from the Throne had very properly adverted to the importance of maintaining our public services both at home and abroad in a state of efficiency. He was sure that it was a subject of very great regret to many Members of that House that a few persons, and those on the Liberal side of the House, were continually urging upon the country the reduction of all our military establishments, and constantly engaged in advising the country to adopt a most illiberal policy, the effect of which would be the disbanding of our armies, and the surrender of that influence which we were justly entitled to hold in the affairs of the world. They would even give up the influence which we held abroad, and would rather sacrifice our power than take any measures to maintain it. Had none of those hon. Gentlemen ever reflected that a standing army must be kept on foot by great nations; and the wider our territory extended, the larger must be our line of defence? They had also told us that we should rely upon an immense militia as a means of defending our country. Those persons must certainly not have recollected that if we should dis-

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pense with our standing army and have recourse to a militia as a means of defence, a vast number of those who were at present engaged in the factory and the workshop would be compelled to withdraw themselves therefrom from time to time, in order that they might be trained to a military life, which was distasteful to a great portion of the people of this country; and it was impossible to expect that those militiamen would be able to contend with the disciplined armies of the Continent. We should, therefore, be reduced to a second-rate, and, indeed, to a third or fourth rate Power. It would be presumptuous in him to make any remarks upon the legal reforms which Her Majesty had been graciously pleased to inform them would be submitted to their consideration during the present Session. There were many learned Gentlemen in the House who would doubtless beguile many a tedious hour during the ensuing Session by referring to those precedents which affected those various questions, and who would convey that information respecting them of which unlearned Members of the House stood so much in need. He had now, as it appeared to him, adverted, but he was aware in a very ineffective manner, paragraph by paragraph, to all the topics which were suggested by Her Majesty's Speech; and he would merely say in conclusion that as our great war with Russia was at an end, and the treaty had been signed, there was much cause for thankfulness. But yet the political horizon was darkened and no one could tell at what moment the thunderbolt might fall, and the advice that he would suggest was, that we should always be prepared for any emergency. When the fate of armies and (with their armies) the fate of nations trembled in the balance—when all shrank from power and responsibility—one man was found who was not afraid to put himself at the helm of affairs. We put our trust in him at a moment of danger and difficulty, and we had not been disappointed—should we not trust him still? He (Sir A. Agnew) trusted that England might continue to pursue that policy which had hitherto characterised her, and that she would not be induced by any selfish considerations to overlook the cause of oppressed nationalities, and, above all, that she would not surrender that place which she was entitled to hold among the great commonwealth of nations and the councils of the world. The gracious Speech which had just been

read was not inconsistent with those views; and now all that remained for them to do was to offer their support to the policy indicated by that Speech. Let it be steadily carried out, and generously supported, and then he might confidently predict that, with the blessing of Divine Providence, the star of England would still be in the ascendant, that the flag of England would float, not only over two small islands, but over a world-wide empire; that the influence of England, respected and increasing, would be felt over the wide circle of the civilised globe; that that influence would be exerted in the cause of the oppressed, for the spread of religion, for the development of commerce and of knowledge, and that that influence would be associated with ideas of progress, of humanity, of liberty, of order, and of peace.

Motion made, and Question proposed, "That," &c. [See p. 94.]

MR. DISRAELI: I confess, Sir, that when I listened to the speech of the hon. Mover of the Address, who has to-night spoken with an ability which, from the mode in which he addressed you on a former occasion, did not surprise me, I was for some time inclined to believe that the hon. Gentleman had a copy of the Queen's Speech in his possession very different from that which I had had the opportunity of perusing; and which, until that moment, I had supposed to be an authentic document. The hon. Baronet informed us that the Speech which was on this occasion delivered by the Royal Commissioners contrasted very favourably with the Address to which we have for the last two or three years listened on similar occasions. For example, that it conveyed to the House the gratifying information that Her Majesty had received from all the great Powers of Europe assurances of their continued friendship and good-will; but that is an expression which I have not found in the copy of the Speech which has been placed before me. The Speech described by the hon. Baronet also promised to the people of this country, as I caught from his lips, a reduction of taxation. That also is a promise which unfortunately has been omitted, I am afraid from some sinister motive, from the copy of the Speech for which until this moment I was personally grateful to the distinguished person to whom I am indebted for it. The Speech described and quoted by the hon. Member also held out, as he informed us, a series

of measures of domestic amelioration, the necessary consequence of our now enjoying the blessings of peace. But that also is a promise which is not held out in the Speech which I have read to-day. Sir, it is often said that a Queen's Speech is not in the whole so instructive and so impressive a document in general as an expression of opinion and a statement of facts coming from such a quarter and delivered amidst such imposing circumstances might naturally be expected to be. But when I read the Speech which was delivered by the Royal Commissioners to-day, and which I had been led to believe was an authentic copy, I found it seemed to me that there was enough in that Speech to set the people of this country a-thinking, and to produce a very great impression on the public opinion of these kingdoms. Sir, I think it is hardly a year ago since we indulged in the idea, little dreaming that it was a delusive one, that we had terminated a great struggle, and by the termination of that struggle had laid the foundation of a prospect of a peace more favourable probably on the whole than any that had been offered to this country since the settlement of the year 1815. Now let the House for a moment recall to its recollection the circumstances under which the Treaty of Paris was concluded. Our foe, deemed so powerful, and who had actually proved himself to have been so powerful, had been completely baffled in the project of aggression and aggrandisement which he had contemplated and attempted to accomplish. It has been said—I know not with what authenticity—that the late Emperor of Russia declared he would not accede to the terms of peace which had at one period of the war been offered to him, until he had lost his last man and his last rouble. That position of the head of the Russian Empire was in fact realised—to that state the Russians were reduced. Great as might have been the Emperor's want of the sinews of war, the exhaustion of his country with respect to men was still more decided. Our foe was, therefore, utterly discomfited and defeated, and yet he retired from that great contest with dignity and without that humiliation which might, under the circumstances in which he was placed, have naturally been expected. I know there were many people at the time who alleged that these were facts which should render us indisposed to approve of the settlement which had been come to, and which, as they thought, was but little

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favourable to a continuance of that tranquillity we had gained at so great a sacrifice. But, Sir, in my opinion, these were circumstances eminently favourable to the maintenance of peace. Russia had been defeated in her object. That object had been disapproved of by many of the most eminent of her statesmen; the attempt to carry it into effect had originated in the strong will of her late Emperor; and it might be said that in the tomb of the Emperor Nicholas his ambitious policy had been interred. Through a fortunate combination of circumstances, the death of the Emperor Nicholas and the heroic defence of Sebastopol terminated that policy, and at the same time permitted the people of Russia to witness its termination without any loss of their self-respect. If the Russians had been deeply humiliated, if they had felt that the progress of the contest had diminished the respect generally entertained by Europe for their national character, they would naturally have become uneasy in the new position which they occupied, and you might have found in that circumstance elements of future discord or even of wars that must soon again be prosecuted. But, Sir, the very fact that the termination of the struggle had been accomplished without humiliation to Russia was an additional proof of the sincerity of her desire for peace, and an additional guarantee that she would respect the stipulations of that treaty into which she had entered.

Well, Sir, if we look at the condition of the two great military empires that occupy the centre of Europe, we find that at no former time perhaps were the arts of peace more vigorously prosecuted in those empires than they were during the very continuance of the late war. Both in France and Austria great public works were then undertaken; great banking establishments were then founded; the application and distribution of capital occupied the attention of the most influential classes, and even the mitigation of commercial tariffs was in each of those countries eagerly discussed and considered. If such were the disposition of those empires even when the war was being waged, we had a right to expect that when the war was brought to a conclusion they would have prosecuted those tendencies with increased earnestness and energy. With respect to our relations with the United States of America, I suppose that, in spite of some squabbling and blustering which prevailed upon

that subject, no sane man could have doubted that they must have continued to be of an amicable character. No one supposed that a war could break out between this country and the United States of America; or that the United States were about to declare war against any of the great nations of Europe. Now, Sir, if that were the condition of those four great Powers, what was the condition of our own country? Were we in a position which could tempt us to engage in any fresh war? We had a career open to the people of this country which had never before been opened to us. We were founding an immense colonial empire on a scale unknown in the history of man—a colonial empire of illimitable dimensions and of inexhaustible resources. We had a career open to our fellow citizens which ensured to us all the excitement and enterprise of war without any of the evils and the calamities by which war is inevitably accompanied. Well, then, under these circumstances, I should have said that any man whose opinion was worth anything, would have said that there was then a more solid and a more sound foundation as well as a surer prospect of a permanent tranquillity for this country than had been offered to us, as I have previously said, since the settlement of the year 1815.

That, Sir, is hardly a year ago; and I want to know what is the reason that we have been disappointed in our expectations. If we then entertained a reasonable view of our condition and our prospects, the country had a right to expect that we should have been favoured with the natural consequences of such a state of affairs. We had a right to suppose that Her Majesty's Ministers, after having weaned the mind of this country from the excitement which war always engenders, would no longer have permitted the attention of the people to be diverted and distracted from the consideration of our domestic affairs; that well-matured and well-considered measures of economical and administrative improvement would have been prepared during the recess and submitted to the consideration of Parliament, and that we should have been enabled to look forward to the attainment of that which is usually supposed to be a necessary consequence of peace—to a mitigation of the public burdens, so that the capital and the labour of the country might adapt themselves with increased energy to the opening which had been offered for their

employment. Sir, I want to know how it is that, instead of the Speech of Her Majesty graciously painting such a state of affairs, and holding out such prospects to Her Majesty's subjects, we have a Speech which is emphatically a Speech of "wars and rumours of wars." The whole Speech, with very slight exceptions, consists of references and allusions to foreign territories, and the exceptions are transactions of peril, of calamity, or such as indicate a want of confidence and trust in foreign Governments on the part of Her Majesty's Ministers, or at least some misunderstanding and want of good intentions between them. Now, Sir, I ask, is this the state of affairs that was expected by Parliament and the country when they heard that on the 30th of March last a treaty of peace had been signed at Paris? and if that be not the state of affairs that was expected, what is the cause of this altered condition that has entailed upon us the consequences to which I have referred? It is a very curious circumstance, and one to which I must allude, not merely because it is necessary to the result which I wish to put before the House, but also because the subject is brought under our consideration in the most marked manner in Her Majesty's Speech—it is a very curious circumstance, I say, that almost on the very day that the treaty of peace was signed at Paris by Lord Clarendon, when the very ink of his signature, I may say, was not yet dry, the seeds were sown by that very negotiator of new troubles and difficulties in Europe. Almost before, or immediately after, the treaty of peace was signed, the negotiators were assembled, and we find the representative of England doing the very thing which we had censured Russia for doing three years before, to punish her for doing which we had gone to war, and to prevent the repetition of which we had just negotiated peace; we find him counselling interference, and forcible interference, in the affairs of an independent kingdom. Now, it is a very remarkable circumstance that this happened almost the very day the treaty was signed. The treaty was signed on the 27th of March, and on the 1st of April we find the seeds are sown for a renewal of those difficulties in our foreign relations, a plentiful crop of which have appeared ever since, and which have resulted in two instances in absolute warfare. All these circumstances are of such recent occurrence, and every Gentleman I have the

honour of addressing is so familiar with all their details, that it is quite unnecessary for me to enter into any wearisome narrative for the purpose of bringing them at length under the consideration of the House. But I hope I may be allowed to recall your recollection, as succinctly as possible, to what happened with respect to our interference in Italy. It is unnecessary for me to stop to inquire what were the representations made by Her Majesty's Government by which the adhesion of Sardinia was obtained to the grand alliance of the Powers at war with Russia. I do not ask to know whether Her Majesty's Government engaged morally, if not legally, to Sardinia that they would terminate that position of affairs in Central Italy which was described by Count Cavour in a paper on our table as subversive of the necessary equilibrium of power in the Peninsula, and fatal to the independence of Sardinia itself. I do not wish now to inquire—we may perhaps find it necessary to do so on some future occasion—but I do not wish now to inquire what were the engagements, moral, if not legal, which were entered into between our Government and the Government of the King of Sardinia, by which that Power was induced to accede to the great alliance. But I must beg hon. Gentlemen to remember that in February or March last, when Lord Clarendon went to Paris, Count Cavour, the distinguished Minister of Sardinia, placed himself immediately in communication with the English Minister, and required to know what steps were about to be taken in order that Sardinia should receive her fair reward for the great and heroic efforts which she had made in the recent struggle, and that the independence of Central Italy should be vindicated and the security of Sardinia preserved.

The treaty of peace was signed on the 30th of March, and on the 8th of April, in consequence of a statement delivered by the Sardinian Minister, which is lying on our table, Lord Clarendon, after having induced the French Minister, of course formally, to open the affair, made that remarkable statement which appears in the protocols, and which is, indeed, a reproduction of the State Paper of Count Cavour. There, if you recollect, Lord Clarendon pointed to the abnormal state of Central Italy, occasioned by the occupation of foreign troops, and especially by those of Austria—the very subject on which Count Cavour addressed him—and not only

the abnormal, but the highly exceptional, state of the kingdom of Naples, an absolute interference in the affairs of which kingdom Lord Clarendon announced was not only a right but a duty. Now the House can vividly recollect all that has occurred since that moment with respect to the affairs of Italy; and I can assure them that it is of the utmost importance that they should bear them in mind. It was the spring. The country was expecting at that time to reap the fruits of a successful war, and of the conclusion of a treaty of peace, and yet, in consequence of the steps that were taken, and more especially by the English Government, with respect to Italy, no sooner had the Turkish difficulty or the Russian difficulty vanished, than an Italian difficulty appeared, which instantly engrossed the attention of this country, and indeed of Europe. How was it possible for men to recur to those domestic subjects which demanded consideration?—how was it possible to wean the public mind from the exciting considerations which war always suggests—when you were by every possible means impressing on the public mind of Europe, and more especially on the public mind of England, that a great struggle was about to take place in Italy—that the time had at length arrived when Italy was to be regenerated, and regenerated under the patronage of the great Powers of Europe? Why, you know that it became a question at one time whether we should not awake some morning and hear that an English fleet was in the Bay of Naples. That was an event expected by every Gentleman, whatever may be his political opinions, on either side of the House. We used daily to expect to hear that an English fleet had entered the Bay of Naples; and so serious had the aspect of public affairs and the temper of the public mind become upon that subject, that one of the most distinguished Members of this House, the noble Lord the Member for London (Lord J. Russell), at the end of the Session, felt it his duty to bring the question of the condition of Central Italy under the consideration of the House, while the noble Lord in doing so had very properly made the protocols of the treaty the foundation of his Motion. Now, observe that this agitation respecting the Italian difficulty, as it was called, commenced in the spring, and the whole of the spring, and a great part of the summer, were occupied by this exciting topic. The very fact that one of the most

distinguished statesmen in this House, at the very close of the Session, felt it his duty to bring the subject under the notice of the House, stamped it—if it wanted to be stamped—with additional gravity to that which the question in itself possessed. It became a matter of speculation what might be the consequence of the conduct of the Government of the noble Lord in entering into these protocols at Paris. Some found fault with the noble Lord, but they found fault with what they thought his too apparent rashness. Many gave him credit for very liberal feelings; and the Liberal party pardoned him some backslidings in his domestic policy on account of his highly-spirited interference with regard to the affairs of Italy, and especially with regard to the occupation of Central Italy by the Austrians. It then became a question whether a European war might not again be waged, and on a great scale, on the whole battle-field of Europe. Men had accustomed themselves to suppose that the Austrian army, which had not been exhausted by a Crimean campaign, would have to engage that heroic French army which had just gained such laurels in the East; and people used to conjecture whether Austria with her unimpaired resources might not be at least a match for France, exhausted as she was to some extent, but at the same time inflamed with the enthusiasm of a recent and memorable military triumph. But what I want to impress upon the House is that the consequence of all this was, that for six months the public mind of England was distracted and diverted from the consideration of its domestic affairs. No step was taken to reduce the large establishments which the war had called into existence. No measures of administrative or economical improvement could be listened to at a time when we might awake any morning and find the whole of Europe in flames, and Austria and France, in particular, engaged in active hostilities, by a renewal of that fatal rivalry which had already entailed on Europe so much desperate warfare, so many treaties, and so many congresses. We know now how slow Her Majesty's Ministers were to carry into effect that promise which they made of interfering in the affairs of Italy. We expected that the King of Naples was to be coerced into great concessions. We were in daily anticipation of a notification that an English fleet had entered the Italian ports, and that a French army had taken possession

of the territory of Central Italy. But will it be believed that all this time, while Lord Clarendon was listening to the passionate representations of Count Cavour, in which he impeached the very existence of Austrian rule in Italy—at the time when the noble Lord, unable to extricate himself from some fatal engagement into which he had entered with Sardinia, found it necessary to commence those protocols which have led to so much excitement, from which so much was expected, and on which were wasted, I may say, six months of the attention of the people of this country—will it be believed that at this very time a secret treaty was in existence guaranteeing to Austria the whole of her Italian dominions? [“Hear, hear!”] Sir, I do not state this by way of a cavil against Austrian skill. I admire the wonderful adroitness—I would even say the successful wisdom—with which Austria has managed throughout the whole of the late struggle to conduct her foreign relations. We have seen her reaping the fruits of victory without having entered into a campaign. But this was not sufficient, and Austria ended by gaining that which, I imagine, at no former period of her history her greatest statesmen could have ever supposed she could have accomplished. [Viscount PALMERSTON: What Power gave that guarantee?] What Power, says the noble Lord, gave that guarantee? It was given by the only Power that Austria fears in such a matter; it was given by France, and given not merely with the sanction, not merely with the approval of the noble Lord and his Government, but by their advice and at their special instance. The existence of a secret treaty cannot be denied, although it is mentioned now for the first time. England cannot cross the Alps. The Power that can cross the Alps, the Power that checks Austria in Italy, is the Power which, according to the representations of the noble Lord and of the noble Lord's Minister, was his partner in the great plan for the emancipation of Italy—the Power that was to aid him in effecting all those great objects for the accomplishment of which the noble Lord possessed the confidence of the Liberal party, who for that purpose pardoned his inattention to those internal reforms which they so sincerely and ardently desire. Now, Sir, I think this is a circumstance which throws some slight light on our relations with Italy. Read the protocol in which Lord Clarendon makes that memo-

nable statement with respect to the measures which he thinks ought to be pursued in Italy; read that protocol now that I have given you this key-note to the mystery, and then you will understand the profound contempt with which Count Buol listened to Lord Clarendon; then you will understand the scoffing derision with which the other Austrian negotiator, Baron Hübnér, listened to the representations of the English Government. They interfere to drive Austria from Central Italy, or to induce Austria to withdraw from the occupation of the Roman provinces! Why, Sir, the Austrian Ministers, with the guarantee of France for the security of all the Italian dominions of their Sovereign in their pockets, what did they care for these representations which were brought forward with such pomp in the House of Commons, and which were made the basis and the foundation of the confidence the noble Lord claimed from the Liberal party in this country?

When the noble Lord the Member for the City of London brought forward—with the authority which must always attend any Motion he makes, and with the consistency which became him upon such a subject—the state of Italy, and more particularly the occupation of Central Italy by the Austrians, I remember that, after he had listened to the answer of the noble Lord at the head of the Government, he stated that he considered that answer quite satisfactory; but I would ask the noble Lord the Member for London whether he now feels equally satisfied with that answer? I ask whether any man was justified in holding out to Italy, in holding out to England, in holding out to Europe, that he was sincerely determined to change the aspect of social and political life in Italy, and especially in the centre and the south of Italy, when at the same time he knew that he had mainly occasioned an instrument to be executed which would render the supremacy of Austria in Italy complete and universal? Now we know it; now I have had an opportunity of telling this to the House of Commons; and the fact has not been denied, as it could not be denied, by the noble Lord, who, until now, no doubt thought the secret was locked up in his own breast. But allow me to remind the House of what has happened in consequence of this ruinous imposture on the credulity of the country. How much time have you lost? what have you done for the advantage of Italy? I remember making

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some humble observations on the Motion of the noble Lord (Lord John Russell) last Session—observations not directed against the amelioration of the condition of Italy, an object which every man must desire—but addressed as a warning to the House not to interfere in Italian politics unless we had made up our minds to interfere with effect and activity. We did not interfere; we did not make up our minds to interfere actively. We had protocols; we had State papers; we had speeches in Parliament; we had Motions made by distinguished Liberal Lords, and sympathy expressed by numerous Liberal Members; and yet what has happened? Ruthless assassinations, unsuccessful insurrections, the death of many excellent and of some brave and distinguished men; but at the same time an aggravation of every evil of which you complain, and an exaggeration of all the misgovernment which you then denounced. You threatened the King of Naples; the King of Naples treated you with contempt, because the King of Naples, menaced by such a Power as England, with which he could not contend on equal terms, consulted the great Power near him, and which he regarded as his friend. Of course he consulted Austria. The King of Naples, I have no doubt, said something to this effect—"I count on the friendship of Austria, but I do not want to bring Austria, which has often been my friend, into dangerous collision with the great Western Powers. I see those Powers are determined now on effecting another revolution in Italy; I know they are taking every possible means to encourage the discontented and disturbing classes, but to have again a French army crossing the Alps, and English gold employed where her troops cannot appear, and her fleets in every place where they can be used, is too great a sacrifice to impose upon a generous ally, but nevertheless such is my situation—my independence as a Sovereign, although a weak one, is menaced; what am I to do?" "What are you to do?" said Austria, in reply,—“relieve your mind of all embarrassment upon the subject; no French army will cross the Alps except to maintain our authority, and to guarantee the possession of our dominions; make your mind perfectly easy; you will have no French troops and no English fleet here; the French and English are my best friends; they have given me the title-deeds to my estates; and do you vindicate your character as an independent

Sovereign." The King of Naples, of course, followed that advice; and how far the policy of the noble Lord at the head of the Government has redounded to the credit of England, how far it has promoted the interests of the Liberal party in Italy, how far it has tended to the amelioration of the condition of the people of that country, I leave the House to consider on some other occasion, when these questions may be again brought before us.

My object now is to show you how much time has been wasted, and how much expense has been incurred by this Italian difficulty, which followed so immediately upon the settlement of the Turkish difficulty. Here were months during which the people of this country did not, I maintain, enjoy the advantages of peace—during which they were led to believe that the state of Italy was such that insurrections and revolutions might happen at any moment in that country, and a war might break out between France and Austria, while all the time the whole affair was a great hoax, and led to no result beyond the unfortunate consequences to the Italians and the Sicilians themselves, and the withdrawal of the consideration of the people of this country from their own affairs, thus preventing any inquiry among us into the nature of our great military establishments, allowing a war taxation to continue unchallenged in time of peace, and retarding the progress of measures of economical and administrative improvement. Now, Sir, it is a very remarkable fact that there is always a difficulty in our foreign affairs. I have shown you how the spring and the summer were wasted, England having been led to expect that she was about to embark in a great war, although the condition of Europe was such at the time that we had never a surer prospect, unless under the worst possible management, of prolonged tranquillity. I thought that when our Minister had quitted Naples, and when it was evident there was no prospect that any ulterior measures would be taken in that quarter—I thought that a period of undoubted tranquillity had at length arrived. The Italian difficulty which the noble Lord had created he did not himself settle. It took the usual course; it was like the Rhine, which never met the ocean, but vanished in a mud bank. Generally speaking, the noble Lord extricates us from the embarrassments he has himself created, and that is his great claim to the public approbation.

Everybody always feels that in our foreign relations there is some immense difficulty; and, therefore, it is said that the noble Lord, the present First Minister of the Crown, ought to be in the place he now fills, because he is the only man to get the country out of that difficulty. But nobody carries the investigation a little further, or else it would invariably be found that the noble Lord is always the creator of every difficulty from which he extricates us. One would have thought at the end of the summer that at last we were to enjoy the blessings of peace, that Her Majesty's Government would then have taken advantage of the recess for the purpose of preparing those measures of internal reform which the country expected, that they would have occupied themselves with plans for reducing our military establishments, which had imposed so great a burthen on the country, and that when Parliament met they would be in a condition to enable the people of England, who had conducted a great struggle with extraordinary spirit and vigour, to reap the fruits of that spirit and that vigour in the enjoyment of the blessings of a peace which had been gained at so much cost, and which had been ushered in with so much promise. To my great surprise, instead of waking one morning and being told that the Turkish difficulty had been settled, that the Italian difficulty had been settled, I suddenly heard that there had never been peace—that there had only been an armed truce—that this country was about to be involved in a war upon the largest scale under circumstances of the greatest disadvantage, and without the co-operation of that generous and disinterested Ally to whom I thought we were bound by every feeling of gratitude and friendship. When Parliament was prorogued I left the usual place of our meeting with an idea that the French alliance was the great foundation of our policy, and upon that alliance we were to rest, and I remember that in making some observations respecting external affairs, towards the end of last Session, the noble Lord opposite reproved me for not putting the alliance with France in the prominent position in which it was my duty to place it; but I find on the 1st of September that there never had been a real peace—only an armed truce, and that we were going to war with Russia again without our Ally; that we had to encounter at the same time Russian duplicity and French perfidy; that the contest was of a very alarming cha-

racter, and still more striking because it had been our impression that Russia really had given up the contest, because she was exhausted both in men and in money, and that she had made up her mind not to repeat her policy because she had become convinced that it could only lead to the same ruinous results. But I found there was again another difficulty—a Russian difficulty, but with respect to which it is unnecessary for me to enter into details, because hon. Gentlemen are already perfectly familiar with it.

I wish, however, that there should be no misconception as to what I consider, and what I hope the majority of the House consider, to have been the legitimate objects of the late war with Russia. When that subject was first discussed in 1854, I stated my opinion that no peace could be satisfactory to this country in which the independence of the Black Sea and the freedom of the Danube were not secured. Those were subjects with which we were not then quite so familiar as we are at present; and about two years afterwards, when the wildest notions were prevalent upon the subject of the war, and upon the terms upon which peace should be obtained—when you were told that nothing less than dismemberment of empires, the destruction of thrones, and change of dynasties could satisfy Europe, I took the liberty, though I always supported the Government in carrying on the war in a proper manner, to express my opinion as to what were the terms upon which peace should be obtained, and upon which only it ought to be secured. Those terms involved the two great points—the independence of the Black Sea and the freedom of the Danube. I say frankly and fairly to the noble Lord, that if in the month of September he found—whatever might be the cause—the country was to be deprived of one of the prime objects for the attainment of which we had made such costly, such enormous sacrifices of life and treasure, it was the duty of the noble Lord not to have lost a moment, even at the risk of another war, to have obtained his object. I do not see how he could have faced this House—I do not see how he could have faced the country—if, after announcing that he had negotiated a peace and obtained those objects, he had to communicate to us that one of the most important of those objects was lost. I give the noble Lord the full credit of that action; but the question naturally arises, what was

the reason we were placed in a position of such great jeopardy? Why were we on the point of losing the fruits which we so richly deserved? I hear a great deal about Russian maps and Russian duplicity—I hear a great deal of the French Empire and of French perfidy—but I hear nothing of the British Empire and of English statesmen's knowledge of the subject. Nobody knew, although it is now denied by none, that the town of Bolgrad, referred to by the hon. Mover of the Address, was, as far as the letter of the treaty was concerned, left in the possession of Russia. Nobody now denies that the spirit of the treaty, as far as England was concerned, was a determination to have the freedom of the Danube secured, Russia possessing Bolgrad, the freedom of the Danube was not secured. How was it, then, that Russia was allowed to possess Bolgrad? Well then, Sir, I am told that the Russian Minister behaved very ill. Oh, wicked Baron Brunnow! The Russian Minister was actually so flagitious as to look after the interests of his master. Oh, ungrateful Baron Brunnow, who, after all the civility and hospitality he received in London, did not when in Paris do for Lord Clarendon that which Lord Clarendon ought to have done for himself! Now, Sir, that really is the state of the case. I should have been perfectly ready to have supported any Government that was resolved to obtain those results for which we fought, and which we thought that we had gained. But when it is a blunder of our own chief Minister that has created the whole confusion—and nobody now denies that it is so—I do not see the advantage of turning round upon our late foe and upon our cherished Ally, and accusing the one of duplicity and the other of want of faith. Lord Clarendon was not pressed for time; he had great advantages in negotiating the treaty, because he could find time to recommend an interference in the affairs of the kingdom of Naples to which I have already alluded; he could find time to express his willingness to cripple, if not altogether to destroy, the liberty of the press throughout Europe. The noble Lord the Foreign Secretary was not in the least hurried. He, if ever any man possessed them, had ample means at his disposal for obtaining all the information which he required. Lord Clarendon's position was remarkable. He went to Paris to obtain the independence of the Black Sea and the freedom of the Danube. He omitted to obtain one of

these important objects which he was especially sent to Paris to secure. Wonderful! How did that occur? Was it from want of information? That is the most charitable view. Had he not an Ambassador at Constantinople, who may have his failings, certainly, but who all acknowledge is a man of great energy, of great ability, of extensive experience—nobody denies him those qualities—an Ambassador who is supported by probably the best-disciplined diplomatic staff that ever surrounded any Minister, and one who has secured for his service the most able men. Throughout every province in Turkey, throughout the Principalities, we have also a most costly consular establishment. Surely, then, from those diplomatic and consular services information might have been furnished to Lord Clarendon, which would at least have enabled him to have secured that which was one of the principal objects of the war—one of the chief reasons of the negotiations. Lord Clarendon had, besides, all the archives of the Foreign Office in Downing Street at his disposal. In them alone he ought to have found the necessary information, already prepared for him, before he went to Paris. But if that source had failed it is a perfect libel upon the diplomatic service of the country to suppose that its officers have failed. Still even had they, had you not the railroad and the telegraph in this age to assist you? Could you not have obtained the information you sought through them? Was it not worth your while to have sent persons to the spot to ascertain what was absolutely requisite? That which was at stake was no slight point; it was not one of the multifarious details, it was the very main-spring of the whole negotiation, the cause of the quarrel, the cause of the treaty; and yet, out of this condition of affairs, out of this almost unprecedented blunder of our own Plenipotentiary, an excitement has been got up so great that the people of England, who in the spring and summer expected they were going to war about Italy, in the autumn thought that they were going to war again with Russia; and yet we are told that this was enjoying the blessings of peace. It is in this way that the spring, and summer, and autumn have been employed. Now who makes this great blunder? It is perpetrated by the chief of our diplomacy, not by any insignificant person, any "poor devil" whom you can throw over as having acted without instruction, not by anybody whom you could

say was improperly placed in the office by your predecessors, and whom you had only kept there out of courtesy and good feeling. You would not even trust your Ambassador at Paris, but, most wisely, most properly, you determine that the great chief of the diplomatic service, one of the leading members of the Cabinet, one of the principal Ministers of the Queen, should himself proceed to Paris to do that which you were determined to achieve. Well, he does go, and commits this awful mistake, which not being discovered at the time, he returns to this country with great honour, crowned with laurels. The mistake, of course, is at length discovered in the most natural manner possible—namely, by your late foes, to whom rights had been given by the treaty, asserting their rights; and instead of at once turning round and saying, "Oh, there has been a mistake, the people of England can never be satisfied with this arrangement; let us understand each other, not approaching the subject in a spirit of acrimony, but in the most conciliatory manner, and carry out our real intention"—instead of that, every means are used to lash up the passions of the people of England. You were made to suppose that, instead of one of the Ministers of this country having made a blunder, our late foe, and our then and present Ally, had absolutely endeavoured to defraud us of the legitimate consequences of our hard-earned victory, and in order that there should be no want of enthusiasm, and that the people should be prepared to enter into a renewed contest with Russia—this exhausted Russia, which was quite determined not to fight upon the question—the noble Lord (Lord Palmerston) goes down himself to the great capital of industry, peace, and cotton, harangues some of the most eminent members, I believe, of the Peace Society, one of the chief ornaments of whom, unfortunately, we have no longer among us, and whose loss I most sincerely deplore—and actually exciting them to that pitch of enthusiasm that even the Peace Society itself half drew its sword, and then the noble Lord says, "See how the people pay;" and, backed by such enthusiasm, he cries, "I will not be defrauded of my hard-earned rights; I am resolved that I will have this treaty exacted." Exacted! If it had been exacted we should have lost everything for which we were struggling. "I will have no compromise," said the First Minister of the Crown; "I will have no explana-

tion—not a word shall pass—I will have the treaty, the whole treaty, and nothing but the treaty.” Russia, indeed, was perfectly prepared to give it us. But the noble Lord excites the passions of the people. He says:—“There shall be no wavering;” and the whole of the country, although they did not know why, were perfectly prepared to go to war with Russia again, and I believe that at that moment the right hon. Gentleman opposite (the Chancellor of the Exchequer) might have had an income tax of 20 per cent. And all this arose from what? Because Lord Clarendon had made a great blunder. Now let the House see in what an absurd position a man must be placed eventually who is in the wrong. What was the end of all this blundering? Understand, that from the first Russia never was in a position to strike a blow. Russia never would have consented to peace had she not been in a state that for her to maintain the struggle was utterly impossible, and yet the noble Lord says to the people of Manchester:—“Have confidence in me; I will have nothing but the treaty; there shall be no Conferences;” and all those artificial means of exciting the mind which the noble Lord has more at his command than any Minister has had since the days of Bolingbroke, are put into requisition, and those daily monitors so instruct the country that they are prepared to go to war with a Power which was determined not to fight. At last it oozes out that there was to be a Conference after all. But it was not to be presided over by a Minister of France, because France had acted perfidiously. Well, the Conference, however, was held, and it was presided over by a Minister of France. But then it was only to be a matter of ceremony—it was a mere concession, as the hon. Member told us, to the morbid sensibility of our Ally, and not a single thing was to be done. Its members were to meet, to tap their snuff-boxes, shake their plumed hats, to bow to each other, and to say that the treaty had been agreed to, and that in fact there was nothing to be done. Instead of that, they were obliged to meet, and to say that the treaty did not express what it was the desire of the English Minister it should express, and he throws himself upon the good feeling of our Allies, in order that a friendly understanding should be come to which should prevent any further misconception upon the subject. Now, what says Russia? Russia says, “Very well; we

offered you a Conference in the month of August last, when the difficulty first occurred, and before it became known to the world. We knew that you must have a Conference, and that we ought to have compensations, because the letter of the treaty is against you; and it is only by a Conference, and a document signed by all the Powers, that the difficulty could be removed; but as you have taken the course you have done, as our right has been contested, and as we have certainly a legal right, we ought at least to have some concession.” The whole affair on our part was most ridiculous. First, we were told that there should be no Conference, yet a Conference was held; secondly, it was not to be presided over by a particular individual; it was, in fact, presided over by that precise individual. Next, there was to be no concession, yet there was a concession. Finally, Bolgrad did not belong to Russia. If it did not belong to Russia, why did you give her a very large compensation? My object in making these observations is to show you the effect of this mode of managing your affairs upon the internal condition of this country. It is a period of peace, but we have never reaped the fruits of a period of peace. You have had three difficulties. In fact, during the spring, the summer, and the autumn, you have had nothing but difficulties in your foreign affairs. All those difficulties have been created by Her Majesty’s Minister, the noble Lord the First Minister of the Crown, who has certainly extricated us somehow or other from them; but, because he has so extricated us, is he entitled to the confidence of those who understand how foreign affairs ought to be managed?

During eight months this state of things has continued. Before Parliament was prorogued we had a chance of an American difficulty; but as the House fortunately was then sitting we got out of that. Then followed the Italian difficulty and the Russian difficulty, and thus the whole of the year has been wasted, so that one can hardly expect any considerable measure to be brought forward by Her Majesty’s Ministers with regard to our domestic condition. Still, however, there was time; by dint of great exertions and the exercise of great abilities, Her Majesty’s Government might have been prepared to come to the House of Commons, and to have stated what they were going to do, in order that we may reap the fruits of the late struggle and enjoy the blessings of peace. But no

sooner is it settled that Bolgrad is to be in the possession of the noble Lord—no sooner was the Isle of Serpents relieved from the presence of the half-dozen indifferent Russian riflemen on it, than another difficulty—a most serious one—arises. A German prince, at the head of an immense army, is going to invade Switzerland, a neutral State. The Emperor of the French—although his motto when he came to the throne was, that “the empire is peace,” and notwithstanding all that has occurred, notwithstanding everything that has been done by Her Majesty’s Ministers, I think the House will be of opinion that he has sincerely and nobly fulfilled that programme—was about to move troops in that direction and march a French army to the Rhine. But the Emperor of the French had a right under such circumstances to do that which we might expect him to do, to direct a French army in that quarter. But who was it that made it a difficulty in which we had any concern? For myself, I believe a more simple subject never existed, nor would the great consequences which it threatened, or of which it was accused, necessarily follow. What is the real state of the case? What is the Swiss difficulty? A more simple one never existed. The King of Prussia believed that his honour was seriously compromised. Every man is the judge of his own honour; but above all a sovereign prince will never consent that there should be a stain upon his honour. What, then, is the conduct of the King of Prussia? He does that which every gentleman in private life is allowed to do, which society sanctions and approves of. Before taking hostile steps he puts his affairs into the hands of a friend, and the friend he selects is one whose character and position give him great influence over the conduct and sentiments of the Swiss people. I think the King of Prussia deserves the respect and esteem of every one for the course he took—a course which was highly successful. He appealed to the Emperor of the French, who responded in a spirit worthy of the occasion; and instead of persuading the King of Prussia to invade Switzerland, and instead of ordering out what might have pleased the martial spirit of the French nation—a French army on the Rhine—the Emperor of the French used his influence to terminate this difficulty, and he did terminate it in a way which vindicated the honour of the King of Prussia and relieved Europe of a difficulty,

which I suspect never would have been heard of had Parliament happened to have been sitting at the time—at all events, the question of Neuchâtel never would have become a great public question had it not been for the blunders of the noble Lord at the head of the Government, for the moment the Swiss authorities consented to adopt the course recommended by the French Emperor, the English authorities counselled a course quite different. They said to the Swiss, “This is not a question upon which you ought to take a conciliatory course; the eyes of Europe are upon you; you have a great duty to perform; the King of Prussia is taking a course which all Europe condemns, and of which England ought never to approve, or see without considerable dissatisfaction and more than dissatisfaction. Reject, therefore, this proposal; raise your standard, around which all the scatterings of Europe can collect; have confidence in yourselves; think of your great ancestors; have confidence in your English friends; reject these proposals from France, and fear not the soldiery of all the crowned heads of the Continent.” But fortunately for themselves, the Swiss, though distinguished for patriotism in an eminent degree, are no less remarkable for their prudence, and when it came to the last point, before a gun was fired, the prudent feeling of the Swiss prevailed, and they determined to ascertain from the Government of the noble Lord what was the nature and what the degree of assistance which England was prepared to accord them. They had, perhaps, heard of Neapolitan assassinations, of Sicilian insurrections; and, perhaps, they had heard of Paris protocols, and the speeches which have been made in the British House of Commons sympathising with free nations and with the liberal cause. They, therefore, naturally enough said, “What are you going to do for us now that the moment of trial is about to commence? We do not expect you to send Her Majesty’s Guards to Basle as you did to Gallipoli; that is geographically impossible; but there are other means of assisting the country, besides sending us troops. We are not very rich. We Swiss, who are republicans, are, if you leave us alone, proverbially satisfied with very little; you, on the contrary, are a very rich people. Eminent as you are for valour, you are still more celebrated for your wealth; you have at this moment extraordinary resources at your

command; golden galleons from Australia crowd your ports, and you have another source of supply, which only in civilised countries a liberal Government can enjoy. You have the advantage of a war taxation in a time of peace. Let a few crumbs fall from the rich man's table." But what was the reply of the noble Lord? It was in effect—I quote from an eminent Minister, a predecessor of the noble Lord—

"I give thee sixpence!
I'll see thee ——— first."

We live in an age of telegraphs, and the Swiss authorities telegraphed to Paris, and accepted the terms of the intervention, and there was an end of that difficulty. This was our Christmas-box. The whole year during which we were to enjoy that blessing for which we illuminated—that blessing which alone could have justified our great expenditure upon fireworks—passed away, and we heard nothing till Christmas but rumours of war, and a conviction upon the part of the people of this country that we were on the eve of a struggle in Italy—on the Rhine—on the Danube, where all the great and memorable scenes had been enacted, where the utmost efforts of human skill and valour had been displayed, and where, therefore, such efforts were to be revived.

When such public dangers menaced the country, was it within the scope of probability that any consideration could be given to such questions as education or even secondary punishments? What were such questions compared with the calamities which must infallibly follow in the train of a continental war, or even a war with a nation which had just made such efforts to conclude a peace? But is it not remarkable that during all this time, so profound are the elements of tranquillity throughout Europe, that all the populations of Europe are devoting themselves in a manner unprecedented in history to the toils of industry, the chief Governments of Europe have an anxious desire to develop those industrial instincts, and to assist their subjects in arriving at what Governments themselves affirm to be the truest sources of wealth and power. In this state of affairs—which, as any man versed in the study of these matters will tell you, has never, perhaps, been surpassed in the promise it gives of peace—this innocent, suffering, energetic, industrial, commercial, overtaxed people of

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England are reconciled to their position, and are even enthusiastic in favour of the noble Lord, because they think that the burdens they bear are the natural consequences of the enormous dangers surrounding them, and that the noble Lord is the only man who can extricate them from difficulties which necessarily result from the condition of Europe. So much for the rumours of war; and any one would imagine that the noble Lord must have conjured up an immense mass of them if he could hope to succeed in distracting the attention of the country from its domestic affairs, and thus arresting the progress of those natural ameliorations which are the features of this age. No doubt the noble Lord, taking cognisance of the warlike humour of which he has spoken so much, supposed, that with his experience and adroitness, he could have contrived to have brought things to a critical point, and have thus avoided explanation. The noble Lord certainly understands foreign affairs perfectly well, and he ought so to do. I am satisfied that had he occupied the office of Foreign Minister, and had gone to Paris to negotiate the treaty of peace, Belgrad would not have been given to Russia. I am quite convinced that the noble Lord thoroughly understands the interests of Europe, because he has had more experience of the condition of Europe in its social capacity than most men. He thinks, therefore, that with the hand of a master he can always raise and foster a European difficulty, and at the right moment get rid of it and evade its consequences. But the noble Lord seems to have forgotten that aspiring votaries and enthusiastic pupils are not sufficient to ensure success; and just when the noble Lord was winding up his account of the recess for the meeting of Parliament, and when he had written his first four paragraphs, congratulating the nation upon the termination of the American, the Italian, the Belgrad, and the Swiss difficulties, so that he might come to Parliament and receive laurel crowns from a grateful people, he may not feel quite certain that we shall not be invaded to-morrow, our commerce destroyed, and perhaps our throats cut, notwithstanding that all the great Powers of Europe are engaged in the formation of banks and the construction of railroads. The noble Lord seemed to say—"Unparalleled as has been my fortune, unrivalled as has been

my adroitness, I think I really have on this occasion outdone myself, for even out of the blunders of another Minister, who would have destroyed any other Government, I have extracted the means of raising the enthusiasm and devotion of the people. I have celebrated my name as a negotiator for ever, and, notwithstanding the acts of the most incapable man who ever figured as a diplomatist, 'Out of the nettle danger I have plucked the flower safety.' I have made the very blunders of my colleagues the basis of my claim to the gratitude of my countrymen and the patriotism of Englishmen. I may meet Parliament with confidence. They may ask what I am going to do—what is my domestic programme—what I am going to do about Parliamentary reform. I will refer them to a late noble colleague of mine. They may, as I say, ask me what I am going to do about Parliamentary reform? I will answer in the words of Richard II. (I am indebted to the noble Lord for the quotation), 'What! do you want an administrative reformer?' Just at that moment, when the noble Lord would have had no difficulty in evading any disagreeable inquiry, he finds that unfortunately Canton is blazing, Persia is invaded, and, under those circumstances, it seems to me that we are now arrived at a period in which you must ask yourselves whether it is not the duty of the House of Commons to inquire what is the cause of this perpetually-recurring system of difficulties.

I think it will not be difficult to show that they are occasioned by the policy of the noble Lord. We now have the Persian difficulty and the Chinese difficulty—two difficulties which, as it could be easy to show, have not been occasioned by local circumstances of such a commanding character as to justify an appeal to arms, but have rather happened in consequence of a predetermined policy at home, the consequence of which policy is, that after a year of peace we are called upon again to forget the first function of a House of Commons, again to neglect the consideration of our domestic condition, and again to forbear making any effort to diminish the burdens of the people. I confess that I was somewhat surprised when I heard of the Persian war. I thought it was our interest to maintain the existence of Persia, and even if Persia committed any act of folly to view it with forbearance. Our policy respecting Persia has hitherto been to treat

her as a vast, poor, weak country that ought to be supported as a barrier between us and the other European Power which has predominance in that part of Asia. That policy has always been pursued, and little as the people of England care for external politics, I believe they have understood it, because they look jealously at anything which may bring us near to Russia. But destroy Persia from apprehension of Russia, and the consequence is that you are nose to nose with Russia, and that collision which might not have happened for years is precipitated by your policy. That is the view which any sensible man would take of a war with Persia. But there is a different view of the question. The ease of the Government is, that we are not really at war with Persia, but with Russia in the disguise of Persia—Russia with a long black Persian cap upon her. It is said that we are struggling with a foe who, having been destroyed and disabled from pursuing his long-cherished policy in the Black Sea—who having been so exhausted that he did not attempt to conceal his exhaustion, but was ready to agree to any terms in order to obtain peace—had yet treasured up untold gold and raised armies from mysterious provinces in order to invade our great Indian Empire. I well remember the invasion of Afghanistan and the documents which were placed on the table respecting it. I can only now say, that, if we have papers upon the present war produced, as announced by the Hon. Baronet the mover of the Address, but not promised in the Speech from the Throne, I shall examine them with great suspicion, and if I find some documents not comprised in them, which ought to be included, I shall move that all the papers be referred to a Select Committee, in order that we may have all the evidence possible on the subject. And if it turn out—as I believe it will—that Russia has been more anxious that there should be peace between Persia and England, than England has been that there should be war between herself and Persia—if it turn out, that from the first moment the peace of Paris was signed there is no effort which Russia has not made, no means of conciliation which she has not used, to obtain that result, so necessary to her existence in her present crippled state in that part of the world—so that she has even counselled the Sovereign of Persia to yield that great prize he had so long coveted—of that very city of Herat—I shall then be tempted to believe

that by some unfortunate policy (which I will not characterise) it has been considered a point of high expediency that that third campaign in the Crimea, the non-occurrence of which has so often been deplored by the pupils of the noble Lord's school, should take place in this Persia, the territory of which we have now invaded. If that should be the case, then I wish the House would consider the course which the noble Lord is now pursuing, and the position in which he may place this country, and the effect which all this may have on our resources, on our commerce, and on that situation which we hold in the world. From what I read in the public prints—for on this point I have no other means of information—I think it possible that the Persian difficulty may be settled, but settled by the influence and agency of that very Power against which every means are used in this country to excite the passions of the people, and to convey to them the impression that Russia is the cause of war, instead of being from the first desirous to prevent it. Now there remains the Chinese difficulty, which is not settled, and I shall not trouble the House with more than one observation on it, for I apprehend that all these are questions which must be decided on their own merits, and I am alluding to them now to show the necessary consequences of such a policy. The question of China, however, appears to be in the same category as that of Persia; and I cannot resist the conviction, that what has taken place in China has not been in consequence of the alleged pretext, but is, in fact, in consequence of instructions received from home some considerable time ago. If that be the case, I think the time has arrived when this House would not be doing its duty unless it earnestly considered whether it has any means for checking and controlling a system which, if pursued, will be one, in my mind, fatal to the interests of this country. Are we always to have in time of peace difficulties in our foreign relations? No doubt we shall have, with the disposition of the noble Lord, a very good chance of finding ourselves in that situation, for he has at his command those resources which a generous and high-spirited people intrusted to him for objects of a very different nature.

Sir, there are great complaints at the present moment of the burden of taxation and of one peculiar tax. That peculiar

tax is intimately connected with the circumstances to which I have called the attention of the House to-night after a long separation, commenting on events only which have occurred in the interval. We must all admit that nothing is more natural than that the people of this country should object to war taxation in time of peace; but then I am told that it is necessary to endure war taxation in time of peace because our foreign relations are in a state of such excitement, difficulty, and peril. My answer to that is, that these are the very circumstances which make me hesitate as to the propriety of the condition in which our finances are placed. If we were really in times of profound peace, and that certain sacrifices were necessary to be made in order to clear us from the consequences of the old struggle (though I believe that the old struggle was prosecuted with a needless expenditure and a lavish and extravagant spirit greatly to be deprecated), I could understand that the course which ought to be taken under these circumstances would be of this kind;—I could move for a Finance Committee, and the expenditure of the country could be submitted to its scrutiny; I could then have these allegations of extravagant and lavish misuse of the public funds examined into. I could also ascertain by such means what are the necessary wants of the country, and with that information we might be enabled to take the course which circumstances justified. But when a war taxation in time of peace is concurrent with a constant state of semi-war—when a time of peace consists of preparation for war, of fitting out expeditions, of sending fleets to different quarters of the globe,—then I am obliged to consider whether this war taxation is not required for circumstances and objects far different from those which a time of peace justifies and requires. I therefore think, Sir, that the expenditure of the country ought to be reduced. For example, I should like to know what the cost to the country had been of the blunder of Lord Clarendon in the Conference at Paris, necessitating the keeping of a great fleet in the Black Sea, and other measures of that kind. It could be ascertained—and the information would be very instructive—what have been the consequences of the want of a good geographical knowledge on the part of a principal negotiator who happened to be our Foreign Minister. But our position is very different from that which justifies a Finance Com-

mittee in time of peace for war taxation. We have war taxation, and though it is a time of peace, we have war objects and ends aimed at, which only war can achieve. In my own opinion the time has arrived when it will be well to curb and control the power of the Minister to pursue that policy which I have touched on to-night, and which I believe to be pregnant with danger to the best interests of this country. But we have before us a question far graver than the question whether we shall entrust to the present Government a certain additional number of millions sterling arising from the income tax. The agitation of that point has led to the agitation of other points of far greater and more enduring importance. The very tax from which this extraordinary supply is drawn—the principles on which it is founded, the consequences of its provisions on our industry and property—all these are topics of controversy which we thought settled in 1853, and now, I observe, are re-opened. This is a very dangerous state of things, and ought to be gravely considered. Whether there should be a difference in the rate of assessment between permanent and precarious incomes,—whether there should be exemptions in levying the income tax, and to what degree those exemptions should extend,—these are questions we thought had been settled for ever; and no one can deny that it would be a great advantage to the country that they should be settled for ever. Let the House remember the peculiar circumstances under which the right hon. Gentleman the Member for Oxford University (Mr. Gladstone) introduced the Bill of 1853 to our notice. We are too apt to forget these circumstances in the hurry of public life, and more particularly when the interval has been occupied by events so exciting as those created by the late war. When the right hon. Gentleman introduced his measure in 1853—not as a transitory or insulated financial measure, standing by itself, for it was a most considerable part of the financial scheme which he brought forward,—remember in what position he was placed. There were two parties in this House who held opinions on the measure he was about to introduce, each sufficiently powerful greatly to embarrass the passage of a measure, but who, if they had united their forces, could have defeated any Ministry. The first party consisted of those who thought that there ought to be a difference in the assessment between precarious and permanent incomes,

and those who thought there could not be any satisfactory solution of the question. It was then said by the Government that that was a question which had been argued and re-argued over and over again; and “whatever may be my views,” the right hon. Gentleman said, “I will bring forward a measure which will terminate this method of taxation for ever, except under circumstances which will justify any anomaly in taxation—namely, when the country shall be engaged in a great struggle.” The opposition which was felt in many quarters in this House to the propositions of the right hon. Gentleman was silenced by the terms which he offered; and I consider that a compact was entered into between the supporters of that opposition and the right hon. Gentleman on that occasion. So far as I was concerned, Sir, I offered as little opposition to the proposition of the right hon. Gentleman as was possible.

But, Sir, there was also another party in this House—a very powerful party, representing very different ideas, and whose interests and honour ought ever to be dear to the House of Commons. Those who are the possessors of real property were placed in a very peculiar position by the financial proposition of the Minister of that day. A part of the right hon. Gentleman’s scheme was to impose a succession duty upon real property. I do not wish at this moment to enter into a discussion of the merits or demerits of that measure; but I will at once admit that he brought forward his measure fairly, and was ever ready to defend it, and I am sure that if it should be necessary he will be ready to vindicate his course to those who on this side may impugn it. But allow me to say that his proposition as to succession duty was intimately connected with the settlement of the income tax. Some of the provisions of his measure respecting the succession duty were defeated, and some were carried by a narrow majority. But they were carried by Gentlemen on the Ministerial side of the House deeply interested in real property, who did not approve of his measure, but who took it as part of a general scheme, accepting his declaration that the income tax was to terminate in 1860. That was the equivalent and consideration upon which they supported the succession duty. Now, if the scheme of the right hon. Gentleman had not been disturbed by the war two years ago, we should have been paying a reduced assessment upon our incomes. Those who are interested in real property

have not had that reduced assessment. You may say that those who are not interested in real property have been in the same position, but remember that the possessors of real property pay a sum of £2,000,000 a year without receiving that equivalent on which they had a right to count; and if you disturb the settlement of 1853, you raise up a host of dangerous and embarrassing financial questions which I had hoped had been settled for ever. First of all, you raise the question as to the difference between permanent and precarious incomes. Secondly, you revive a system of exemption which I myself attempted entirely to extirpate, and which the right hon. Gentleman considerably diminished. I see by the newspapers that it is laid down as a principle that small incomes should not be taxed, as if any person could define what is a small income—as if small incomes did not depend on the circumstances of the family who possessed them. You will have these difficulties raised, and with them there will be a revival of the old and bitter controversy as to the peculiar burdens of taxation on the holders of real property, who upon that question have a case which has never been answered, against the holder of funded or personal property, especially with regard to local taxation, although their claim has been overruled by that interest which has so long prevailed. But if in addition to this burden, which of old was compensated by the absence of a succession duty, you have, as well as the succession duty also an income tax, you will raise a series of questions most embarrassing to any Minister, and the solution of which you will find most difficult.

Sir, my opinion is that you ought to adhere to the settlement of 1853. Do not attempt to deal with the income tax without dealing with the whole question in a frank and unequivocal manner. Any other course I cannot approve, and shall never support. I believe that the policy which Her Majesty's Government are at present pursuing is a dangerous policy, that that policy is owing in some degree to the sources which are derived from the income tax, and I therefore think that those sources ought not to be continued to them for another year. I understand, from the declarations that we had from those officially connected with Her Majesty's Government—some in very high office, and some in insufficiently high office—that it is not the intention of the Government to

insist upon levying this revenue. But I think that upon that subject there ought to be no doubt, and I highly object to any settlement of it being postponed. I think it most impolitic that we should wait for a month or for two months until Her Majesty's Ministers give us their financial statement. Some may think that it is unnecessarily hostile to the Government to take an early opportunity in the Session of eliciting the opinion of the House upon questions of finance. I can assure the House that they will find ample precedents of the best and wisest of our ancestors for taking that course, which, in fact, is the proper and constitutional course. Our "Supply" precedes our "Ways and Means." We are not to suppose that the Chancellor of the Exchequer of this country fashions his demands according to what he may fancy will be received by the Exchequer. He fashions his demands upon the House of Commons by one test, and one test only—the wants and proved requirements of the country. If the Minister lays before the House a scheme of finance and Estimates which we believe are justified, who will tell me that there is ever a House of Commons that refuses such Minister the "Ways and Means" that are necessary? But I protest on our part against our being placed in the position of, as it were, stopping the supplies for expressing our opinions upon the taxation of the country before the Chancellor of the Exchequer submits to us his financial statement. In asking the House to give an opinion upon the income tax, I do not mean to imply that the Ways and Means which the Government may require shall be stinted. All that I ask is, that the sources of supply shall not be tampered with until the opinion of the House shall have been pronounced respecting the taxation of the country. I believe that it is of the utmost importance in the present state of the public mind—and I am the last who will defer to anything like illegitimate agitation—that we should upon this subject come to an early decision. It is due to the country, to ourselves, and still more to the Ministry. Let the Ministry know what the opinion of the House of Commons is upon this great subject, and they may then take that course which they in their wisdom may think proper. I understand—for I was not in the House at the time—that some notices have been given by hon. Members upon this subject. I do not wish to speak of any Gentleman in the usual exercise

of his Parliamentary privilege in any other than a most unfeignedly respectful manner; but I think that it is of importance that if the opinion of the House is taken the question should be brought forward by some one who undoubtedly speaks the feelings of a large party in this House. I think the question ought to be brought forward early. I am totally opposed to tacking upon the Address in answer to the Speech from the Throne any opinions of the House on this subject. I think that would be an unworthy and unsatisfactory mode of dealing with this subject. I think that it is due to the House, to the country, and to Her Majesty's Ministers that fair and sufficient, but no more than fair and sufficient, notice should be given. I should have been glad that some Gentleman who sits near me should have undertaken the task, but it has been thought by many that I ought not to shrink from it, and on this day fortnight, if it be convenient and agreeable to the House, I will ask their opinion upon this subject. I think my course will be to move for a Committee of the whole House, in order that I may introduce Resolutions. My first Resolution will be to express the opinion of this House that taxes which have been granted in time of war for the purpose of carrying on hostilities, by way of income tax, should not be levied in a period of what we are assured by the hon. Mover of the Address is one of profound peace. My second Resolution—of course I am not pretending to give the language I should lay upon the table of the House—will be that the House should express its opinion that the settlement of 1853 of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) should in spirit be adhered to. Sir, I cannot but believe that if these Resolutions are carried we shall witness some beneficial changes in the financial system of this country. I think we shall give a great impetus to salutary economy; and shall in a most significant manner express our opinion that it is not advisable that England should become what is called a "great military nation;" though we are prepared to vote all the Ways and Means necessary to establish those sources from which an effective army can at all times and in due season be raised. I am not in favour of any new and still mysterious military system—great, I am afraid, beyond proportion, and of which we have had it said that it could at any time in ten

days land an army on the Continent. If that is the policy which the Secretary for War has proclaimed, and which is being pursued by Her Majesty's Ministers, we shall, I am afraid, check all that disarmament which is now taking place on the Continent, and prevent that reduction of warlike establishments which in Austria and France is now occurring, and which is necessary, I will not say to the existence, but to the best interests of those countries. Sir, I am not afraid to express the old-fashioned opinion that a standing army is dangerous to the liberties of this country. I know that we must have troops. We have had an army of which every man has reason to be proud, and I wish to see that army maintained in its spirit and its efficiency. What we want are scientific officers, and that the machinery of our militia shall be nurtured and maintained in efficiency. For the rest we may trust to the resources of the country, which will increase in proportion as we reduce its taxation. I have observed with regret that an eminent person has recently spoken of the absurdity of supposing that an army can at this moment be dangerous to the liberties of this country, saying that it is no longer under the control of the Sovereign, but that Parliament is our safeguard against all possible danger from such an institution. Sir, I may be permitted to say that if an army is to be under any authority I should prefer it to be under the authority of Her Majesty rather than under that of the Parliament of England. We have had armies under the control of the Parliament, and we have not found the consequences of that arrangement to be favourable to our liberties. An army must be either a disciplined or an undisciplined body. If undisciplined, the troops of which it is composed are bandits, like the Prætorian Guards of Rome and others, and all we can do is to guard our lives and properties from them; but if they are disciplined they must obey one man, and that one man is the master of the State. I care not what may be the form of Government—Royal, Imperial, or Republican, where there are 500,000 men in arms, highly disciplined and obeying one man, that man is dictator. I hope, therefore, that the glory of the late war, and the, if possible, greater glories of wars to come, will not induce the people of this country to sanction extravagant military establishments. I will express my opinion that, with due economy and with able adminis-

tration, the more you reduce the burdens of the people the greater will be your strength when the hour of danger comes. With this conviction I shall on Tuesday, if convenient to the House, and if the day be vacant, introduce the Resolutions of which I have given notice. I shall therefore on this occasion not ask the House to express an opinion upon the important topics to which those Resolutions will refer. It is, Sir, with this explanation of my views as to our present position, and guarding myself from any unnecessary agreement with any of the sentiments expressed in it, that I shall support the humble Address in answer to the gracious Speech from the Throne.

THE CHANCELLOR OF THE EXCHEQUER: Sir, if the advice of the right hon. Gentleman opposite had been followed in the composition of the gracious Speech which has this day been read to the House, and if that Speech had contained a paragraph recommending the House to enter upon a revision of taxation and an adjustment of the burdens of the country to the state of peace which we now, happily, enjoy, I apprehend we should have been told that such general assurances were of no value; that we might have assumed, as a matter of course, that such revision would be undertaken, and that no real information was conveyed to the House unless it was in possession of the particular changes which Her Majesty's Government had it in contemplation to propose. It has not been usual to make such announcements as the right hon. Gentleman intimates in the Speech from the Throne. It has been left to the discretion of the House, when the Estimates have been framed with a due regard to economy, to suggest the means necessary to cover the Votes in Committee of Supply. It is not my intention to follow the right hon. Gentleman opposite in the wide excursion which he has made over the subject of our foreign policy, but will confine my attention to the remarks which he has made on the subject of the income tax. I must, however, protest against the House imputing to Her Majesty's Government intentions based upon the suppositions of the right hon. Gentleman, or attributing to them any such designs as those described in his speech. They certainly have no wish to establish a standing army dangerous to the liberties of the country—an army, I think, the right hon. Gentleman said of some 500,000

men—to be maintained out of its revenues. They do not intend to make any constitutional changes in our military force. They fully recognise the fact of our transition from war to peace; but before it would be possible for me to enter into any details upon this subject we must lay upon the table the Estimates for the Army and Navy, and allow time for the House at least to examine those Estimates and become acquainted with their amounts. It will then be my duty to make the financial statement for the coming year, and to submit to the House the Ways and Means by which the Government propose to meet these and the other Estimates for the service of the country. That, Sir, is the course which is ordinarily pursued, and I know no reason why in this Session we should depart from that practice. Let me take this opportunity of reminding the House that with respect to the current financial year, the year ending the 1st of April next, the revenue has been fixed by Acts of Parliament passed in the last and previous Sessions, and the House is not called upon to make any change which would come into operation before that date. If the Government are to be accused of continuing war taxation during a time of peace it should be remembered that the House last Session, recognizing the great expenditure which would have to be incurred in the course of this year, consequent upon the recent pacification, the expense of moving troops, and various other extraordinary expenses which must inevitably be defrayed during the few months immediately following the signature of the treaty, deliberately fixed that amount of taxation for the current financial year. I am not, therefore, called on to justify the existence of the present taxation. With regard to the year, which commences in April next, I may state that I am not only prepared, but it is my anxious wish, to lay the financial statement for the ensuing year before the House at the earliest possible period which the business of the House will permit. I believe, on some rare occasions, the annual financial statement has been made on going into Committee of Supply. That is not the usual practice. The more usual practice is to allow some progress to be made with the Committee of Supply, and to make the financial statement in a Committee of Ways and Means, after the Estimates are laid before the House. My intention was to take the earliest period

after the Army and Navy estimates should have been submitted to the House and should have undergone some examination to make the annual financial statement, which would have enabled the House to judge of the probable expenditure of the coming year and of the means which the Government would propose for meeting that expenditure. I trust that that course, which the Government had decided upon before the remarks made by the right hon. Gentleman the Member for Buckinghamshire, may seem satisfactory to the House; and at all events, whether a Motion may be submitted to their attention either by the right hon. Gentleman himself or by any other hon. Member, that this House will not come to any definitive resolution on the subject of any taxes in existence until they have heard what is the estimated expenditure for the ensuing year, and what is the plan which the Government is prepared to propose in order to meet that expenditure.

MR. GLADSTONE: Sir, I confess it is with reluctance that I rise to address you at the present moment. When my right hon. Friend the Chancellor of the Exchequer left his seat to follow what I must call the comprehensive and remarkable speech of the right hon. Gentleman opposite (Mr. Disraeli), I undoubtedly did suppose that we were about to hear from a Minister of the Crown some notice of and some reply to the very grave matters with which the earlier portion of that speech was charged. I frankly own that it appears to me to be inconsistent with the respect due to this House and to the country that when any Member of this House, and especially a Member supposed to speak the sentiments of many other of its Members, in a debate on the Address, questioned the foreign policy of the Ministers of the Crown in terms so grave as those which have been employed to-night, the Government should not vouchsafe one word of notice to the charges that have thus been made. I was not aware, when I entered the House, of the nature of the discussion into which the right hon. Gentleman opposite was about to enter. I did presume—and it was an act of presumption for which I am bound to apologise—to endeavour to catch your eye, Sir, immediately after the Seconder of the Address had sat down, and I did it on the peculiar ground that I well know important considerations of finance are at this moment agitating the minds of the people of this country,

and the Members of this House; that I anticipated the words of the right hon. Gentleman in the feelings of my own breast, because I knew there was one man at least in this House who was especially bound both to be definite and to be prompt in explaining to the House his views on financial questions, and that I was that man, on account of the position I held at the end of the financial year of 1853. It was, therefore, Sir, my desire not to lose a moment in acquainting the House with the recognition which I felt bound to make of certain obligations resting on me, and resting also on the House of Commons, and for this reason alone did I presume to rise in competition with the right hon. Gentleman. At a period when the speech from the Throne is occupied almost from first to last with matters touching our foreign policy, it certainly was my intention to have adverted to several of the questions that had been raised; but the right hon. Gentleman, exercising his privilege as a Member of this House, has entered upon a very wide field, and has questioned the foreign policy of the Government in its root and in its branches, and has made charges on that subject which the honour of the Government requires them to notice and to answer. I cannot avoid expressing my regret that my right hon. Friend, a Minister and adviser of the Crown, responsible for that policy, and having listened to the allegations made by the right hon. Gentleman opposite, should think himself justified in omitting to defend what had been formally assailed. Some of the right hon. Gentleman's (Mr. Disraeli) allegations were definite enough. If I understood the right hon. Gentleman correctly he said there was some instrument or compact in existence by which, unknown to the Parliament and the people of this country, we had become parties and guarantees to Austria for her Italian possessions.

MR. DISRAELI: That, Sir, is a point on which I think there ought to be no mistake. I thought there could be no mistake as to what I said. What I said was, that all this time, when Lord Clarendon had these conferences with Count Cavour, the Italian dominions of Austria were guaranteed by a secret treaty. The noble Lord opposite (Lord Palmerston) asked me by what power? I said that the secret treaty guaranteeing these dominions was a treaty with France; but that that treaty had the sanction and approbation, and was

at the instance of England. But I did not say that England was a party to it.

MR. GLADSTONE: I am very glad, Sir, that I have drawn that explanation from the right hon. Gentleman, because my belief is that many who heard his previous statement on that point received, with myself, an erroneous impression as to what were his precise words. But I must say, that even taking the allegation on that ground, if it be true that a guarantee has been given by France to Austria for her Italian possessions, with the approval of this country and with the active concurrence of this country, nay, as the right hon. Gentleman says at the instance of this country—I must say, in my opinion, such a proceeding on the part of this country is one that ought to have been made known to Parliament, and may have an essential bearing on the measures that may have been taken in reference to Italian affairs. The right hon. Gentleman has said—that in peace we are not reaping the fruits of peace—that the Government, by perpetual quarrels abroad, distracts the public mind, keeps up a lavish expenditure, and stops the progress of improvement at home. The right hon. Gentleman has stated, with respect to Switzerland, that at the period when Switzerland had agreed, with the aid of France, on certain terms of arrangement with Prussia, with respect to the dispute about Neuchâtel, the British Government interfered and by the application of moral force, led Switzerland to attempt alterations of her bases, and that eventually she had to return to the terms proposed to her by France when she found she was unable to obtain any definite promise of support from this country. It is perfectly plain, if that version be true, that the affair of Switzerland is a very different one from that represented in the Speech from the Throne, and the Government is bound to let the House know exactly how the matter stands. The account which the right hon. Gentleman has given, if it be correct, materially bears on the advice given to the Crown by the Government in preparing the Speech from the Throne.

These various questions, Sir, must, I fear, occupy much of the attention of the House. I know not why, but undoubtedly for the last six months we have been kept in a state of perpetual disquietude by one foreign broil after another. It is strange that, when the genius of the noble Lord (Viscount Palmerston) is in the ascendant,

we have ten quarrels for one that occurs under any other Minister's reign. It is strange that we should always have to break with all the countries of the world in succession—that in every case we should find ourselves to be unquestionably right, and should have to denounce, one after the other, the rest of mankind as either knaves or fools, and that in every case we should begin with bold and braggart language, with high-sounding pretensions, and yet, in every case, the result should be our coming down pretty nearly to the terms our adversaries had offered us at first. I want to know how it is that these things happen, for I confess I think there is some justice in the statement of the right hon. Gentleman (Mr. Disraeli), that, although we have attained to peace, although the people of this country have accepted peace at some sacrifice of feeling, but with a desire that it should be a real and profound peace and bring forth its proper fruits, yet we have not seen those prospects realised, and our foreign relations, together with our establishments and expenditure, are not such as can be considered satisfactory. With respect to the kingdom of Naples, inasmuch as in Her Majesty's gracious Speech we are told that the papers shall be laid upon the table, I will not now enter into any detail upon that very interesting and most important and difficult subject. All I shall say is this,—I, myself, have stood in a somewhat different position from other Members with respect to transactions in the kingdom of Naples. I have perhaps a stronger impression of the intensity of the evils which have prevailed in that country and of the nature of the measures which evils so intense might justify or require; but I did not scruple last year, while avowing my concurrence in the sentiments of Her Majesty's Government with regard to what has taken place at Naples, to express my doubts and misgivings as to the policy, as to the justice indeed of that policy—for I can have no doubts as to the prudence and ultimate humanity of a practice of introducing for discussion at Conferences the affairs of powers which are not represented at those Conferences, and of recording conclusions in the face of Europe to which conclusions the Powers chiefly interested have been no parties: at the same time I am strongly of opinion that it was for the interest of Europe that the great Powers should unite to enforce and urge upon the King of Naples the adoption of those mea-

asures which are required to establish legality and good government in his dominions. Every effort which Her Majesty's Government could use to bring the Powers of Europe to such a concert would have deserved the support and commendation of this House; but the question of the interference which has actually taken place is one the consideration of which we had better defer until we have the correspondence before us, and we are able to examine into the nature of that interference, the prospects of success by which it was attended, and the amount of authority by which it was sustained. Unfortunately, Sir, the Neopolitan question is the only one of all those matters of interest adverted to in the Royal Speech upon which, as far as I am aware, any information has been promised us. Were it not that the Queen's Speeches are documents framed with grave consideration and minute care, I would infer that the omission was accidental. But there was a question relating to the Treaty of Paris, which at one time appeared to menace a European convulsion, and when discussions and dissensions ran so high as to exhibit England almost engaged in military action opposed to France. Here was a question, the gravity of which could not be over estimated, but the settlement of which I believe has been altogether satisfactory, and I must say nothing can in my opinion be more becoming or more proper than the language in which that result is announced in the Royal Speech. But, at the same time, the Government will, I think, admit that, from the extreme gravity of the circumstances, the agitation which pervaded the country, and the tone which the Prime Minister felt it necessary to assume—the colour which he deemed it his duty to give to the case—were so serious and formidable that it is right the matter should be brought authentically before Parliament, and that the fullest information as to those transactions should not be withheld. The charges made were too serious—the interests at stake too grave—the controversy too menacing, to pass over lightly, and I think it right that we should know whether the Government were or were not drawn into that controversy, and that the steps they adopted were required by a great and overruling necessity, in order that we might give them that justification which, if they have acted prudently, they have a right to claim at our hands.

So much, then, for the question con-

nected with the Treaty of Paris; but there are other questions not yet settled, and about which I consider that we ought to have some information. Most important matters are involved in that brief paragraph which refers to America. The Central American question was one of those difficulties which during the last summer were upon the hands of the Government which have never been wanting since the conclusion of peace, and of which I am afraid at the present time it is not possible to foretell the termination. We have seen in the newspapers an arrangement, which I think a fair arrangement, with the United States about the Central American dispute, but I must say, although it is no fault in my eyes, it does give a sanction to the opinion that the settlement was based upon concessions to America which previously we had long and unhappily refused. The capital point in this matter upon which American opinion and argument ran highest related to the island of Ruatan. That point I am given to understand has been conceded, and my right hon. Friend the Secretary for the Colonies has allowed this gem—if it be one—to be removed from the diadem of his Sovereign. I, for one, am far from regretting that loss. In my opinion it was wise and just to give it up. It was unfortunate that it should ever have been occupied, or that such occupation should have received the sanction of the Government at home; but still I do think there is a great constitutional question involved in the surrender of the island of Ruatan, about which we ought to have had some information, and which, I consider, we are still entitled to ask for. Ruatan had become by a regular and competent Act a portion of the settled dominions of the Crown, and I apprehend that by the law Her Majesty has no right to give away her settled dominions without the assent of Parliament, although I am aware, with respect to territories acquired by war, another and a different principle prevails. If that be so, I am afraid the treaty we have made with the United States, the substance of which I approve, has not been drawn with all the care that was desirable; because, instead of making a surrender contingent upon the assent of Parliament, the island of Ruatan has been absolutely handed over to the State of Honduras. If I am wrong in these statements I shall be glad to be corrected; but the subject is undoubtedly one to which I feel it my duty

to call the attention of the Government, and respecting which I submit that information ought to be given to this House.

Sir, with respect to the unhappy events which have occurred in China, I must say it would have been agreeable to me if they had been noticed in the Royal Speech in somewhat different terms to those we have heard. Whoever may be right or wrong in that complicated affair, it has cost the blood of hundreds, if not of thousands of innocent and helpless men, subjects of a Power which does not come up to our ideas of civilisation, but which, at least, has no intrigues of policy, no schemes of aggrandisement, no designs upon India, no fleets upon the Caspian, but is a Power whose subjects, after all, are our fellow-creatures, and I must say, if the stupidity or bad faith of their governors has rendered it necessary—a point on which at present I give no opinion—for us to have recourse to arms, I could nevertheless have desired to see some expression of regret upon the ground of common humanity, in that portion of the Speech which treats of this most painful subject. With regard to another question of great importance—I mean Persia—I am disposed to complain that no promise of information has been given to the House. Upon the merits of that quarrel at the present moment I do not presume to pronounce; yet at the same time I must proceed to the point of saying that no facts have appeared in the public journals, or in any sources of information open to me, which afford any adequate justification for our proceedings. I do not speak of justification merely on the bare and dry point whether, as an advocate in a court of Justice, we can show that somebody has committed an abstract wrong. Much more than that is required to justify the Government of England involving the country in hostilities. The cause must be adequate and the necessity strong, I trust, therefore, we shall hear that information with regard to Persia will speedily be laid before the House. But, Sir, there are two other questions, and questions of great importance, in connection with this question of Persia, upon which I think it my duty not to refrain from offering a remark, because those two questions do not depend on any matter of right touching the controversy, or touching the local or even the Asiatic policy of this country, but relate to matters of domestic importance, having a powerful and immediate bearing on the welfare of the people and the duties of

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Parliament. The first is this—By whose authority has the war against Persia been waged? I think it is not difficult to see that the war against Persia has its root elsewhere than in Calcutta. Of the sentiments of the Governor General I have no knowledge, except the knowledge derived from his own proclamation, but I must confess the terms of that proclamation conveyed very intelligibly to my mind the impression that the expedition to Persia was undertaken by commands from London, and not by order of the Supreme Council at Calcutta. The expedition from Bombay sets sail, but by whose command? By commands from London; and this, unless I am much mistaken, cuts very deep into the consideration of the question, by what system is our Government of India carried on? Who is it that has given orders for this Persian war? I speak in ignorance, but I ask for information which I think the House is assuredly entitled to receive. Have the orders been given by the Court of Directors of the East India Company? The theory of our East India Government—which, to use a homely phrase, is in a very leaky state, is, that it is a subject not fit to be handled by the rude hand of Parliament,—that there must be an intermediate body, apart from the influence of Parliament, beyond even a remote influence, in order to secure the good government of India. I can conceive the advantage, though not paramount to the objections, of governing India through the medium of a body not under the direct control of Parliament. I can conceive the advantage of placing India under direct Parliamentary government; but there is one system which has the recommendation of neither of these two, and it is this:—The setting up a body, nominally the governors of India, that shall really serve to estop Parliament considering the interests of India, but at the same time shall have no power whatever to check the discretion or caprice of Ministers, either by privileges of its own or by any effective appeal to the House of Commons. If India is to be governed by a Court of Directors, then we are entitled to expect that these measures, which never had the sanction of Parliament, must have had the sanction of the Court of Directors. Now, Sir, I beg to put the question to my noble Friend the First Minister of the Crown, whether the expedition undertaken against Persia, and the policy of that expedition, have had the sanction of the Court of Directors, or been

adopted with their knowledge? I think no man can regard the Persian war without considering how it is that wars of this kind have come to be waged under the name of being merely Indian wars. Would it be right that we, holding India as we do, and having entered into this quarrel with Persia, removed by so many hundred leagues from our Indian Empire, should compel the people of India to bear the charge? If it is right that they should bear the charge, then it is right that the Court of Directors, who govern India, should have something to say; but we have no information upon the question, at whose charge this war is waged? I wish to ask my noble Friend at the head of the Government, whether any arrangement has been made by Her Majesty's Government with the Court of Directors or otherwise, for charging either the whole or a portion of the expenses of the Persian war upon the revenues of this country? I may be wrong, and it may be an old-fashioned notion, but I have less scruple in expressing it, because I cannot be deemed to say it in concert with any person or in any party, but I frankly own that if Her Majesty's Government have carried us into an English war, it was their duty to have called Parliament together at the first moment when they ventured to contemplate so serious a step. I will not now inquire whether there be any precedent which may either palliate their neglect, or, in their own estimation, justify their proceedings; but I will say, without fear of contradiction, that the practice of commencing wars without associating Parliament with the first measures is utterly at variance with the established practice of the country, dangerous to the constitution, and absolutely requiring the intervention of this House in order to render the recognition of so dangerous a proceeding utterly impossible.

I will now pass, Sir, from the consideration of our foreign policy to our policy at home. When I read the paragraph in the gracious Speech from the Throne in relation to the Bank and the currency, I was impressed with the belief that Her Majesty's Government were about to invite us to legislate on those questions. I certainly think that a proposal well matured by the Executive Government and supported by its authority would be much more likely to lead to a satisfactory consideration of the question than the mere reference of the subject to a Select Committee; but, as I find the right hon. Gentleman the Chan-

cellor of the Exchequer has given notice of a Motion that a Select Committee shall be appointed for the consideration of these important matters, I will venture to express the hope that the Government will go into that Select Committee with the view of guiding its deliberations, and proposing to it a definite plan. I cannot too respectfully and, at the same time, I cannot too gravely submit to the House that unfortunate changes have for many years been taking place in the credit, dignity, and efficiency of the proceedings of its Select Committees on questions of public interest and importance. There are—and I willingly allow some happy exceptions—there are cases in which Select Committees have thoroughly investigated the matters referred to them, and presented most valuable Reports, which have become, or may become, the basis of useful legislation; but I think the public feel that too much of a slovenly character on the whole marks the investigations of our Committees. It is lamentable to find the difficulty which at the close of a Session of Parliament is experienced in collating the mass of evidence taken before Committees, and I think there are few Members who have not found that the labours of the Select Committees of the other House have been contrasted with our Select Committees to the credit of the Upper and to the disadvantage of this House. I hope that will not be the case with the right hon. Gentleman's Committee, and if he goes into that Committee ready to propose a definite course on the part of the Government, that will be the surest way of leading the Committee to a safe decision. I do not say what the nature of that course ought to be, and I think that this paragraph of the Queen's Speech was perhaps expressed with less of caution than the importance of the subject deserved. It states—"Her Majesty commands us to recommend to your consideration the expediency of renewing for a further period the privileges of the Bank of England." Now, Sir, I have a very strong opinion that the privileges of the Bank of England, properly so called, require revision quite as much as renewal. The relations between the Bank of England and the State are extremely ill-defined. They date from a period when financial ideas were immature, when public faith did not exist, when no Government had credit with the monied world, and when it was important to induce a body of merchants to become security for the State.

These were the circumstances that called the Bank of England into existence. I am bound to admit that the Bank of England has rendered great service to the State, but much of the relations now existing between the State and the Bank of England is based upon those antiquated, and in the present day highly inappropriate ideas. Therefore, I am prepared to contend, that whatever arrangement is made with the Bank of England should be agreed to after comprehensive and careful investigation of the whole matter, and of the character of the Bank of England as the great agent of the State for the purpose of finance. I think that this paragraph ought not to have indicated a foregone conclusion with respect to the renewal of the Act of 1844. That Act was one of a long course of progressive measures. It did not pretend, in the judgment of Sir Robert Peel, its responsible author, to a character of absolute finality. I am not prepared to unsettle any portion of that Act for the state of things that existed before that measure was agreed to. But it ought to be understood that it is open to consideration whether the Act of 1844 is capable of improvements that would not frustrate the beneficial purposes of its author, but would give increased assurance to the community that we are beginning to emerge from the series of monetary experiments, and are about to bring our monetary system to a comprehensive, and permanent, and established basis.

But, Sir, a more important subject still remains, upon which the right hon. Gentleman (Mr. Disraeli) has announced his intention to submit a Motion to the House. I have watched with interest the meetings and proceedings which have taken place in different parts of the country relative to the income tax. It is perhaps in vain to regret, for it is probably inherent in the nature of all popular movements, that the country shows a greater disposition to be critical and sore on the subject of taxation than to be critical and sore upon the expenditure that makes taxation necessary. If I were to attempt to paint the humour of the country at the present moment, I should say that it was jealous with respect to taxation, but perfectly reckless with regard to expenditure. It is considered well worth while to debate the question of direct and indirect taxation, as if there were not a moral certainty that for all the years during which the youngest among us draws breath both the admirers of direct taxation and the

worshippers of indirect taxation will have ample opportunities of contemplating even to idolatry the working of these respective principles in the discordant financial system of the country. There is not the slightest fear of the disappearance of either the direct or indirect tax-gatherers. There has been much discussion—and I do not wonder at it—upon the question whether the income-tax should be levied in the same way upon permanent as upon varying incomes. I agree that as long as you have an income tax you will never entirely get rid of that discussion, and this conviction and the political dangers of this tax led me to the conclusion that the income tax is an admirable instrument for national purposes upon a great and adequate emergency, but that it is a dangerous instrument to retain in time of peace. There has been much discussion whether an income of £100 should pay, or an income of £150, and whether the possessor of an income of £151 should pay upon that income or upon the £1 surplus. There has been still more discussion on the cessation of war taxation, and upon these subjects I shall not evade giving an opinion. But I desire most earnestly to bring the Members of this House—and, what is more necessary, for the difficulty is out of doors, to bring the country—to consider the question “What is the just and reasonable scale of expenditure for your establishments during peace?” That is the question upon which we must bestow our care if we intend to discharge our duties to the people of this country whom we represent. Upon this subject we are not entirely without information, even on the day of the Speech from the Throne.

There is a portion of the country singularly favoured, for in the town of Arbroath and other favoured places in the north-east of Scotland the most interesting disclosures have been conveyed within the last six months from the Minister of War to his delighted neighbours and friends. I will not dwell upon the important announcement which he made relative to the Report of the Crimean Commissioners, although I do not understand why that time or that place should have been chosen for communicating the views which Lord Panmure entertains upon the labours of Sir John McNeill and Colonel Tulloch. I will not drag that subject in now, for I apprehend it will probably not escape the attention of this House. But another announcement was made in Arbroath, upon which I de-

sire to take my stand. The noble Lord the Secretary of State for War stated to his friends that there would be a reduction of £20,000,000 in the Military Estimates of the present year. I make no doubt that he did not refer to the naval departments, and that he, of course, meant the Estimates for the Army, Ordnance, Militia, and Commissariat. Now, Sir, there is no way of getting right upon this subject, except by coming to figures. It is useless to bandy generalities and to say, on the one hand, that a niggardly economy and a state of unpreparedness for war invite invasion and run the risk of great calamities. That is not only the truth, but a truism. To speak, on the other hand, of the virtue of economy and of remitting the burden of taxation, is a truism at another portion of the diameter of the circle. Figures are the only intelligible language, and these are given us through the noble Lord's gracious benevolence to the people of Arbroath. The noble Lord, as I have just stated, said that the Military Estimates would be reduced £20,000,000. Well, Sir, the Estimates were £35,000,000 last year. I speak of the unreduced Estimates of last year, because the reduced Estimates were just £20,500,000, and if they were reduced £20,000,000, a very small margin indeed would be left. The noble Lord's intention apparently is to submit to us Estimates of £14,000,000 or £15,000,000 for the military departments. Then there is the naval department; but, as my right hon. Friend the First Lord of the Admiralty has not been to visit his friends at Halifax this year, our information respecting that department is meagre; but I am afraid, if I may judge from the loose rumours that reach me, that the measures of retrenchment to be applied to the Navy will not be any more stringent than those to be applied to the Army. I read the other day a declaration of my hon. Friend the Member for Bury (Mr. F. Peel), that his mind had been much relieved by the announcement made by Lord Panmure. I do not know the capacity of my hon. Friend's mind for receiving relief, but I must own that my mind was far from relieved—it was seriously disturbed by that announcement. I will not consent to look at the largeness of the figures of the reduction about to be made. In asking for supplies at the beginning of the war we told the House not to look at the largeness of the figures, but at the necessities of the case,

and now that the necessities of the case have passed away I must look, not at what you take away, but at what you leave, and that I must measure by comparing it with what, according to the best evidence in our possession, are the real necessities of the country. In the absence of positive information my right hon. Friend at the head of the Admiralty will excuse me, I hope, for making a guess at the amount of the Navy Estimates. Last year, before they were reduced, they were £20,000,000; after they were reduced they were £16,500,000. That sum included no less than nearly £5,000,000 for the transport service—an item which I should hope would now be reduced to altogether insignificant proportions. No doubt, my right hon. Friend will give us some reduction from the remaining £11,500,000, but I am afraid I am forming too favourable an opinion of him if I conjecture that his estimate will amount to about £9,000,000. Adding that £9,000,000 to Lord Panmure's £14,000,000, my conjecture takes the form of an expenditure upon the peace establishment of this country of £23,000,000 or £24,000,000 a year. I wish I could believe that I had fallen into any gross error in this computation; but I do not stand upon the precise figures, for if the amount is anything near the sum I have named, the grounds of objection and the necessity for the positive interference of the House are exactly the same. In considering the necessities of the country I must look back at our experience before the war. True, we now wish to improve much that existed before the war, and many of those improvements cannot be carried out without expense. We have all seen with pleasure the improvements in the material of the great-coats of the sentries who are exposed to this severe weather, and whatever tends to the physical comfort of the soldier, whatever tends to the recognition of the fair claims of the officer, whatever is necessary to attract into the service of Her Majesty the highest class of men both as regards mental and bodily qualities, will, I am sure, never be grudged by this House. But the charges and expenses necessary for carrying out these objects are not heavy. The charges and expenses we are called upon to defray arise from different causes, and they connect themselves in some measure with the foreign policy of this country, and with the degree to which it is to cultivate the respect and the good will of other nations. If it be true on the one

hand that changes must be made in our military system, it is not the less true, on the other hand, that important and happy changes have taken place in the condition of the country and of the empire, the operation of which tends strongly to economy; I mean economy as compared with the standard of expenditure before the war.

Now, Sir, what is the condition of our Colonies? I repel the doctrine that because you are founding a vast Colonial Empire you must have a vast force to defend it. On the contrary, the only colonies which ever really required military assistance were either those in which it was made necessary by your slave system in order to keep down a black population, or else the great military garrisons which you have now ceased to acquire and multiply. As regards colonies, it is plain that the progress of free institutions must and ought to carry with it the obligation to discharge the burdens which are a part of the very title to and inheritance of freedom. Then you had before the war 20,000 and sometimes 30,000 men acting as a police force in Ireland, and the great bulk of your troops in England were discharging duties of a similar character. But a great change has now taken place. In most of the great towns you have an efficient police force, and by the organising a like force in the rural districts you are subjecting the real property of the country as well as the taxpayers generally to a very heavy charge on that account. It requires no detailed argument to show that the establishment of this police force has enabled you to dispense with the employment of the military in services which they had to discharge twenty years ago. I cannot at this moment presume to say whether you ought to keep your Military Estimates down to the precise figure at which on an average of years they stood before the war, but there is a very large margin between that figure and the Estimates you now propose. The average amount of the Estimates during the forty years' peace was £14,000,000, and they were at their lowest point in 1835, when they amounted only to £12,000,000. Since 1835 they have risen considerably, but have rarely exceeded £16,000,000 or 17,000,000, although within the last fifteen or twenty years you have been creating a new fleet with a new system of propulsion at an enormous expenditure. This being the amount of the Estimates before the war, the Government now propose, as

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I understand, to raise them to a sum at least considerably exceeding £20,000,000, a sum about double the lowest Estimate of the last peace, and exceeding by £6,000,000, £7,000,000, or even £8,000,000, the Estimates of those years in which you were creating your steam fleet. I am authorised to speak the sentiments of no man; but some Gentlemen with whom I am in familiar intercourse agree with me, I believe, in the opinion that we must look at the expenditure of the country; that this House cannot efficiently discharge its duties by looking only at taxation. Let me, therefore, point out to my right hon. Friend the Chancellor of the Exchequer the danger in which we might find ourselves. We might, to please our constituents, vote away ninepence of the income tax. We might also, and I really believe we should please many of our constituents by so doing, vote enormous and immoderate Estimates. The consequence would be that the Government would be compelled to fill up the vacuum by proposing either new taxation, or be compelled to borrow money in the very first year of the peace. Sir, I am not willing to be responsible for any such alternative. I feel it my bounden duty, first, to lay hold of the proposed expenditure, and it is my conviction that if it be the opinion of the Government that it is necessary to maintain a military establishment upon a scale at all approaching to that which I have named we must grapple with the Estimates, not by nibbling at them here and there, but by a general Motion, taking the sense of the House upon the expediency of saddling the country with such a charge. I am fairly bound to say that if no person better entitled to the attention of the House should undertake the task, I shall take on myself the responsibility of making a Motion in the circumstances I have supposed, should they occur, in order to obtain the judgment of the House as to the duty it owes the public in reference to the Estimates to be adopted, founding my Motion on the statement of fact which fell from Lord Panmure. I think I should not have acted justly to the Government unless I had taken the earliest opportunity of giving them this intimation, registering my earnest and solemn protest against the enlargement of the whole system of peace expenditure in this country. I admit the dullness of discussing these dry financial questions before a popular assembly, though I think that the progress of education must

have conveyed to them the idea, which I believe to be a sound one, that there is a connexion between the amount spent and the amount required to be raised by taxes.

I now come to the income tax. The right hon. Gentleman (Mr. Disraeli) has made a direct challenge to me, and I shall endeavour to meet it in frank and explicit terms. I admit in the fullest sense the obligation he seeks to lay on me. I do consider that the arrangement of 1853 was in the nature of a compact. I think, if I gathered rightly the purport of the right hon. Gentleman's speech, he said there was an understanding between the Government of Lord Aberdeen and its supporters interested in real property that, if they voted for the succession duty, the Government proposed the extinction of the income tax in 1860. Of such a compact, Sir, I know absolutely nothing, and I am bound to say, as far as my knowledge is concerned—and I ought to have some knowledge on the subject—no one ever endeavoured to link together those two questions, nor, as far I am aware, was there any kind of private communication on the subject between the Government and any hon. Members. The compact I speak of was a compact made at the table of this House, in the presence of the right hon. Gentleman himself—made, too, with him and his friends as much as any others, but made above all with the people of England. The right hon. Gentleman has truly referred to the position of the Government at that time as being a peculiar position. It was not strong in Parliamentary support, and had several of those unhappy accidents which even the skill of the right hon. Member for Wells (Mr. Hayter) cannot always avert before the first two or three months of its Ministerial existence. What happened? There was abroad a very strong opinion that the income tax ought to be reconstructed; and I believe that a large majority in this House were favourable to some attempt at reconstructing the tax. In the meantime, however, the tax had ceased to exist; for upon the 5th of April, 1853, the Act imposing the income tax expired, and it was only in a later part of that year that it was in the power of Lord Aberdeen's Government to bring the financial condition of the country under the notice of Parliament. The House will recollect that the income tax, for several years, had been in a state most unsatisfactory, and little creditable to this House, which had

gone on for not less than three or four years with annual renewals of the tax, like children who do not venture to deal with the future, but were content with living from hand to mouth, being unable to lay down for the guidance of their constituents any rules or principles on which the fiscal system should rest. It was impossible, while such a course was adopted, that any of the purposes of income tax could be gained, for any great revision of our commercial policy connected with reductions of duty absolutely required the assurance of a revenue from the income tax for a series of years. Under these circumstances, knowing the feeling of the country with respect to the uniform rate, we asked and obtained from Parliament at a time the income tax had actually expired the renewal of the tax with the uniform rate, and for a period more than twice as long as it had ever been given for before. Now, if ever there was an act of generous confidence extended from the Parliament to Government, it was that act, and let me do this justice to the right hon. Gentleman (Mr. Disraeli) to remark that he and his friends having, with the distinguished Member for Hertfordshire (Sir E. B. Lytton) for their organ, tried to raise the question of the uniform rate, and having found the sense of the House against them, offered no obstruction to the renewal of the tax. With respect to the Succession Duty, however, that was stiffly and gallantly fought in this House; and, though there were two or three divisions on it rather too close to be comfortable, yet the opposition never assumed a factious character, and the tax when passed received that manly and cheerful acquiescence which the gentlemen of England always yield to the verdict of the Legislature. The most important ground on which the proposal of that tax was justified was that there existed a strong sentiment in the country that the income tax ought to be laid with a heavier rate on realized property than on precarious income; though it had been argued, and in argument never contested, that the owners of realised property throughout the country had been, without their own consciousness I believe, paying on an average at least 9d., and not 7d. in the pound. However, it was in consequence of the sentiment in the country that realized property was too little taxed, and precarious incomes derived from skill and labour too heavily, the Government, being unable to undertake

the reconstruction of the income tax, yet undertook, by means of the succession duty, to lay an additional burden on permanent incomes—that is, on property. This is the settlement which it is incumbent to maintain, for, though the great struggle of commercial reform is over, there yet remained reforms in the tariff and Customs duties to be effected. I believe it will be perfectly practicable, if these reforms should be effected by means of the income tax, then to dismiss that tax, when it has done its work, to rest. But, Sir, the pledge of the Government was given in 1853, and we received value for it. It referred mainly to something that was to take place in 1860. Four years of the seven years have passed away. It is to my mind reasonable and just that the right hon. Member for Buckinghamshire on behalf of his friends, and that every man on his own behalf and on behalf of his constituents, should acknowledge the duty of the House of Commons to say now, in 1857, whether the pledges of 1853 are or are not to be fulfilled. I deprecate all schemes—except in debating societies—of comparison between direct and indirect taxation, so far as they stand between the House of Commons and its practical duty. I deprecate those inquiries about a uniform and a varying rate. What is the use of voting a perpetual income tax because you think the rate should be varying, and then all your life long finding that you are supporting a uniform rate? Now, that has been the case practically up to the present time. The question as to a varying rate is a question between the air and the clouds; it has never become practicable. No Minister sitting on that bench has ever been able to devise such a rate. The right hon. Gentleman (Mr. Disraeli) announced his intention, rashly I thought, of proposing such a rate; but he had not an opportunity of bringing it forward.

There are other matters before us, however, that are of a practical character. As far as my duty is concerned it will be my effort and labour to secure a fulfilment of the pledges given in 1853. I understood those pledges, as the right hon. Gentleman understands them. I have not forgotten them. I never can forget to the latest day of my life, and I must remember with gratitude, if not with satisfaction, the conduct of the House of Commons at the period when those measures were adopted, and the generosity of the sentiments which they evinced. I must

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endeavour to answer that conduct, at least, by what depends on me; and I shall endeavour to answer that conduct by striving to bring the expenditure of the country and its fiscal arrangements into such a shape as will allow the extinction of the income-tax in the year 1860. The right hon. Gentleman opposite said, and I think truly, that he would not view narrowly and jealously the mere circumstance of the Government possessing a large sum of money through the accidental operation of an Act of Parliament for a single twelve-month, if he were satisfied as to the purpose to which the money was devoted. But the right hon. Gentleman stated, that he was not satisfied. Sir, I am like him in that respect, and it is my intention to bring that matter fairly to an issue on the floor of this House. Sir, there is another point not altogether unimportant, in which a portion of the public are interested, and in which I myself have a personal interest. On the 1st of April there will still be a half-year's income tax due. It is material to consider whether that half-year's income tax is to be considered as Ways and Means applicable to the service of the year or not. I hope it will not be thought a piece of impertinence if I object to consider it as simply applicable to the service of the year; I was going to say that it was my property. That would be an extravagant expression, and would lead to altogether erroneous notions. But my meaning is this:—In the year 1854 we asked the House to provide us with £12,000,000 additional taxes, which was then estimated for the first year of the war. It was necessary that we should make provision for the first six months, during which our receipts for new duties would not be forthcoming. I said, we do not propose to borrow money for the expenditure of the year while it continues on this scale; but although we do not propose to borrow money, yet as the taxes which you have granted cannot be received for six months, we ask you to enable us to raise money by means of instruments which will hold in pawn the proceeds of those taxes when they fall due. Well now, Sir, that is the purpose to which the half-year's income tax which will become due on the 1st of April is pledged; and, in my judgment, the engagements into which the Government and the House entered at that period ought to be honestly performed by devoting the proceeds of that half-year's income tax to the liquidation of the debt thus contracted. Sir, I have

detained the House, I am afraid, too long, and much longer than I had intended when I rose ; but my duty upon the subject was a special duty, and I feel it to be one of so much importance to the House, and of such deep interest to the country whose feelings are so much excited upon it that they are hardly to be described, that the House of Commons is bound to assume its proper functions, to guide the country towards right conclusions, to establish rational principles, to enforce them at all costs, with respect to the expenditure of the country, and to grant to the country that relief which I maintain it is entitled to anticipate. With respect to the Resolutions of which the right hon. Gentleman has given notice, I wish to say only one word. He will feel that the precise mode and time of his Motion must have reference in some degree to what has been stated by my right hon. Friend the Chancellor of the Exchequer. But, at the same time, whatever the proper time or the proper form may be, when he or any other Gentleman makes a Motion, having for its purpose the giving effect to the financial arrangements of 1853, he will find me, as he is entitled to expect, among his warmest and most determined supporters, because I feel that I have no choice with regard to such a question; and that it would be my own duty to raise it if the right hon. Gentleman had not announced his intention to do so. Fidelity to this House and to the pledges which it has by implication given to the public render imperative the raising of that question. No doubt the right hon. Gentleman, when he spoke of the settlement of 1853 bore in mind that we have contracted some £35,000,000 or £40,000,000 of additional debt since that period, and that the interest of that debt must be provided for, and that certain modifications of what was determined in 1853 must be made. That additional debt grew *bond fide* out of the circumstances which have occurred since, and which it was not in our power to foresee. Other circumstances may occur before 1860 which may require other alterations to be made. The principle to which I understand him to give his adhesion, and to which I give my adhesion, is this, that nothing has occurred, either with regard to the creation of new debt, or the necessity for new expenditure, which calls upon this House to depart substantially from the pledges that it gave in 1853 with regard to the cessation of the income tax upon its present basis, with its uniform rate ; and

that it is the duty of the House to adhere to its pledges, and to give effect to them by the use of every constitutional power that it possesses.

VISCOUNT PALMERSTON: Sir, I can assure my right hon. Friend who has just sat down that if I did not rise immediately after the right hon. Gentleman opposite (Mr. Disraeli) it was in no degree from want of respect, either to the right hon. Gentleman or to the House—it was more, if I may say so, out of respect to my right hon. Friend himself, because, anticipating that he would give us the advantage of those reflections and observations which might occur to him upon the matters in debate, I thought it more respectful to him and also to the House to wait and hear what he might say, in order that when I rose I might be able to make any remarks which might occur to me in reply to what had fallen from him. The speech of the right hon. Gentleman opposite (Mr. Disraeli) appears to me to be an instance of the error into which men of eminent talents, who distinguish themselves in different lines, are sometimes tempted to fall by indulging on one occasion in a display of those talents which have obtained for them eminence in another capacity. The right hon. Gentleman stands prominent in this House for his statesmanlike qualities, his powers of debate, his eloquence, and his ability. He has also acquired a great reputation as a man of genius in another department of intellect—as a great master of the powers of imagination. I will not accuse the right hon. Gentleman of having been on this occasion indebted to his imagination for his facts and to his memory for his arguments—a reproach applied in another Parliament to another distinguished orator ; but I must say that the greater part of the speech which we have heard from him with reference to our foreign policy was a pure and entire romance. The right hon. Gentleman has been spending part of the vacation in Paris. We know that in that gay capital are many men who amuse themselves by practising upon the credulity of persons whom they call *gobemouches*, or fly-catchers. Well, Sir, what a godsend it was to them to get into their hands, not a common traveller, not a man of ordinary capacity, but the Leader of Opposition in the English House of Commons, a man distinguished for his ability to express any opinions which might be instilled into his mind, and capable of

disseminating to the greatest advantage any tales, however unfounded, which they might store up in his memory for the purpose of having them communicated to the world. To begin with the question of the Russian treaty. The right hon. Gentleman, undoubtedly, did ample justice to Her Majesty's Government with regard to the occasion, the conduct, and the success of the war, because he said that we had accomplished the great purposes for which the war was undertaken, and that we had concluded a peace which, while on the one hand it secured the objects for which we had contended, on the other, was not calculated in such a degree to humiliate the power with whom we were in conflict as to entail those sentiments of bitterness which might endanger the permanence of the peace which had been established. Sir, I quite agree with the right hon. Gentleman. We did secure the independence of the Black Sea and the freedom of the Danube. I also agree with him that Russia, although she was compelled to submit to terms which she had at first rejected, had no reason to feel humiliated by the result of the conflict. She was engaged in a war with two of the greatest Powers in Europe,—with England and France. She fought a gallant and a noble battle at the extreme end of her dominions, and I think that a Russian might rather be proud of the great efforts which were made by his country than humiliated by the conditions of peace which she was at last induced by motives of prudence to accept. There was, therefore, nothing in the conduct of the war which was not honourable to the Allies, and nothing in the terms of peace which could excite in Russia any just feeling of humiliation. But then the right hon. Gentleman says that in the conduct of the negotiations which took place at Paris there was a lamentable want of geographical knowledge, and that the blunders of our Plenipotentiaries caused the difficulties which ensued. Now, Sir, I am very unwilling to go into anything like details with respect to differences which have been accommodated. I do not think it useful to do so. I think it would have been far better if, having been told that these differences had been settled, and the questions at issue arranged to the satisfaction of all parties, hon. Gentlemen would accept that solution without raking up the differences which preceded the arrangement. However, as the right hon. Gentle-

man has introduced the topic, I will touch as lightly upon it as is consistent with a statement of the facts. It is well known that Austria originated the negotiations by stating to the French and English Governments that she was willing to submit to Russia certain conditions as bases of peace, provided she was assured that these conditions if accepted by Russia, would equally be accepted by the Allies. She was told that she might make the proposal. She sent these conditions to St. Petersburg as an *ultimatum*, to be accepted or rejected without change or modification. The answer in the first place was a modified acceptance. Austria informed the Russian Government that the one condition upon which she could be instrumental in bringing about an arrangement was that these conditions should be purely and simply accepted. They were so. One of those conditions was that there should be a new frontier in Bessarabia; that the line should begin at a place upon the Pruth and passing along the high ground north of the Lake of Yalpuke, should terminate at a point of the Black Sea north of the Danube. That was accepted, and Russia was bound by the acceptance which she had signified. When the Plenipotentiaries assembled in conference at Paris the Russian Plenipotentiaries stated that, although the Emperor undoubtedly admitted that he was bound by his acceptance, it would be very agreeable to him and remove many unpleasant feelings if the Allies would consent to a modification of the frontier, and they thought that modifications might be made which would still leave untouched the principle upon which the Allies had founded their frontier—namely, that Russia should be excluded from all contact with the Danube and with the navigable part of the Pruth, which discharges itself into the Danube. Several propositions were made which were not accepted; but, at last the Russian Plenipotentiaries proposed a line, which was accepted by the Allies. It began at the course of the river Yalpuke to the Val de Trajan and thence to the north of the Danube. After its acceptance the Russian Plenipotentiaries stated that they wished for a further modification of the line; that the line went just to the north of the town of Bolgrad, which was the head-quarters of the Bulgarian colony. The greater part of that district was occupied by a colony of Bulgarians settled in 1780, in whom the Russian Government take great in-

terest. The allied Plenipotentiaries said, "Where is this town? Let us see." A map was produced. That map was in Russian, and no one could read it. They then asked for another. Another map was produced, and the Russian Plenipotentiaries were asked to point out where was this town of Bolgrad, because much depended upon its geographical position: if the town of Bolgrad were so situated that a line drawn to the south of it would still leave a sufficient interval between the frontier and Lake Yalpuck, no objection would be made. If, on the other hand, it had been found incompatible with the maintenance of the principles in accordance with which the boundary line had been framed, of course the Plenipotentiaries would not have agreed to give up that town. The town was pointed out—Bolgrad-Tabak—and it was found that there was a sufficient interval, an interval of four or five miles between that town and Lake Yalpuck. All parties were satisfied; but when the Boundary Commissioners came to the country and were occupied in tracing out the plan, the English and Turkish Commissioners said, "Here is Bolgrad—here is the place immediately south of which the boundary is to go." But the Russians said, "No; you are mistaken; the Bolgrad that we mean is a town five or six miles south of that, and therefore the boundary must go up the lake instead of going up the river, which is discharged into the lake." There was no want of geographical knowledge on the part of our Plenipotentiaries; they adopted the town pointed out by the Russian Plenipotentiary, which was the old Bolgrad, and it was no fault of theirs if he afterwards claimed a new Bolgrad. This demand led to a long series of communications, the Governments of England, Austria, and Turkey maintaining that they could not agree to accept the new Bolgrad as the Bolgrad mentioned in the treaty, because a line drawn to the south of that would be inconsistent with the principles on which the boundary was to be laid down. Well, the result at last was, that the Russian Government agreed to the boundary originally proposed by them, which went to the north of Old Bolgrad; but as Russia attached importance to Bolgrad, the head-quarters of the Bulgarian colony, and it was desirable that they should have some town, the Russian Government, with the consent of the Governments of England, Austria, and Turkey, obtained a small acquisition of terri-

tory, perfectly immaterial to a country whose territories extend from the White to the Black Seas, and from the Baltic to the Pacific, but which included a town called Komrat, of sufficient capacity to become the head-quarters of this Bulgarian colony. The objects of all parties were therefore eventually attained. We obtained all the objects for which we contended, and Russia obtained a concession by which she was satisfied. By the same arrangement Serpent's Island was admitted to belong to Turkey, as going along with the delta of the Danube—a concession to which Turkey attached much importance—and corresponding changes were made in the Treaty of Paris. I have been asked whether the papers recording all these transactions are to be laid before Parliament. I answer, undoubtedly not. It is not the practice, and it is not desirable, that papers recording differences that have been arranged should be made public. But we shall lay before Parliament the final protocol recording the settlement which was come to, and the changes which were made in the territory in question, as laid down in the treaty. I think I have shown that the version which the right hon. Gentleman gave us of that transaction was entirely at variance with the course of facts as they actually took place.

Now we come to the Swiss question. The right hon. Gentleman has stated that the Swiss were anxious to yield to the demands of the King of Prussia, on the recommendation of the Government of France, but that we interposed; that we said we would be prepared to assist them in resisting those demands; but that when they asked us how we would assist them, we replied that we could not afford them any effectual aid at all, and that they had better give up the point in dispute. Now the real facts of the case were of a very different character. An insurrection had taken place in Neuchâtel, a great many persons had been arrested, the majority of whom were afterwards released, and about twenty of the principal leaders were kept in custody in order that they might be tried for treason against the State in which they were living. The demand of the King of Prussia was, that those persons should be released unconditionally, and without having been brought to trial. The Swiss Government declined to yield to that demand, and the French Government undoubtedly advised them to do so, stating that if they yielded that Govern-

ment would use its efforts afterwards to induce the King of Prussia to renounce his asserted rights over Neuchâtel, and to have the canton a free and independent portion of the Swiss Confederation. The Swiss Government declined to adopt that recommendation. We were asked to join with France in counselling its adoption, and in promising our efforts for the same object. We said that we could not do that, because, by holding that language to the Swiss Government without any certainty that our efforts would be successful, we should be inducing them to take a step on a false assumption, and we might afterwards have been open to the reproach of having led them into an error. The application was repeated by the French Government and was repeatedly refused. We told the Swiss Government that if the affair ended in a war they must not imagine they could rely on any assistance from us, and that we could afford them no aid which would be of any use to them in such a contest. But they still said they insisted on their rights, and were determined to abide by the consequences. The right hon. Gentleman says that the King of Prussia did not mean to drive the matter to an extremity, and that there had been no reason to suppose that the peace of Europe would be disturbed by that quarrel. But how can he reconcile that with the fact that the King of Prussia announced his intention to put his army on a war footing, and stated the 5th of January in the first instance, and afterwards the 15th of January, as the latest period to which he would delay the placing of his army on such a footing. In the meantime we were told by the Swiss Government that if we would join the Government of France in assuring them that on the condition of their releasing the prisoners we would use our efforts, conjointly with France, to persuade the King of Prussia to renounce his right of sovereignty, they would then take their chance and release the prisoners. We told them that if that was their wish we would accede to it; but we added, that we had no certainty that our efforts would be successful. We said, "We will use our efforts, and make our best endeavours; but we are bound in good faith to tell you that we have no ground for reckoning upon these efforts being successful." We never, however, gave that advice which the right hon. Gentleman has been informed that we gave—we never told them to resist the demand made on them;

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all that we said was, that we could not meddle with the matter, because we had no good ground for anticipating what the ultimate decision of the King of Prussia might be. I must repeat that with regard to the Swiss affair, the version of that affair which the right hon. Gentleman received during his residence in Paris was entirely untrue—was completely at variance with the facts of the case—would cast on the British Government an imputation wholly undeserved, and was in every way quite inconsistent with the course which we deemed it our duty to pursue.

We come next to Italy. Upon the affairs of Italy the right hon. Gentleman had access, I suppose, to the archives which we know nothing about. He has found out a treaty of which we never heard. He announces that there is in existence a secret treaty which was concluded between the French Government and the Austrian Government, with the sanction of the Government of England, guaranteeing to Austria the integrity of her Italian possessions. Sir, I can only say that this is the first time I ever heard of such a treaty. The right hon. Gentleman may have seen such a treaty; if he says he has, I certainly shall not contradict him; but I must say that we are totally ignorant of its existence; and, so far as we from having advised the adoption of such a treaty, that if we had been consulted with respect to its conclusion we should certainly have given advice in a precisely opposite direction. That treaty is entirely a romance—totally without the slightest foundation; except this, that I believe in the early part of the war with Russia, when the question was raised what line Austria should take in reference to the contest, communications did pass between the French Government and the Austrian Government with respect to the course which France might take, if, after Austria should have joined the Allies, an insurrection were to break out in Italy; and the Government of France, I believe, then stated that they would in that case take no part against Austria, but would leave her in the complete possession of her Italian dominions. But there was no treaty entered into by France with respect to the Italian possessions of the Austrian Empire.

Well, Sir, the right hon. Gentleman seems to consider that while on the one hand we were stimulating insurrections in Italy, on the other we were advising and

encouraging the French to put them down—an inconsistency certainly of which no Government is likely to be guilty. With respect to the affairs of Naples, the course which we took in that case is precisely that which is already known to the public, which has been published in the protocols, and the conclusion of which will be shown by papers which we shall lay before Parliament. The Governments of England and France, after having given the King of Naples advice of which the right hon. Gentleman who spoke last seems to approve, and that advice having been received in a manner certainly very unbecoming and totally unpromising, the two Governments thought it would not be consistent with their honour to continue diplomatic relations with the King of Naples, but they did not consider their conduct in that matter to be any undue interference in the affairs of another country. Every nation is at liberty to judge for itself with respect to the maintenance or the cessation of its diplomatic relations with other States; and if the two Governments thought that under the circumstances it would not be becoming in them to continue their diplomatic relations with the Court of Naples, surely they were at perfect liberty to put an end to those relations without being liable to the charge of having improperly interfered in the affairs of another country.

With regard to Persia and China, the right hon. Gentleman says that the course of events in those countries appears to have been the result of some system predetermined by the Home Government. Undoubtedly it was. I have been asked by my right hon. Friend (Mr. Gladstone) whether the operations against Persia were ordered by the Governor General on his own authority, or whether they took place in consequence of orders from home, and also whether the matter had been brought before the Court of Directors. I should have thought that my right hon. Friend was sufficiently acquainted with the arrangements established by law in reference to the government of India to know that orders of that kind sent from home would be brought, not before the Court of Directors, but before the Secret Committee, which is by law the authority charged with transactions of that description. No doubt the operations were undertaken on the responsibility of Her Majesty's Government at home. We do not now shrink from that responsibility; we did consider that the circumstances of the

case justified and called for such a proceeding, and it was on orders sent from this country that the operations were undertaken. But the right hon. Gentleman opposite talks of a "predetermined system." Certainly, our policy in this case was the result of a predetermined system. But were we the only parties to that system? Did the party of the right hon. Gentleman when they were in office adopt no measures in accordance with that system? Did they consider the independence of the city of Herat so unimportant a matter that it was indifferent to this country whether Persia got possession of Herat or not? Why, we know that when the right hon. Gentleman was in office, in Lord Derby's Administration, and when it had been alleged that the Persian Government entertained an intention of annexing the territory of Herat, the Persian Minister at this Court was asked whether it was so, and he assured Lord Malmesbury that it was not. But that assurance being followed by the appearance of an edict at Teheran, proclaiming the annexation to Persia of the territory and city of Herat, what was the consequence? Why, the Government of Lord Derby sent the Persian Minister to Coventry, told him that they would have nothing more to do with him until that annexation was revoked. The Persian Government yielded in that case; but the course of the transaction showed that the Government of which the right hon. Gentleman was a member, like every other Government that knows the interests of this country, felt it was a matter of great importance, with a view to the security of our Indian possessions, that the city and territory of Herat should not be annexed to the Persian dominions. We have followed in that respect the settled and long-established policy of this country—a policy founded, as I think every one who understands the interests of our Eastern empire will admit, on a right conception of the importance of the town and territory of Herat as regards the frontier of our Indian dominions. It was our intention to have laid before the House the papers relating to this transaction; but within the last few days we have been informed that the Persian Minister in Paris, Feruk Khan, who arrived lately in that city, solicited an interview with Lord Cowley, Her Majesty's Ambassador, and that the result of the interview which took place in consequence, and which lasted some hours, was, that

Feruk Khan, after having been made acquainted with the nature of our demands, expressed himself ready to enter into negotiations with the British Government for the settlement of the dispute. That offer it is the intention of Her Majesty's Government to accept; and as the matter is one which must now be considered under negotiation, it would not be fitting that we should lay before Parliament papers relating to a difference with a foreign Power which we hope to be soon enabled amicably to settle. With regard to the affair with China, the right hon. Gentleman said that what had occurred at Canton was also the result of some predetermined system. Why, no doubt it was the result of a predetermined system. But again, who were the authors of that system? The late occurrences are the result of a violation of the Treaty of Pekin; and by what Government was that treaty concluded? Why, by the Government of Sir Robert Peel. That treaty gives certain privileges to our consuls and certain immunities to our fellow-subjects. Those privileges and those immunities were violated; and the British officers on the spot—rightly, in my opinion—demanded satisfaction; and, that satisfaction having been refused in the most insolent and contemptuous manner, they had recourse step by step to measures of force for the purpose of inducing the Chinese Commissioner at Canton to grant that satisfaction which we had a right to demand. Not only have the British Government demands of this character to make, but, I believe, the Government of France have similar demands to put forward; and we have seen that the same barbarous demeanour which characterised the Commissioner in our case has shown itself in an outrage on the flag of the United States; and the naval force of the United States in the Canton river were also obliged to have recourse to measures of force for the purpose of obtaining reparation. I cannot help hoping that that difference also will speedily be settled in a manner satisfactory to the Governments of the two countries, which cannot but wish to be on friendly terms with each other. The right hon. Gentleman seems to think that Parliament ought to have been called together to consider—not the outrage at Canton, for we knew nothing of what had occurred there until the public accounts lately arrived in this country—but the intended operations against Persia. Now, I am perfectly well

aware that whenever we become involved in a war with one of the great Powers of Europe or with the United States of America, involving serious consequences, it is the duty of the Government to call Parliament together to state the grounds of the quarrel, and to ask for the means of carrying on the contest. But in the case of a collision with such a Power as Persia, a remote country, a conflict with which is not likely to entail upon us any considerable efforts, considering that in the natural order of things Parliament would speedily assemble, to call Parliament specially together would only be a burlesque on our constitutional forms.

So much for the remarks of the right hon. Gentleman on the foreign policy of the Government. He says that I have a peculiar talent for creating difficulties, and the getting out of them well. At least one of those qualities may be set off against the other. If I have the faculty of creating difficulties, and if I have, on the other hand, the happy knack of getting rid of them, I think that those who do me the honour of following me cannot have much reason to complain of the result. But I also believe that if I were to consult some of the hon. Gentlemen on the opposite side of the House, they would tell me of some persons who had a talent for getting their followers into difficulties, but had not the knack of getting them out of them. I believe the experience of the last few Sessions might enable even those whose memories are not exceedingly retentive to furnish me with some examples of that kind. But when the right hon. Gentleman says that we create our difficulties, I would ask him whether he believes that the Government of England has such power over the Governments of other countries that they can by their will summon up and allay national difficulties and perils? Does he think that we can perpetually go on getting them to do something outrageous, and to violate treaties, and exciting angry discussions, and then getting rid of them as if they could be matters of no possible moment? Why such a policy would be a mode of proceeding only fit for children. But such is not the way in which public and international affairs are carried on. We are not benefited by difficulties, and if things are done which it is necessary for the honour of the country we should resist, and such resistance creates difficulties, we ought not to hold back, and as the right hon. Gentleman admits we

have a knack of getting through difficulties, I think the latter part of his description entitles us to the commendation of the House, especially as the former part applies to other Powers, and not to us. I think that every Government ought to maintain the interests and honour of the country; and if the Government do that successfully, and if by negotiation they continue to smooth difficulties and put an end to questions which threatened at one time to disturb the peace, instead of exposing themselves to criticism and animadversion, I think they entitle themselves to approbation and support.

But my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) says that such is the reckless character of the Government of which I have the honour to be the head, that we create ten difficulties for every one that any other Government would create. Well, I will not discuss arithmetic with my right hon. Friend, who is master of all those arts. Supposing, in point of numbers, we had more difficulties than any other Government, does not my right hon. Friend forget that the greatest difficulty of all in which the country has been engaged since 1815—the most arduous and most important war—not difficulty, but war—in which this country has been engaged, was that which was brought on by the Government of which he was a Member. That took place during the time that he was in office, and when he held the purse-strings in his hand, and had, therefore, greater power and authority than almost any other member of the Government to put his veto upon a proceeding of which he disapproved, and especially upon a war in which he was of opinion this country ought not to have embarked. But my right hon. Friend acted an honourable part; he felt as every man will do—whatever he may say when he is out of office—and as every man who has public spirit and the feeling of an Englishman will, when responsibility rests upon him—my right hon. Friend cast aside all those refinements in which he is apt to indulge; he saw broadly that the honour and interests of the country were involved—that the public danger was great, and therefore, although the efforts were of the first magnitude, and the contest in which we were about to embark was one, the duration of which no one could foretell, my right hon. Friend manfully accepted the alternative, and flung in his

stake with his Colleagues in the enterprise in which we were engaged. But I say that my right hon. Friend having acted so manly a part while he was in office, is not entitled now to reproach us for having successfully resisted minor difficulties when they have fallen in our way and which have not been the result of our own conduct. My right hon. Friend doubts whether we are justified in concluding a treaty with the United States, one condition of which is the cession of Ruatan. He does not attach any particular value to the island itself; he thinks the cession a right one; but he doubts the power of the Crown, without the consent of Parliament, to make that cession. Now, as far as I am informed, I believe my right hon. Friend is mistaken in that respect. There is no distinction between territories given up by negotiation and by cession; I believe that in either case the Crown has the power to make any cession it may be advised to make. Those who give that advice are of course subject to the approbation or disapprobation of Parliament when the transaction is accomplished. But at all events we cannot yet be blamed on that account, because it so happens that those treaties are yet under the consideration of the Senate of the United States, which is the ratifying power; and until treaties are ratified they are not binding upon either party, and that is the reason why they were not mentioned in the Speech as treaties, but as negotiations. Until the decision of the Senate of the United States has been declared, it would not be consistent with the usual course either to lay the correspondence or the convention itself upon the table of the House.

Sir, I agree very much with regard to the general principles which have been laid down with regard to public income and expenditure. I quite concur with what has been said, that Parliament ought first to settle and decide upon what is the amount of the establishments which the interest and security of the country require, and what amount of army and navy are necessary for its service. Having settled that point, then is the time to find the means by which the expenses of these establishments are to be defrayed. If that is so, I think a discussion which has for its subject a particular tax premature until the House of Commons shall have decided what ought to be the necessary expenditure of the country in the year about to commence. I must say, that this is the first time in which I remember

to have heard an elaborate discussion of Estimates which have not yet been laid upon the table of the House. My right hon. Friend (Mr. Gladstone), judging from newspaper reports of speeches made elsewhere, has of his own ingenuity, in regard to matters upon which no speeches have been made, at least by my right hon. Friend the First Lord of the Admiralty, gone into an elaborate and somewhat minute discussion upon assumed Estimates. Now, I think that the House will do well to postpone a discussion upon Estimates until they are before them, and they can judge for themselves. My right hon. Friend says, "Figures, after all, are what you should go by." Well, then, I say, wait till you get them. It is quite clear that if people will argue upon imaginary figures, simple men will not be much surprised if, in the long run, they turn out to be wrong. We are all agreed with the right hon. Gentleman opposite (Mr. Disraeli) that it is not for this country to have an army of 500,000 men. I do not think any one has dreamt of any such thing. Of course it is a mere figure of speech. He means, no doubt, a very large army, and one totally disproportioned to the wants of the country, and in imitation of continental armies. I quite agree with the right hon. Gentleman that it would be a great mistake for any Government to propose such a thing, and an equally great mistake for any House of Commons to agree to such a proposition. We have no wish to have an inordinate amount of military establishments beyond the requirements of the country. But the House will recollect that an army is not to be considered in the light in which it has been described, as a mere military police force at home. We have possessions abroad in which certain garrisons must be maintained. My right hon. Friend says very truly, that colonies to which free institutions have been given, ought to contribute largely to the expenses of the country. But it must be borne in mind that those colonies are countries in which labour is dear, and where every man is occupied fully in some industrial pursuits; and, therefore, you cannot get the same number of persons for military purposes which you can in old countries possessing large populations. You may call on colonies to contribute greatly to the establishment, and also to form militias for the purpose of defence, yet a force of that kind will not be suffi-

cient for emergencies if there is not a nucleus of a regular force on which these volunteer corps may support themselves in the hour of need. Then you must remember that we have a certain number of possessions abroad which require a certain amount of military force; but that that military force cannot be kept to those colonies permanently. There must be troops at home to relieve them; and we must always have, besides, troops in the stations at home, and also a certain number always on their passage either to relieve others, or returning having been relieved. All those circumstances must be taken into consideration in fixing the amount of your military establishment. You must also bear in mind that, although peace may long continue, it is always necessary to depend upon ourselves, and not upon the conduct of other Powers. You must always look forward to the possession of a force which will at least be sufficient to protect you in the outset from insult and attack. Depend upon it, for a country that is great and rich to leave itself without the means of defence is not the way to preserve peace in the long run. I believe I have now alluded to the more important points touched upon in the debate; but one thing I must say, and that is, that of all things the experience we have gained in the last war has been such as to strongly impress upon us, as a nation, the necessity of keeping up a sufficient establishment, and especially of maintaining that portion of your army which cannot be replaced at once, and which, as it is the scientific portion, cannot be so easily reproduced as the other. In the same manner with regard to the navy. I must remind my right hon. Friend that, undoubtedly, of late years, great expense has been incurred by this country; but it has also been equally incurred by other countries. Russia and France have shown themselves diligent in improving their navy. One of the greatest improvements of late years has been the introduction of steam propulsion. But a vessel propelled by steam not only costs one-third more to build, but one-third more to keep up. But if other countries—if France, Russia, and the United States—all adopt steam propulsion and all the advancing appliances of science, it is impossible for England to remain behind in this respect. It will never do for us to have a navy not capable in efficiency to cope with any navy with which it may come in con-

tact. On all these considerations I therefore ask the House to suspend its judgment until the Estimates are really before it, and until, therefore, they have the elements on which to form a sound judgment. We can have no other or greater interest than that of proposing to this House measures which we hope it to pass, and which we firmly believe to be necessary for the public service. We certainly, of all others, can have no desire whatever to create unnecessary difficulties for our own Administration. There is every temptation for Government to submit proposals to which the House will be likely to agree; but a responsible Government has a duty to perform, and from the performance of which they ought by no means to shrink. Having made up our minds as to the exact amount of the establishment which we consider it is for the interests of the country to maintain, it is our duty to propose to Parliament such measures as result from our deliberations.

I do not think I have now omitted any topic of importance; but I must say that I regret exceedingly that the right hon. Gentleman opposite should have adopted hastily those reports to which I have alluded, which he must have picked up at Paris from the gossips of the town, and which a little inquiry from those who were capable of giving him sound information would have satisfied him were totally inaccurate, and that he should have made them the medium of indulging charges against the Government which are at variance with the facts of the case, and utterly unfounded in reality.

MR. BAILLIE said, that he should not have risen but for the observations of the noble Lord (Viscount Palmerston), that it would have been a burlesque to call Parliament together to announce the expedition to the Persian Gulf. But the fact was that the order for that expedition was made while Parliament was sitting, without any communication being made to Parliament; and thus the noble Lord had involved the country in war, and had undertaken a great military expedition, without condescending to consult or to communicate with Parliament on the subject. Now, whatever the sentiments or opinions of Members might be with respect to the policy of these proceedings, operations having already commenced in the Persian Gulf, Parliament had now no resource but to vote the supplies and carry on the war. Many persons paid very little attention to

Indian wars, and, believing that they were charged on the Indian estimates, they were very little concerned. But there could not be a greater mistake or a more fatal error. The revenues of India were the revenues of England, and the public debt of India was the public debt of England. If the revenue of India proved insufficient to pay the interest of the Indian debt, it must be paid by the people of this country. We are just as much interested, therefore, in the success and prosperity of Indian finance as we are in the prosperity of our own, but it is the misfortune of the double system of Indian government that there are two distinct bodies—the Ministry on the one hand, and the Directors of the East India Company on the other, who seem to have the right to disburse the Indian commerce, neither of which considered itself responsible for the dilapidated condition of Indian finance. The Affghan war was one of the results of this system, and that war was in many respects a parallel to the present, the object in both being to counteract the influence of Russia in Central Asia. The Affghan war was the most expensive and disastrous in which the Indian Government were ever engaged. It cost £16,000,000 sterling, it involved the destruction of a large army, and it failed to attain its object. Indeed, it was now admitted, he believed, that the Affghan war was a gross and wanton act of aggression. For that war the East India Directors were not responsible. They protested against the war, and the President of the Board of Control was compelled to threaten the Secret Committee with a *mandamus* from the Court of Queen's Bench before they would send out that order. That order was issued by Sir John Hobhouse, and it was done at the instigation of the then Secretary of State for Foreign Affairs (Viscount Palmerston). The noble Lord was therefore mainly responsible for the Affghan war, and for the great debt that it entailed upon the resources of India. The secret history of that war had never been communicated to Parliament; but some fifteen years ago he (Mr. Baillie) moved for certain papers and correspondence relating to the Affghan war. The motion was refused, but the despatches of Sir A. Burns were subsequently published by his friends, and it then appeared that the original despatches presented to Parliament had been mutilated to serve the purposes of the Ministry that commenced the war. He wished the Chancellor of the Exchequer

had told the House what arrangement or agreement had been made with the Indian Government for the payment of the expenses of the Persian expedition. The House knew that an expedition conducted at a distance of 1,500 miles from the base of operations must be very expensive, and it could not be supposed that these expenses could be thrown upon the Indian Treasury. He would not now stop to consider whether England was morally justified in making war upon Persia; but it would not be difficult to show, when the proper time came, that our policy with respect to Persia of late years had been a great blunder. He trusted that sufficient spirit remained in the House to vindicate its authority, and to question the right of any Minister to make war at his own will and pleasure, and without the interference of Parliament.

LORD JOHN RUSSELL: Sir, I cannot regret that I had not an opportunity of addressing the House before my noble Friend rose, because I consider that his explanation of many points with respect to which I had some doubts as to the policy of the Government, was full and satisfactory. I will, however, state to the House my impressions with regard to some of the very important topics touched upon in Her Majesty's Speech. With regard to that which I believe to be the first topic in the Speech, the discussions that have taken place since the signing of the Treaty of Paris, it does not seem to me to be an unusual thing, that after the signature of a treaty, certain articles should be found to be expressed with such vagueness or obscurity, as not to be calculated to carry out the intentions of the contracting parties, or that they would lead to such inconvenient consequences, that it should be necessary to reconsider the wording of those articles and to amend them. But the course that was adopted—for what reason I do not know, but I suppose it was thought sufficient—was not that which is usually followed at the termination of a great war. When belligerents have made up their minds to put a termination to the miseries of war they have usually agreed to preliminaries expressing generally the articles which would be accepted by the several parties, and when the definitive treaty is prepared, those matters in which the preliminaries are deficient are remedied. But that course has not been followed on the occasion of the recent treaty. It has been thought best that certain bases should be

laid down which did not at all bear the character of preliminaries, but upon which as preliminaries the definitive treaty was prepared. That being the course adopted I do not think there could be any serious objection to reassembling the Plenipotentiaries and submitting to them and allowing them to amend the defective articles. The question which arose with regard to Bolgrad, upon which the Russians no doubt had the letter of the treaty on their side and we had its spirit and policy on our side, led to much discussion, and it appears to me extraordinary that there should have been so much heat and asperity displayed in the matter, when the conclusion must have appeared natural to any man of business or of common sense, that, if the approach to the Danube was intended to be forbidden to Russia by the articles of the treaty, Bolgrad should be held by Moldavia, and some compensation should be given to Russia for the loss of the place. That is the sense of the article now agreed to, which is declared in the Queen's Speech to be satisfactory, and which must be allowed by all to be satisfactory; for while it is not injurious to Turkey, as it does not depart from the spirit of the treaty, at the same time it involves no humiliation to Russia of which she would have a right to complain. The extraordinary part to me of these discussions is, that in the course of them so much asperity should have been displayed; that it should have been thought necessary to rouse this country almost to fever heat, and that there should have been so much difference and so much feeling with respect to a point in itself so simple. This question having been settled, I cannot but hope that the recommendation made at the end of the last Session in Her Majesty's Speech will now, at least, be attended to by this and other countries. This is the passage to which I allude:—

“Her Majesty trusts that the benefits resulting from the peace will be extensive and permanent, and that while the friendships and alliances which were cemented by common exertions during the contest will gain strength by mutual interests in peace, those asperities which inherently belong to war will give place to the confidence and goodwill with which a faithful execution of engagements will inspire those who have learnt to respect each other as antagonists.”

This appeared to me to be language worthy of Her Majesty, and I have much lamented that its spirit has since been departed from; but I do hope that, now all parties to the treaty are satisfied, its spirit will be

maintained, and that the asperities which naturally arose during war will give place to a kindly feeling among antagonists who have so much reason to respect each other. I have thought it necessary to say these few words because some persons have assumed—and no doubt falsely assumed—that those who express the views of Her Majesty's Government still speak of Russia as if she were a Power with which we were at war. Now that the purposes of Russia have been defeated and the objects of the war fully attained, I hope that we shall not only have a termination of the war, but a prevalence of the spirit of peace. With regard to the question of Switzerland, I think that my noble Friend has completely explained away the allegations made by the right hon. Gentleman. I listened to those allegations with some surprise, as they did not at all correspond with anything I had previously heard on the subject. It appeared to me that the despatch, written, I believe, by Lord Cowley, was exceedingly cautious, as it very properly did not commit this country to advise the King of Prussia to renounce the rights he had claimed, but at the same time expressed that goodwill towards Switzerland which it was the duty of this country to express. But in agreeing to the terms offered them the Swiss seem to be left in one respect in a very unfortunate position. I do not expect that the King of Prussia, having put forward these claims, will make a full and complete surrender of them, although, no doubt, they ought to be extinguished by what has taken place. The Swiss Government are, therefore, in this position:—if the insurgents should at any time rise in Neuchâtel against the *de facto*, which I likewise believe to be the *de jure* Government, and the insurrection should prove unsuccessful, the King of Prussia may again interfere, and say that, though these persons may have been guilty of an offence against the Swiss Government, yet he is bound to protect them as persons standing up for his rights; and thus the whole question will be reopened." With regard to Persia, I have heard, with great pleasure, the announcement of my noble Friend that Feruk Khan is empowered to propose certain terms for the settlement of the dispute. I cannot look upon an expedition to Bushire in the light in which my noble Friend seems to regard it—as an unimportant expedition. I was much grieved at the orders given from this country for sending

troops, as the expedition, unless peace be restored, may mean much more than an expedition to Bushire. However, that expedition has been undertaken, and has been successful. Every person acquainted with the country whose opinion I have heard has said that Bushire is so unhealthy after April that it cannot be held beyond that month; but that an expedition of a more formidable nature might be undertaken; that a force of not more than 8,000 or 10,000 British troops might obtain a complete command over Persia by marching into the very heart of the country. But an expedition into the heart of the country is one of the utmost importance, because it must have one of two objects—either you must be going to fight Persia alone—and if you are, that country is so weak, so disorganised, so reduced by the vices of its Court and the character of its people, that you run the danger of altogether destroying its independence; or, you must be going to fight Persia supported by Russia; and, in that case, you have a formidable contest before you—a contest which can only result in doing what I should think most dangerous to our empire in India,—namely, in approaching closely the real frontier of our Indian Empire and the real frontier of the Russian Empire. I cannot believe that an English statesman, seeing the present security of our Indian Empire, of which I have heard Lord Hardinge talk over and over again, seeing that in 12,000 miles of frontier there are but two or three points on which we can be assailed, would wish to extend our frontier into the very heart of Persia, and thereby to expose us to new risks and dangers, and for that purpose to encounter the evils, the immense expense, the waste of men and horses, the difficult roads, the imperfect communications with which at present any enemy attacking our Indian possessions would have to contend. We should be reversing our position; instead of having a safe, good position, we should be giving an enemy the advantage by placing ourselves in an insecure position. I quite agree that it is desirable that Herat should not be annexed to Persia; but I cannot doubt that the Persian Government would assent to some arrangement with respect to that city more intelligible than the strange collection of confused phrases to which Colonel Shiel affixed his signature, to the effect that Herat was not to be attacked by Persia unless the Affghans attacked it, but omitting to provide for what

appears to me to be the most probable case, of the possessor of Herat making incursions into Persia. I have no doubt that the Shah would agree to some fair arrangement with regard to Herat. As to the Court of Persia being inspired by Russia, I cannot believe that any Russian statesman would be blind enough to the interests of his country to engage in a distant support of the Shah, instead of seeing that her correct course is, for at least the next five years, to take every possible means to increase the resources of Russia at home. I believe, therefore, that unless your terms are destructive of the independence of Persia, the Russian Government will be happy to aid you in obtaining them and in terminating the war. It is not, however, enough for the noble Lord to say that as this was a mere expedition to Bushire, it was not necessary to call Parliament together. I think it was the constitutional duty of the Government—however unpleasant it might be to them and to the Members of this House, when they determined that the expedition should take place—to call Parliament together, and to lay before us the circumstances which they regarded as a justification of it. With regard to Central America, I am most happy to agree in the course which the Government have taken. The phantom King of Mosquito may, I hope, be said to have disappeared, and we shall for the future run no risk of being involved with that great Republic, the United States, in any difference on the subject of those paltry tribes occupying the States of Central America who are none of them worth the lives of 5,000 British or Americans. I come now to another subject upon which the right hon. Gentleman the Member for Bucks asked my opinion—an opinion which I will not withhold from him or from the House. He asked me whether, as I said last year that I was satisfied with the speech of my noble Friend at the head of the Government upon the subject of Italy, I am satisfied with what has since been done. I am sorry to say that I am by no means satisfied with what has since taken place. With regard to Naples it appears to me that there were two courses which might have led to success. It might have been well for the Governments of England and France to make communications to that of Austria and endeavour to persuade Austria to go with them to the Court of Naples, and to make private communications—not as a matter to be brought before the tribunal of Europe,

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but to give friendly advice to the King of the Two Sicilies, pointing out to him the danger of the course he was pursuing. It is possible that such a course might have been successful, because the authority of these three Powers would have been great, and the manner of treating the question would have been friendly and courteous. There was another mode, which Lord Clarendon began to pursue, and that was by saying that there were cases in which it was not only the right, but the duty of this country to interfere, and, having laid down that rule, to take care that the interference should be effectual. I have no doubt whatever that if the King of Naples had been informed that certain terms had been agreed upon by the Governments of France and of Great Britain, and that he was required to assent to these terms or otherwise he would be compelled to agree to them, he would have at once assented. In that case likewise his honour was safe, because he might fairly say that he had yielded to superior force, because he would not expose his country and his people to the calamities which might have followed his rejection of the terms proposed to him. Neither of these two courses has been pursued. A middle course has been taken, which appeared threatening, but which was not really dangerous to the King of the Two Sicilies; one which not only left him full option to refuse the terms, but which made it a matter of pride and almost of honour with him to reject advice which was tendered to him accompanied by the threat held forth at the Conference at Paris. The King of the Two Sicilies thought, and perhaps thought rightly, that between two dangers the safest course was to reject that proposal. I must say that many who never respected him before respected him for the spirit which he showed upon that occasion. That was the first evil; other evils have followed. The King of Naples was raised in the general estimation, and the Government of Great Britain was proportionately lowered. All the friends of despotism rejoiced—all the extreme friends of revolution rejoiced. Those who mourned were the friends of just and constitutional liberty. Such were the practical consequences produced by the course of interference which we have pursued. But is that all? What has been the state of Naples since? Is it better than it was before that 8th of April, on which Lord Clarendon made his speech in the Conference at Paris? It has been far worse.

Every evil has been aggravated. The King himself has grown more jealous and more suspicious. The people are so watched that almost every third man in the street is a spy employed by the Government. The public places are shut up, and there is fear in all places of general resort. Persons who have been at Naples, and those who write letters from that city, inform me that they never saw such sorrow, such fear, and such dejection in any city as they have seen in that once gay and much admired city of Naples. This, I am afraid, is the consequence and the natural consequence of the kind of interference which has been adopted. If this is the way in which Her Majesty's Government think to solve the great problem of Italy, let me assure them that, although there may be politicians who will say with the right hon. Gentleman opposite (Mr. Disraeli) that it must be left alone, that we must give no encouragement to revolution, we must not interfere with Austria in her management of Italian affairs, and though there may be others who would interfere in order to rearrange and re-construct the Government of Italy—that although both these courses may be defended, the course of touching it and then leaving it, of bringing the question forward with emphasis and then abandoning it with levity, is one that cannot be pursued consistently either with honour or with safety. Now, it has been said—and it is part of the defect of the mode which was pursued—it has been said that Naples was an exception to all rule, and therefore it was not only a right, but a duty, to interfere with that Government. I believe that the Government of Naples is very bad. Numbers of innocent persons are imprisoned. Some men of the most patriotic motives and the highest characters have been for years immured in dungeons, and other enormities have been committed; but still there are other States in Italy whose Governments totally fail to perform the duties which they owe to their subjects, and which have this additional defect—that their principal towns are garrisoned by foreign troops. With regard to Naples, you may say that, although the Government is bad, it is the Government to which the people submit, and the general rule is not to interfere between a Sovereign and his subjects; but with regard to another State which I can name, the territories of the Pope, there is no such excuse. Bad government is supported by foreign occupation, and every man whom I have heard

speak on the subject has said, that foreign occupation is absolutely necessary to sustain bad government, and that bad government will continue so long as foreign occupation endures. I believe that to be true. It may be said that the representations as to the bad government of the territories of the Pope, and the evils under which they suffer, come from exiles and revolutionists. I must, in the first place, protest against that statement, because the persons whom I have seen, some of them residing in the country, and some who have left it, while among the most intelligent, refined, and well informed, are at the same time among the most moderate politicians I ever happened to meet. But, Sir, I have obtained, and may some day, if this question come more seriously before the House, have to read a document—a sentence of a tribunal sitting at Bologna—a city which for more than eight years has been in a state of siege. In that city there are military tribunals, and there is published a list of offences which they are competent to deal with; but, besides, there is a court of criminal justice, which in a sentence dated in June last relates the following particulars. It states, that for some years past there has been a continual course of assassinations, of highway robberies, of thefts, and of housebreakings prevalent in the city and country of Bologna, and that 100 gendarmes were sent out under the command of a lieutenant, who took up a great number of persons charged with various offences committed at various times from 1846 to 1855. The judgment then goes into the particulars of each of these cases. It says that there is no doubt that the offences were committed, no doubt that the country has been overrun with robbery and housebreaking during all that time, and that assassinations have been frequent; but that when the Court comes to deal with the cases of the individuals, with respect to nine out of ten of them, they state that there is no evidence against them, except their own confessions; that those confessions were extorted by torture and violence, and were retracted immediately those persons left prison. That, Sir, is the picture which a court of justice in the city of Bologna gives of the state of a country under foreign occupation, which foreign occupation is continued for the purpose of preserving order in that unhappy country. Now, Sir, I ask the House whether the regular administration of government in the States of Italy is a matter which can

be indifferent to this country? Is it possible that for eight, ten, or twelve years we should continue to see foreign troops occupying that country, and we yet should make no remonstrance on the subject? I cannot believe that if, in the first place, we brought the subject before the French Government, and if, acting in concert with them, we remonstrated in the next place with Austria on this occupation—I cannot believe that the same evils would continue. No doubt, as I have said, the vices of the Government of Rome, its corruption, its total abandonment of the duties of punishing crime, its entire negligence with regard to the protection of its subjects, will continue as long as this foreign occupation lasts. But I have no doubt that if a day were fixed—say, as the occupation of the Principalities of Moldavia and Wallachia is to cease on the 30th of March, that in six months afterwards the occupation of the Roman Legations by the Austrian troops shall cease—that measures would be taken to have a tolerable government in that country, and that there would be some chance of an independent State there. I say there would be some chance of an independent State there, because, although many of those whom I know are very confident that the Pope, whose benevolent intentions no one doubts, can adopt such precautions as will establish good government, I am myself by no means sanguine that such an attempt on his part would not fail, and that it might not be necessary for the Powers of Europe to consider the question as to the sovereignty of those parts of Italy. This is a very large and grave question, but I feel quite sure that such a country as Italy—a country so endowed by nature—a country possessing inhabitants of so much intelligence—should not be left in the state in which it at present is owing to foreign dominion. I say, “owing to foreign dominion,” because, although Austria has no right to govern more than 3,000,000 out of the 25,000,000 Italians, yet, partly by treaty, partly by the march of her armies, and partly by her influence, she has since 1815 practically governed nearly the whole of Italy. It is but of late years that the Government of Piedmont has released itself from that influence. That is now in Italy a Government worthy of all admiration—a constitutional Government promoting liberty of conscience and of speech—Piedmont is now a country where men who are driven from gaol to gaol in other parts of

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Italy find at length a refuge. I believe, Sir, that if the Government of England will take up this question in earnest—if they will consult with the Governments of France and of Sardinia upon the subject—there need be no danger whatever of war. I believe that the general feeling of the Italian nation, coupled with the declaration of a great Power like this country, would be sufficient to make Austria confine herself to that which is her proper and just dominion, that to which she is alone entitled by the treaty of Vienna, the government of Lombardy and Venice; and no one will rejoice more than myself if, by an improved and altered system of government, by adopting clemency in the place of rigour, by adopting justice in the place of injustice, the Emperor of Austria should come at length to reign really in the hearts of his Italian subjects. But I am sure that the present state of Italy is a danger to Europe as well as a misery to the Italians, and therefore I hope that we have not come to the end of the matter, when we are told that to the King of Naples was given good advice, but he would not take it, and that therefore our Minister was withdrawn. I believe that not only Naples, but Sicily also, is in a state of great discontent. It may be possible by means of Swiss soldiers to put down any insurrection in blood; it may be possible also in the Roman Legations, by means of the foreign garrisons, there to suppress any revolt; but if we, at one time by encouraging them, and at another time by withholding support, drive the people of Italy into that state of desperation which leads them to make fruitless efforts to improve their condition, and the country thereby becomes in a worse state than before, I think a heavy responsibility will lie upon the Government of this country. I believe the time is come when Italy—not in one republic, but acting through her several independent States—is to play a great part in adjusting the balance of power in Europe; and if she, along with other nations, takes that part in moderating the ambition of great Powers, her thrall'd literature will revive, her thrall'd commerce will extend, and it will be indeed a triumph for the Government and people of this country if such a result is accomplished through British influence. The only other remarks I will make, are upon the subject touched upon at some length by my right hon. Friend (Mr. Gladstone)—namely, the question of Estimates and expenditure. I will not attempt, of course,

to go into any calculation, but I do hope that my right hon. Friend the Chancellor of the Exchequer will reconsider his determination, as expressed to-night, and that he will do as Sir Robert Peel and others have done in a similar case—that is, bring the state of the finances before this House at a very early period of the Session. Let us know what the estimated expenditure is, what are the ways and means to cover it, what are the intentions of the Government with respect to the taxes, and let this House judge of them. I am sure that such a course would be far more satisfactory than any Motion made by a right hon. Gentleman opposite or any person out of office on the subject of taxation, without our having fully before us the proposed expenditure and the reasons upon which it is founded. This House, I am sure, is always disposed, if it can, to agree with the Chancellor of the Exchequer; and no one found more than my right hon. Friend (Mr. Gladstone) that the House of Commons is always inclined not to make the finances a matter of party discussion, but, if possible, to act in such a manner as to maintain the credit of the country and support those establishments which are necessary for its defence and security. With regard to what those establishments should be, I will only say that I quite agree with all that my noble Friend (Viscount Palmerston) has said upon that subject; and perhaps if I might venture to recall old times and refer to what he said the first time I made a Motion in this House, which was in 1816, when I asked the Ministry to withdraw the Estimates and propose reduced ones, and my noble Friend, then Secretary for War, stated the grounds why considerable Estimates were necessary, I might observe that the reasons he then gave were not very dissimilar from those which he offered to-night, and I have no doubt were perfectly well grounded. All I should wish to prevent, as far as my vote lies, would be the adoption of any new system with regard to our naval and military Estimates. We have been accustomed (and very great Ministers—Ministers who knew what the country required—have sanctioned the practice) to keep up low establishments in time of peace; and though there has been always a complaint in the first year of war that we have been very unprepared, and have not made sufficient provision for a period of war, somehow or other, after a time, we have generally found ourselves strong

enough to meet our enemy with the establishment we possessed. Moreover, though the complaint I refer to has been made very recently, arising out of the events of the late war, I do not think that our experience during the last thirty years is at all adverse to the plan pursued. We have seen in France—I believe almost ever since the accession of Charles X., and certainly since the accession of Louis Philippe—that that country has been maintaining an immense army and a considerable navy, and every year increasing its debt. We, on the other hand, have been keeping up establishments thought by some persons too great, but which were, in fact, not very considerable; we have thus been enabled to secure a surplus revenue, to reduce taxes, and abolish customs duties which pressed upon the energies and checked the industry of the people; we have enabled our population to grow rich; and we have seen in the last war what that wealth was able to effect; for when our enemy was exhausted and our Ally was so far weakened in its finances that its war spirit flagged, the Government of this country found that, owing to our wealth, we had more than sufficient to pay for the large expenditure of the war, and the spirit of our people, if terms of peace had not been accepted, was such, that for five, six, or ten years longer, if necessary, we might have made the exertions necessary for war. Now, these are the things which produce good terminations of wars, and not large and expensive establishments, with generals and admirals growing so old that they are unfit for their duties when war comes. It is by moderate establishments, by rendering such establishments good and efficient, by attending to everything which cannot be easily originated or replaced—it is by such a system, and by relying on the greatness of the country and on the spirit of our people, that you will be most formidable in war, and not by any new-fangled system of increased Estimates during a time of peace.

MR. MILNER GIBSON said, he thought that the noble Lord was a little sanguine in hoping that financial questions would be dealt with without reference to party. He should have imagined that the recollection of the noble Lord would have told him that the question of finance was one upon which Governments had frequently been shipwrecked, and it was, in point of fact, on questions of finance that the confidence of the House of Commons in the Government

was more particularly tested. If he had rightly understood the observations of the Chancellor of the Exchequer, he thought that a question of finance was a rock ahead of the present Government. He felt quite alarmed at the predictions of the right hon. Gentleman the Member for Oxford University (Mr. Gladstone), who had stated that from £23,000,000 to £24,000,000 would be asked for the Army, Navy, and Ordnance departments as the peace establishment for this country. The country would not support a Government which should venture to submit such an Estimate as that to Parliament. As regarded the foreign policy of the Government as enunciated in the Royal Speech, there seemed to be a great difference of opinion in the House; nevertheless all parties were going to agree to the Address. As, therefore, there was going to be no division, he must be allowed to enter his protest against such parts of it, referred to in the Address, as he could not approve. With regard to Persia, it was said that negotiations were going on, and therefore it would not be proper to lay before the House any information as to the Persian affair, and no opinion ought to be expressed upon it until we had all the information. He should like to be informed how long that would last. The negotiations might last through the whole Session. Questions will be put to Government which will be met with the usual official reply—we can tell you nothing because negotiations are pending. For himself he was sick of the very word negotiations. In the meanwhile the war would be going on, and the people, who supplied the funds, were to know nothing about it. The noble Lord (Viscount Palmerston) had omitted to reply to the most important questions put to him by the right hon. Member for Oxford University. One of those questions—and it was a very material question—was, who was to pay for the Persian war. Were the English people to pay for the Persian war, either in whole or in part? That was a plain question, and the House was entitled to hear an answer to it. Then, again, the House ought to be told whether the war had been undertaken by the Government with the consent of the Secret Committee of the Court of Directors. He would not at present express any opinion on the Persian war, but he did hope that the negotiations would not be long protracted, and the public mind disturbed by all kinds of contradictory reports, which would distract attention from domestic affairs. With re-

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gard to Naples, he should like to know whether the demands which had been made upon the King were such as this country was entitled to make, and if the King of Naples was entitled as an independent Sovereign to refuse those demands. The noble Lord had stated that the communications were “friendly communications;” but yet there had ensued a suspension of diplomatic intercourse with that country. For his own part, he should wish to see a cessation of those “friendly communications” to foreign independent Governments. The noble Lord the Secretary for Foreign Affairs had said at Paris that the object to be desired was to repress revolution and encourage a monarchical spirit in Italy. Now, the King of Naples no doubt thought that his way of supporting the monarchy was the best way, and why should we interfere with the internal government of the people of Italy? He believed that the cause of humanity and liberty would be best promoted by non-interference, and for the sake of liberty in Italy that England should cease to interfere in her internal affairs, for when she did interfere it was only to betray and to excite expectations which she took no further steps to see fulfilled. This had been the result of our interference in Italy, and he trusted that England would at once cease to interfere in the internal affairs of that country. The paragraph in the Address relating to China called upon the House to say that acts of violence, insults to the British flag, and infraction of treaty rights had been committed by the local authorities at Canton, and to express its regret that a pertinacious refusal of redress had rendered it necessary for Her Majesty’s officers in China to have recourse to measures of force to obtain satisfaction. He understood the paragraph to contain the word “regret,” and wished it to be read to the House, so that there might be no mistake. [*Paragraph read.*] Now, he had great difficulty in coming to any such conclusion; he thought that that part of the Address ought to be altered, and if it was intended to imply that in the opinion of the House the forcible measures which had been adopted in China had been rendered necessary he should feel greatly inclined to move the omission of that part of the Address. The Speech further said that these measures had been taken with great forbearance. How could it be said that these measures had been taken with great forbearance when a large and populous

city had been bombarded, and the people, if the Chinese accounts were to be believed, destroyed in unknown numbers? It therefore appeared to him that the word forbearance was very much out of place. Instead of forbearance he thought there had been displayed a rashness and thoughtlessness as to the fearful consequences of bombarding a large and populous city. It was impossible to discuss the details without full information; but he thought the House should not be asked by such ingenious language to pass a direct approval upon the policy recently pursued. He had never known such a Royal Speech made to Parliament since the reign of the Four Georges. There was scarcely a word about domestic policy,—as if England had no domestic policy. There was nothing in the Speech but “wars and rumours of wars.” Everybody was described as contented and happy, as in the good times of George III.; and “the resources of the country,” it was said, “remained unimpaired, and its productive industry continued unchecked in its course of progressive development.” This was an exaggerated statement of the condition of the country. He denied that it could be stated with truth that there existed general well-being and contentment. There was displayed throughout the length and breadth of the land—not merely by the poorer classes, but by the affluent—the utmost impatience at the amount of the public burdens; and were there not daily seen in the metropolis large gatherings of unemployed workmen? When they regarded the amount of pauperism and crime, how could the Ministers deliberately describe, in the Royal Speech, the whole country as one paradise? It would have been much more correct to say that, although the resources of the country had not been permanently impaired by the war, its industry had been materially checked in its development. He saw no mention in the present Speech from the Throne of the intention of the Government, announced in the Royal Speech last Session, to carry out the recommendations of the Commissioners who inquired into the local dues on shipping in the different ports. The measure was abandoned last Session for want of adequate information; then a Committee sat and information was supplied to the Government; and yet no allusion to this most important subject was made in the Speech. There was no allusion either to the important questions of public education and Parliamentary reform. He had

never heard a Speech from the Throne with greater regret, and he contended that they were entitled to expect at the hands of a Government professing to be at the head of the Liberal party, after the termination of the Russian war, broader and more comprehensive views expressed on domestic policy. He trusted that, after what had been said on both sides of the House with respect to the military establishments, the Peace Society, as it was called, or Peace party, would no longer be sneered at, for it appeared that the sentiments expressed by the right hon. Member for Buckinghamshire and the right hon. Member for Oxford University, as well as by the noble Lord the Member for London, were pretty nearly the same as those expressed by the gentlemen supposed to form the Peace Society. He hoped that when the figures were laid before the House it would be found that they were to have a *bona fide* peace establishment, and not an establishment intended for aggressive warfare.

MR. HADFIELD said, he should decline moving the Amendment, of which he had sent a copy to the Government, at that late hour; but he regretted that no allusion should have been made in the speech to the important subject of our Colonies. Seven-ninths of the raw cotton used in English manufactures were imported from the United States. They were paying £20,000,000 for that material alone, yet the greater part of that vast quantity might be produced in English colonies. The amount of silk and cotton sent from India was very unimportant. The quantity of the latter was not one-sixth of that imported from America. India paid a revenue of £20,000,000, while they were paying very nearly that sum to America for an article which India could produce. It was not justice to 166,000,000 of their fellow-subjects that that amount of revenue should be raised, while the country was so obstructed in various ways as not to render all that it was capable of doing. A single million bales of cotton from India would be of great advantage to the manufacturing districts, and most beneficial to the producing country. He would not press his Amendment, but on another occasion he or some other hon. Member would call the attention of the House to that most important subject, the supply of raw cotton—a question which lay at the very root of their commercial prosperity.

MR. VERNON SMITH said, he did

not expect that the growth of cotton in India would have formed one of the many subjects to which the attention of the House had been called that evening. All that he could tell his hon. Friend was, that the attention of the Government had been paid for some time past to the means of increasing the growth of cotton in India. Since the Committee which sat upon the subject in 1848, there had been a steady progress in the growth of cotton in that country. The best means of increasing its growth was to secure for it a ready sale in England. It was perfectly well known that the cotton of India was inferior to that grown in America, and that it was only resorted to when there was a deficiency in the supply from America. But he did not deny that the Indian cotton was capable of considerable improvement. Machinery had been already sent out to India by which the improvement of the cotton was greatly facilitated and its supply made more regular. The Committee which sat in 1848 reported that no great improvement could be effected with respect to Indian cotton until the means of transport were increased. His hon. Friend was perfectly aware that since 1848 great additional railway communication had been provided in India, and he (Mr. V. Smith) confidently hoped that it would be the means of improving the cultivation of cotton in India. The people of Manchester asked the Government to guarantee them against loss if they should undertake the growth of cotton in India, but he should like to see its growth developed, not by Government guarantees, but by private enterprise, and he had no doubt that that enterprise would be well remunerated. He would be happy to receive any communications from his hon. Friend on the subject.

SIR J. PAKINGTON asked the noble Lord (Viscount Palmerston) whether he had any objection to alter that portion of the paragraph in the Address relating to China which expressed an approval of the late measures which had been resorted to against that country, as he (Sir J. Pakington) felt no hesitation in saying that he had the greatest objection to being committed to an approval of them?

VISCOUNT PALMERSTON said, it had always been understood that the Address should be so framed as not to pledge the House to anything specific. If the word "regret" was objected to as expressing an opinion, he had no objection to change it

for some other word not liable to the same objection.

Question put, and *agreed to*.

Committee *appointed*, "to draw up an Address to be presented to HER MAJESTY upon the said Resolution:"—SIR JOHN RAMSDEN, SIR ANDREW AGNEW, Viscount PALMERSTON, the CHANCELLOR of the EXCHEQUER, SIR GEORGE GREY, MR. LABOUCHERE, SIR CHARLES WOOD, MR. VERNON SMITH, MR. ATTORNEY GENERAL for IRELAND, MR. BAINES, MR. HORSMAN, MR. LOWE, MR. BOUVERIE, the JUDGE ADVOCATE, SIR BENJAMIN HALL, MR. HAYTER, and MR. FITZROY, or any Five of them:—Lords Commissioners' Speech *referred*.

The House adjourned at half after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, February 4, 1857.

MINUTE.] PUBLIC BILL.—1° Judgments Execution, &c.

LORDS COMMISSIONERS' SPEECH— REPORT OF THE ADDRESS.

Report of Address *brought up*, and read.

MR. HADFIELD said, he would take the opportunity of objecting to the present form of communication between the Crown and the House. In the Royal Message recently addressed to Parliament there was not a single piece of information with which the public were not previously acquainted, neither was there the slightest indication of the intentions of the Government in respect to matters which were deeply agitating the public mind. His chief objection, however, was, that in the last, as in most other communications of that description, there was not the slightest expression of sympathy towards our colonial fellow-subjects. The apathy of the Government in respect of our immense colonial possessions was astonishing, especially when it was remembered that for the supply of cotton—a matter of vital interest to this country—we were almost entirely dependent upon the United States, while in India we possessed territories with an immense population, where that article could be most extensively grown if the Government would only devote some little attention to the subject. He need not remind the House that the consumption of cotton in this country had enormously increased. Last year the consumption was

at the rate of 43,000 bales per week, and at the close of the year the whole stock in hand in Liverpool was only 251,000 bales, or about six weeks' consumption. Every year showed an increased demand. The failure of the crop in the United States would be attended with consequences fearful to contemplate, and, besides, the supply might be stopped from other causes. The American manufacturers, who rivalled the manufacturers of this country, would be the first to be supplied; and should the slave trade be determined there would be less certainty in the quantity of cotton produced. Was it doing justice to India to give the whole advantage of our purchases to the Americans, or was the Government of India showing its wisdom in neglecting this source, when it had been obliged to enforce the collection of revenue even by torture? But the fact was, that British capital would not flow to India because Government would not render the tenure of land secure by granting it in fee simple. He did not ask the Government to grow cotton or silk. He only made this reasonable request, that they should open a field in which the capital and skill of English manufacturers might be advantageously employed. The hon. Gentleman was then understood to refer to certain charges against the Government in India made by certain missionaries there, and to urge on the President of the Board of Control the propriety of making inquiry by a Commission.

ADMIRAL WALCOTT did not wish either to raise objections to the Address, or to comment upon the wars with Persia or China. He understood the noble Lord at the head of the Government to say, that he would lay the papers bearing reference to Persia before the House at the earliest moment possible, but do so immediately would be unwise, as negotiations were pending between the Persian Envoy and the English Minister at Paris; but with respect to China, the papers should be forthcoming. It was proper, therefore, to await their production. Viewing the subject simply with a professional eye, he had to perform the grateful duty of awarding praise to the Government of Bombay for the celerity, caution, and efficiency which had been displayed by them in fitting out the Expedition to the Persian Gulf; and likewise at the same time giving a tribute of commendation to the officers in command of the land and sea forces employed on that service. As far as he had means of

information it seemed that greater gallantry and ability had never been exhibited in the execution of duties of that kind. He must regret, however, that the flag of the Admiral was not hoisted on board of one of Her Majesty's ships; and he noticed, among the many signal instances of similar injustice, where officers deserving of the highest consideration were removed prematurely from the Active List, that the name of Admiral Leeke appeared on the Reserved List. In the case of the occurrences in China, he was pained to believe that the retribution inflicted went beyond the aggression received. That matter, however, he would not at present pursue. He would confine himself to two observations:—one was, the expression of sincere sorrow to read that in the operations carried on by Admiral Seymour and the officers and men under his command, women and children had strewn the path of war, although no doubt rested on his mind that the Admiral had exercised every forbearance consistent with his instructions. The other observation he would offer was, regret that gallantry so great had been displayed in the presence of an enemy so mean that the fight was not with men in armour proof, but with men of straw, and that the sledge-hammer to which we had been compelled to resort had been used in crushing flies.

SIR JOHN FITZGERALD hoped the Board of Control would seriously consider the subject to which the hon. Member for Sheffield had referred, and he would urge upon the Government the expediency of improving the roads in India, and increasing the means of communication, in order to facilitate the transmission of cotton from one point to another, particularly in the Presidency of Bombay.

MR. VERNON SMITH said, that the question of the cultivation of cotton in India, to which the hon. Member for Sheffield had called the attention of the House, was one of great importance, and as such had not escaped the consideration of the Government. He should be extremely sorry to show indifference, even in appearance, but he did not know how he could add anything to what he said last night. He did not exactly see what it was his hon. Friend wished to have done. If his hon. Friend would make a specific Motion, he should be ready to meet it. The accusation was general, that the Government of India had completely neglected the growth of cotton. That statement was unfounded.

A Select Committee had reported favourably of the efforts of the Government to introduce the cultivation of cotton into India, and since that time those efforts had not been relaxed. He supposed the hon. Member, as a freetrader, would not have the cultivation of cotton made compulsory, and in the way of encouragement nothing had been left undone. Experiments as to the growth of American cotton in India had generally resulted in failure, and it was his belief that the indigenous plant ought to be cultivated in preference. The hon. and gallant Gentleman (Sir J. Fitzgerald) who had just spoken, had alluded to the want of roads in India for facilitating the traffic in cotton, and he (Mr. Vernon Smith) believed that a great deficiency existed in that respect. The subject was one, however, which had not been neglected either by the Board of Control or by the East India Company, and he was happy to be able to add that for the last few years the system of constructing roads in India had undergone considerable improvement. The Government had also directed their attention to the promotion of railways in India, and the construction of such works would no doubt tend greatly to facilitate the object which the hon. and gallant Gentleman had in view; especially when it was taken into consideration that a scheme of making branch roads to communicate with the railway had for some time been set on foot. It could not, however, be denied that the making of roads in India was, owing to the nature of the soil, a work of great difficulty. Another very important subject to which the hon. Member for Sheffield (Mr. Hadfield) had alluded was the system of land tenure which prevailed in our possessions in the East. There was in India no means of obtaining the fee simple of property, inasmuch as it must be taken subject to certain liabilities, which might be regarded as in the nature of a rent-charge. Now, the great evil of the system was that such rent-charge was not of a uniform but of a variable character, and to provide a remedy for that evil was no doubt a subject which was well deserving of the consideration of the Government. The hon. Member had also brought under their notice the statement of abuses existing in India, which had been made by the missionaries residing in that country, and the hon. Member for Devonport (Sir E. Perry) was, he understood, about to move for a Commission to inquire into the matter. Now upon

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that point he would merely say, that he thought to allow the missionaries to act for themselves, and to procure and bring forward such information as they would be enabled to obtain by their own exertions, was a course preferable to the issue of a commission of inquiry.

MR. KINNAIRD said, he was sorry to perceive that the right hon. Gentleman seemed to have made up his mind as to the inexpediency of issuing a commission, inasmuch as it seemed to him desirable that the right hon. Gentleman should suspend his judgment until a petition, which was signed by many influential persons, well-affected towards the Company, which was now on its way from India, was laid upon the table of the House.

Address agreed to:—To be presented by Privy Councillors.

The Lords Commissioners' Speech to be taken into consideration *To-morrow*.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Thursday, February 5, 1857.

MINUTE.] *Took the Oaths.*—The Earl of Belmore.

THE ANSWER TO THE ADDRESS.

THE LORD STEWARD OF THE HOUSEHOLD (Earl Spencer) reported HER MAJESTY'S most gracious Answer to the Address, as follows:—

“MY LORDS,

“I THANK you for your loyal and dutiful Address.

“I RELY with Confidence on your Co-operation in maintaining the Honour of the Country, and in advancing the Welfare and Happiness of My People.”

THE WARS WITH CHINA AND PERSIA—QUESTION.

THE EARL OF ELLENBOROUGH said, he wished to ask the noble Earl the Secretary of State for Foreign Affairs whether the deposition made by Thomas Kennedy, who is stated to have been the master of the lorch seized by the Chinese authorities, and to have been on board at the time of that seizure, would be included in the other papers with respect to China,

which were promised to be laid before the House? And further, whether the noble Earl could lay on the table any despatch, if such existed, from Her Majesty's Government at home to Sir John Bowring, authorizing him to take the opportunity, if any favourable opportunity should arise, to urge upon the authorities of Canton the necessity of observing the treaty entered into between the two countries under which Englishmen were to be admitted into Canton?

THE EARL OF CLARENDON, in answer to the first question of the noble Earl, said the depositions of Thomas Kennedy, the master of the *lorcha*, was included in the papers which he laid on the table the night before last. On inquiry he had ascertained that the delay which had arisen in distributing these papers among their Lordships was owing to its being found desirable to have a map of the river of Canton, which gave a complete view of all the operations there. That map had been prepared; and in the course of the evening, he believed, the papers would be in their hands, and they would include the deposition referred to by the noble Earl. With respect to the other question, he had to state that no specific instructions had been given to Sir John Bowring by Her Majesty's Government respecting the admission of British subjects to Canton; but in the general instructions with which he was furnished when he left this country he was told to bear in mind the desirableness of obtaining that free access to Chinese ports which were mentioned in the treaty, and more particularly as regarded Canton. When Sir John Bowring arrived at his post, he communicated his arrival to the Imperial Commissioner, and requested an interview with him, in order that he might communicate with him upon various matters. That interview was refused, and the only despatch addressed to Sir John Bowring on the subject was one in which the Government communicated their approval of the measures he had taken on that occasion. No instruction had been sent to him since, although Sir John Bowring has constantly represented the inconvenience arising from a want of direct communication with the Chinese authorities.

THE EARL OF DERBY asked the Secretary of State for Foreign Affairs in how short a time the papers relating to Persia, which he had promised, would be laid on the table?

THE EARL OF CLARENDON said, it

had been his intention to lay them on the table in a very few days; and the only reason he was not now able to specify a particular time for doing so (although they were quite ready), had reference to the negotiations which were likely to be entered into with the Persian Government through its representative in Paris.

THE EARL OF DERBY said, he did not think the reason given by the noble Earl afforded any sufficient reason for delay in the production of these papers. He did not ask for any papers affecting negotiations which might be now pending, but he did ask for papers illustrative of the motives which led the Government to enter into the war, and of the manner in which that war was proclaimed. He must say he was very much struck with the powerful statement made by the noble Earl opposite (Earl Grey), on a former evening, and though he (the Earl of Derby) did not vote in favour of his Amendment, yet in the general principle which the noble Earl laid down he was disposed to concur. He did not think that the mode in which the war was commenced and proclaimed was consistent with the constitutional practice of this country.

THE EARL OF ELLENBOROUGH inquired if there were any papers illustrative of the measures—whatever they might have been—which had been taken by the Government of India on their receiving information that the Persians were moving hostilely towards Herat?

THE EARL OF CLARENDON said, he would give an answer to the question on another occasion.

THE EARL OF MALMESBURY said, a very different policy appeared to have been adopted on the present occasion with respect to China, from that followed by the Government of the Earl of Derby, and the Government which preceded his, relative to that country; and that the former policy had been changed by Sir John Bowring. If his memory did not fail him, he (the Earl of Malmesbury), when he held the office of Secretary of State for Foreign Affairs, Sir John Bowring, during the leave of absence given to Sir George Bonham, constantly urged upon the Government the necessity of insisting upon the fulfilment of that particular part of the treaty which gave us the right to enter Canton. Now, nobody ever doubted our right on this point; but there was a great difference of opinion as to the advisability of insisting upon such right. If he remembered correctly, Sir

George Bonham—than whom there was not a more prudent or more experienced man—was of opinion that it would not be beneficial, but rather the reverse, to insist upon our right—that trade could be carried on quite as well, and perhaps better, at the factories without the English entering Canton, which would only expose them to the insults of a barbarous population, and would be likely to lead to difficulties between the two countries. He (the Earl of Malmesbury) therefore hoped that if the Government wished the public to understand the whole question, they would go back a little further, and, among the papers which they were about to lay before the House, would give them some of the despatches sent home in 1852 and 1853, on the point to which he had referred; and particularly any—if there were any—in which Sir George Bonham, whose opinion was worth listening to on such a question, expressed his belief that it would be inexpedient to press for an entry into Canton. Such despatches would serve as antidotes to those of Sir John Bowring, who recommended a course exactly the reverse of this.

THE EARL OF CLARENDON said, the object of the Government was to furnish every information illustrative of the policy pursued by the Government. The despatches alluded to by the noble Earl would not be included in the papers which it was intended to lay before the House, but he apprehended there would be no objection whatever to give them if their Lordships thought it was desirable to have them. If he remembered rightly, the noble Earl in his despatches to Sir John Bowring, during the absence of Sir George Bonham in England, gave no decided opinion on the subject, but requested Sir John Bowring to confine himself strictly to keeping the *status quo*. Sir John Bowring was acting as English Plenipotentiary during the absence of Sir George Bonham in England, and the noble Earl's instructions to him were not to meddle with anything which Sir George had done.

EARL GREY said, he was exceedingly glad that there was no objection on the part of the Government to lay these despatches before the House. It was quite essential to a right comprehension of this important question, that the House should be in possession of a selection of the more important despatches relating to it from the date of the treaty with China—for this was no new controversy, but was one which had been going on for a considerable

time. He entreated the noble Earl to have the goodness to produce also the despatch which he (Earl Grey) wrote in November, 1847, strictly prohibiting all offensive operations on the part of the local authorities, without reference being made to the Government at home. That was a despatch written by him after communicating with the Duke of Wellington, who entertained the strongest opinion as to the absolute necessity of peace being maintained; and it received the entire assent of the Cabinet of that year.

THE EARL OF CARDIGAN—MAJOR CALTHORPE—QUESTION.

THE EARL OF CARDIGAN said, he was anxious to take the earliest opportunity in the present Session of putting a question to the noble Lord the Secretary of State for War—a question which, though he regretted to say it related particularly to himself, he believed was not altogether unconnected with the general interests and welfare of the army. The question was upon the subject of defamation of character by officers holding commissions in the army. But before he put it he would remind the House how entirely the circumstances had changed with regard to the means a man had of defending his character by the change of opinion which had taken place with regard to the laws of honour. Their Lordships would remember that that most distinguished man the great Duke of Wellington, when he considered he had during any great political contest been unjustly commented upon, had recourse to the remedy provided by the laws of honour. A similar course had previously been adopted by Pitt, by Fox, by Castlereagh, by Canning, and by Sir Robert Peel; and, indeed, by almost all the great and distinguished men of the past and present century. But he (the Earl of Cardigan) was much more unfortunate; because, in following their example, he had had the misfortune to be placed at their Lordships' bar and tried as a felon, at the imminent risk of losing, not only his personal property, but his personal liberty. Since then, the law with regard to duelling had gradually become more stringent, and only one personal conflict had subsequently taken place between any two gentlemen; and on that occasion one of the parties, who held a commission in the service, lost his commission, and was imprisoned. The Mutiny Act and the Articles of War had also been altered, and made

more stringent and severe. Now, it was upon the Articles of War that he would found the question he was about to put to the noble Lord, and in obedience to the Articles of War he asked the protection of the highest military authority. The facts were these:—His character had been maligned, his military reputation had been defamed, in a most extraordinary and uncalled-for manner by an officer holding a commission in the service; and that officer, although he had published his statement—his unfounded statement—under the name of “A Staff Officer,” was in reality Major the Hon. Somerset Calthorpe, who, he regretted to say, was a near connection of a Member of their Lordships’ House. First of all, it might be necessary for him to say that, barring one statement relating to a circumstance touching a certain number of horses, there was not a single statement made respecting him which was not utterly devoid of the slightest truth. In the difficult position in which he was placed by the publication of Major Calthorpe’s book, the course he thought proper to adopt was the following:—Soon after he became acquainted with this publication, he applied to the Commander in Chief of the army to bring Major Calthorpe before a general court-martial for “conduct unbecoming the character of an officer and a gentleman, in disgracefully maligning his character.” His Royal Highness the Commander in Chief refused to accede to his request, on the ground that to do so would be productive of inconvenience to the general interests of the army. The next step he (the Earl of Cardigan) took was to request a friend—a brother staff officer of cavalry, who on several occasions had attended him when he was employed on different expeditions and services with the cavalry by Lord Raglan’s orders, and who was utterly unacquainted with, and never had heard of any of these gross fabrications—to go to Major Calthorpe and point out to him how entirely unfounded in fact every one of his statements were, to calmly ask him to reconsider them, and to withdraw them on any ground he thought proper, provided he stated they were misrepresentations, and were unjustified by facts. The answer he received was to this effect—Major Calthorpe admitted that two out of three of the allegations he had made against him were totally devoid of truth; and the other he explained in so flippant and offensive a manner as to be entirely unsatisfactory to him (the Earl of Cardigan); and he concluded by refusing to withdraw these state-

ments from his work, on the plea that it would be inconvenient to himself and his publisher. He (the Earl of Cardigan) was aware that many people would say, and had said to him—and perhaps the majority of persons were of the same opinion—“Why care about this attack upon you; why trouble yourself to take any notice of it; why not let it pass?” He could not agree to accept such advice. He thought when a man’s character was openly attacked, he was bound to defend himself in one way or another. If he had been alluded to in the general terms in which a gallant Admiral had been, he perhaps would not have taken any notice of the attacks, believing that opinions so expressed were ridiculous and absurd, and even contemptible; but when an officer like Major Calthorpe came forward, and stated that on particular occasions he had done certain things, which, if he had done, would have been highly discreditable, but which he never did do—such statements being preposterous fabrications—it was impossible he could pass the matter over in silence. Under different circumstances, considering the insignificance of this officer, and if it had been merely a question of the present moment, he might have allowed his accusations to pass unnoticed; but published in a book, they became, if uncontradicted, matter of history; and somebody taking up this work twenty-five years hence might be led to believe that it showed the real tenor of his conduct as a general officer while serving in the Crimea. It was most unfair and unjust that such should be the case. He must appeal, therefore, to the noble Lord the Secretary of State for War, and the question he wished to put to him was this—Whether, after having received a letter from Lord Raglan, which he had now in his possession, thanking him for the manner in which he had conducted the cavalry reconnaissance in the Dobrudscha and to Trajan’s Wall, and for having obtained the information which he (Lord Raglan) required; whether, after his name had been mentioned in the despatch after the battle of the Alma in a way highly satisfactory to his feelings, with regard to the operation of a part of the cavalry on the night preceding the battle; whether, when he was subsequently mentioned in the despatch after the battle of Balaklava in terms well known to their Lordships; and when he had the further honour conferred upon him of having his name included in the list of those general officers who had the high honour of receiving the

thanks of their Lordships' House—he asked whether, considering all these facts, it was right or fair that a junior officer, holding a staff appointment in the army, should be permitted, long after the events about which he spoke had taken place, to malign him and injure his professional character? Whether an officer who had disgraced himself by propagating and publishing statements which were devoid of every vestige of truth should continue to receive even half-pay from the public purse? and, further, whether an officer having so disgraced himself was to be permitted to retain an honourable post on the staff of the Lord Lieutenant of Ireland?

LORD PANMURE said, that owing to the general terms of the notice which had been given by the noble Earl who had just sat down, he was unable to do more than to guess at the nature of the question which he was about to put to him; and he must be permitted, now that he had heard it, to express his regret at the practice which appeared to be growing up of making either House of Parliament a court of appeal upon points which respected the discipline and administration of the army. He could not, however, find fault with the noble Earl for availing himself of his privilege as a Peer of Parliament to refute in this public manner the accusations which he (Lord Panmure) could not but say had been most wantonly brought against his military character; but he thought that while he was conscious of being in possession of the approval of Lord Raglan for his distinguished and gallant conduct in the Crimea, the noble Earl might well have afforded to pass by in silence the remarks of one so inferior in rank and judgment to the gallant officer under whom the noble Earl had served. More especially might he have done so, when he considered that he was armed also with a document which showed that he had received the thanks of this and the other House of Parliament for his conduct in the field. With regard to the question of proceedings against the officer who wrote the book to which the noble Earl had referred, let him remind him that though the noble Earl charged a particular officer with being the author of that book, that as far as the authorities of the Horse Guards were cognizant of the facts, that book was written under an anonymous signature. The Commander in Chief (who would have been present in his place to-day had he not been in attendance on Her Majesty), upon receiving an application from the noble Earl

to redress through the means of a court-martial the injury which he had sustained from that book, stated that he did not conceive that it was his province to take notice of anonymous military publications, because such a precedent once established would lead to inevitable confusion in the administration of the discipline of the army; and that moreover it appeared to him, as it appeared also to himself (Lord Panmure), that the noble Earl had a recourse open to him by an appeal to the civil courts of the country, whereby he might have obtained reparation for the defamation of his character. The noble Earl had stated the reasons why he did not adopt another course in vindication of his honour, and why he did not appeal to what he called the "law of honour." He (Lord Panmure) thought that he was perfectly right in making no such appeal, and he was sure that the sooner such a law was abrogated entirely, the better it would be for the profession and for society at large. He thought, under all the circumstances, that the only answer he could give the noble Earl was to say that it was not the intention of the Commander in Chief to bring the officer who was supposed to be the author of the work in question to a court-martial; and he would strongly recommend the noble Earl to rest upon the high testimonials which he had in his possession to refute the injustice to which he had been subjected.

THE NEW FOREST—

MOTION FOR RETURNS.

THE EARL OF MALMESBURY, in moving for certain returns relative to the New Forest, Hampshire, asked the indulgence of the House for trespassing upon their time with a matter which was so far personal to himself that he might be said to be one of those who were to some extent upon their trial before the Commissioners of the New Forest. He should first be obliged to trouble their Lordships with a summary of the circumstances connected with the appointment and the proceedings of the Commission. In 1851 an Act was passed for the purpose of putting an end to the deer, which contained a clause enabling the Crown to appropriate and plant 10,000 acres, in addition to the 6,000 acres already possessed by it in the New Forest; the commoners also were called upon by that Act to prove their rights before the County Court Judge at Southampton, and power was given to sell waste lands to the extent of £2,000 to

defray the expenses of carrying out the Act. That sum was found to be far too small for the purpose, and in 1854 another Act was passed appointing three barristers to adjudge on the claims of the commoners, and giving them power to sell any quantity of waste land in the forest, in addition to the £2,000 sanctioned by the Act of 1851 in order to defray the expenses. These Commissioners had been engaged ever since November, 1854; and he begged to remind their Lordships that many of the commoners were very poor persons, who had no original title, but who had a right of *user* of upwards of two centuries, and who felt this investigation to be of the very greatest importance, regarding it almost as a struggle between the Sovereign and themselves. It was of the highest importance that the Commissioners should proceed with the adjudication as rapidly as possible, because the witnesses were necessarily very aged and could not be expected to live much longer. The incendiary fires which took place in the New Forest a few years ago originated in the feeling which prevailed among the people against the Commission; and he had no hesitation in saying that the Commissioners could not evince too great a spirit of conciliation. Such a spirit had not been displayed. The population affected by the Commissioners covered about 60,000 acres, and the places at which the Commissioners held their sittings were at so great a distance from the residences of the parties whose claims they were called upon to decide, that in many instances the poorer commoners could not afford to pay the expense of conveying their witnesses. Only the other day several parties were obliged to attend the Commissioners at a distance of from ten to twenty miles from their residences. Again, it was matter of complaint that the Commissioners had sat only two years, and that during the first they had succeeded in disposing of no more than half-a-dozen claims, while during the second, 1856, they had confined their sittings to forty days. He had been told by an ingenious lawyer, and he had every reason to believe the statement to be true, that every sitting of the Commissioners cost four acres of the forest. In November last, hearing that a court was to be held at Christchurch, and finding that his claims and those of his neighbours were not to be taken at that sitting, he ventured to address a communication to the Commissioners, against whom he entertained no sort of prejudice, ex-

plaining his views on the subject. That letter was worded in what he believed to be a proper manner; but, in order that their Lordships might judge for themselves, he would take the liberty of reading it:—

“Heron Court, December 17, 1856.

“Gentlemen,—Having lately returned from abroad, I have only just learnt from Mr. Druitt, at Christchurch, that you are about to hold a Court upon Forest Claims at that place; but that mine, although my property is actually adjoining, are not to be investigated, but are deferred to a more distant period and locality. I therefore beg leave to ask you upon what grounds my interests are treated differently from the majority of cases belonging to this parish? If it be so, I am exposed to a great increase of expense in sending my witnesses (necessarily extremely aged persons) a long day’s journey, instead of a short walk to the court, while the poorer claimants, whose witnesses would be nearly the same as mine and those of the large proprietors, are deprived of the advantage of saving their expenses altogether by calling them simultaneously with ours. As I consider it a case of great and apparently useless injustice and inconvenience to myself and others, I have taken the liberty to press upon you my view of it, in the hope that you may think fit to take the whole of this parish at the same time and place.

“I remain, Gentlemen, your obedient servant,

“MALMESBURY.

“The Hon. the Commissioners for Forest Claims.”

On the 1st of January—a fortnight after the date of his communication—he received the following answer:—

“Christchurch, January 1.

“My Lord,—I have laid your Lordship’s letter before the New Forest Commissioners on the first occasion of their meeting since the receipt of it. I am directed by the Commissioners to acknowledge it, and to inform your Lordship that they cannot take any notice of the questions and arguments therein contained, as they do not recognise in any man the right to address them in the manner your Lordship has thought fit to assume.

“The usual public notice will be given of the time and place at which the Commissioners will hear and determine on your claim.

“I am your Lordship’s very obedient servant,

“W. STEAD.

“Clerk to the Commissioners.

“To the Right Hon. the Earl of Malmesbury.”

When he received that letter, signed by the clerk to the Commissioners, he thought it was the ebullition of some prancing attorney, not conceiving it possible, having no intention of offending the Commissioners, that they had authorised the transmission of so discourteous a communication. But he had since ascertained that the Commissioners themselves, and not their clerk, were responsible for it. He rejoined in the following terms:—

Heron Court, January 3.

“Sir,—I beg to acknowledge your note of the 1st inst.

"Having been in the habit of corresponding officially with every class of public servants, both abroad and at home, and having myself had the honour to hold a high responsible appointment under the Crown, it would be truly unpardonable were I to deserve the charge of showing a want of courtesy and respect to persons delegated by Her Majesty for any particular service.

"With this feeling in my mind I have carefully read the copy of my letter of the 17th of December to the New Forest Commissioners, without being able to discover the unintentional offence which, as you state, 'the manner I have thought fit to assume' has caused. I could have had no motive in offering such to the public position of these gentlemen, and still less to them personally, because I am at this moment unacquainted even with their names.

"Had I found in my letter any expression which could be construed into a solecism in private or official correspondence, I would gladly offer them an apology. As it is, I cannot do so; but, on the contrary, must affirm that, in applying for an explanation of certain orders which appeared to subject myself and my poorer neighbours to unnecessary and therefore unfair expense, and in 'taking the liberty to press upon the Commissioners my views, in the hope that they might think fit,' &c., I was exercising the undoubted privilege of self-defence, and supporting it in the language of a gentleman. I knew that we had no appeal from the judicial decisions of the Court, but I believed that we might without presumption observe upon its preparatory acts, and, like other defendants in other courts, plead for speedy justice or a change of *venue*.

"But, as the Commissioners 'do not recognise in any man this right,' it only remains to me to ask in Parliament for a public explanation of the course of justice to which I (as a party concerned) object, and, if possible, also to ascertain in what more fitting form of diction than that which I have used, the New Forest Commissioners expect to be addressed by Her Majesty's subjects.

"I remain your obedient servant,

"MALMESBURY.

"The Clerk to the Commissioners for the New Forest Claims."

If he had received from the Commissioners a letter of explanation, which, however, he did not say they were bound to give; if they had simply stated, in official language, that they could not comply with his request, he should not have troubled their Lordships with the subject; but he had read the correspondence to show the *animus* of the Commissioners and the absence of that delicacy of management which, desirable in all cases, was especially required in a Commission necessarily offensive to the people. After the correspondence had taken place, a memorial was addressed to the Commissioners by the magistrates and gentlemen residing in his neighbourhood, which had the effect of causing the Commissioners to announce their intention of holding their meeting in March at Christchurch, instead of at Southampton. The

The Earl of Malmesbury

following was an extract from a letter which he received from the oldest magistrate who attended the meeting where that memorial was agreed to:—

"Dear Lord Malmesbury—We did not ask you to sign our memorial, feeling that after the treatment you had experienced you ought not to be exposed to the chance of a repetition of it."

What he wished to impress upon the Government was the cruelty of compelling persons to wait a long period for the settlement of their cases, imposing upon them the risk of losing their witnesses through advanced age, and also the necessity of modifying some of the terms which had been laid down by the Commissioners. There was one point to which he hoped the attention of the Government would be directed. When the deer were in the forest the month of June was kept as a fence-month, and the commoners were not allowed to put their cattle in. But in the Act of Parliament this circumstance was ignored altogether, and although there were now neither deer nor fawns in the forest, the fence-month was enforced more strictly than ever. Before concluding, he would refer to the case of Brecknock Forest, which was enclosed some years ago. They began with selling one-fifth of the forest, and at the end of seven years the lawyers' bill had swelled to so large an extent that it required the sale of two-fifths of the land to liquidate it. What became of the other two-fifths he supposed no one knew. With that precedent before them he thought they could not act with too much caution. He asked the noble Earl opposite whether the Government approved the letter which the Commissioners wrote to him in answer to the one he had sent them. The noble Earl then moved for the Returns.

EARL GRANVILLE had on former occasions been warned of the extreme difficulties which he would have to encounter in answering in an efficient way questions relating to those departments of the Government not represented in that House, and the discussion now raised had afforded some proof of the wisdom of that warning. He was happy, however, to say that the responsibility did not in this particular case rest on him as a Minister of the Crown, for the Commission whose conduct had been impugned was responsible, and that to Parliament alone, having been constituted by an Act of Parliament. The noble Lord at the head of the Government, like the noble Earl, was a commoner in the New

Forest, and a defendant in this very suit; but there was this difference between them, that, while the noble Earl complained of the delay which had taken place, the noble Viscount was not very well pleased that his claim had been so speedily disposed of, and that in a manner not at all satisfactory to himself. Having received from the noble Earl opposite timely notice of his intention to move for these Returns, he had written to the Commissioners on the subject, and they had sent to him copies of a statement which they had transmitted to the noble and learned Lord on the woolsack, not in his capacity of adviser to the Crown, but as the head of the profession to which they belonged. He would, therefore, ask permission to leave the matter in the hands of his noble and learned Friend.

THE LORD CHANCELLOR said, it was quite true that the papers referred to by his noble Friend had been put into his hand, and he would therefore make a few observations on the subject, especially as on one or two points the noble Earl (the Earl of Malmesbury) had a little misunderstood the position of the Commissioners. The Act of Parliament passed in 1854 appointed the Judge of the County Court of the district to be the head of the Commission, and authorised the Lord Chief Justice of the Queen's Bench to select two other barristers to constitute the Commission, which was to be a Court for the purpose of hearing claims and adjudicating upon them. The gentlemen selected were Mr. Barstow and Mr. Coleridge; and it was due to them to say that two more honourable men did not exist. They proceeded to the district and entered upon the duty of hearing the claims of the commoners. The noble Earl seemed to suppose that a rule was laid down which required persons to prove an *user* from 1800. That was a mistake. All they did was to satisfy themselves that the commoners had acquired a legal right to their land. The Act of Parliament said that if any one could prove that he had been in possession from 1800, it was to be held sufficient; but such cases were exceptional, and in most instances the Commissioners had been satisfied with proof of twenty years' possession. In the discharge of their duties the Commissioners had to fix times and places to hear claims. This was a legitimate exercise of the powers conferred upon them, and they had stated to him that they were anxious to have the manner in which this duty was discharged ex-

amined and sifted in the most searching manner. No persons could be more desirous than they were to conclude their duties. They had no interest, in point of remuneration, in delaying the adjudication of the claims, because, as he understood, the sale of the forest lands was to pay the expense of the Commission. He would now repeat to their Lordships what he had already told the Commissioners, that he thought they had misconstrued the letter of the noble Earl altogether. He said he did not think that letter called for the reply they had given to it, and they expressed their extreme regret that they should have so misunderstood it. But what they felt was that they were there, not so much as Commissioners of the Crown to contest with the commoners, as persons who were appointed to do impartial justice to all parties. When the noble Earl's letter came to hand the question was under consideration whether they should sit at Christchurch or some other place; and, in conformity with the oath they had taken, they felt that they were bound to decide this and every question judicially, and in accordance with the interests of the commoners. While this matter was under consideration the Commissioners received from the noble Earl a letter, in which it was stated that the course they were pursuing "would be attended with injustice."

THE EARL OF MALMESBURY: With "apparent injustice."

THE LORD CHANCELLOR: Well, even if the expression had been "injustice" he did not think it would have justified the reply of the Commissioners. Indeed, in his opinion, there was nothing in the noble Earl's letter that called for an angry answer. He believed that the Commissioners had discharged their duties with the utmost zeal, and if there was any ground for complaint it was not that their proceedings had been too slow, but that they had been too hasty. He could only say, on the part of the Commissioners, that the returns which had been moved for would be prepared with the utmost care, and that they were anxious that their proceedings should be subjected to the most strict investigation. He would venture to say that the character and conduct of the Commissioners were unassailable, and that they had endeavoured to discharge their duties in a satisfactory manner. At the time they received the noble Earl's letter they were considering

whether it would be for the interest of the suitors that they should sit at Christchurch or not, and as they thought it would be advantageous to the suitors they determined to sit at that place.

LORD CAMPBELL said, he thought the Motion of the noble Earl was far from being an improper one, for it was desirable that Parliament should have information as to the proceedings of all courts. He (Lord Campbell) took some interest in the conduct of these Commissioners, because, although he would gladly have been spared the duty of making the choice, he had been called upon by Parliament to appoint two of them. There were three Commissioners, one of whom—the County Court Judge—was named in the Act of Parliament, and in selecting the other two Commissioners he had acted upon the maxim, *detur digniori*, and had endeavoured to select the most competent men from the Western Circuit. He could not name a leader or a silk gown, who might not, perhaps, be able to afford time; but as many very difficult questions of law, involving a large amount of property, might arise, it was necessary to select men of some experience. He had named Mr. Barstow, with whom he had little personal acquaintance, but had long known as an eminent lawyer and most honourable man, and Mr. Coleridge, a member of a family highly distinguished for their ability, and himself one of the most rising men in Westminster-hall, and a man of spotless character. He thought that the reply of the Commissioners was hasty and to be regretted, and had since pointed out to them that the letter of the noble Earl was a most courteous one, containing nothing to excite the jealousy or offend the dignity of any public officer. The Commissioners doubtless looked upon the noble Earl's letter as an interference on the part of a suitor with the discharge of their functions; but he (Lord Campbell) thought there was no ground for such an opinion. He believed that when the returns for which the noble Earl had moved were produced it would be found that the Commissioners had discharged their duty ably, industriously, and with perfect fairness. He thought the noble Earl had somewhat prematurely censured the Commissioners in the letter he had addressed to *The Times* newspaper, and that he ought first to have moved for the returns and have reserved his censure until he found that it was justified by the facts.

The Lord Chancellor

THE EARL OF HARDWICKE considered that his noble Friend (the Earl of Malmesbury) had rendered a public service by bringing this subject under their Lordships' attention, for he thought the conduct of the Commissioners ought to be carefully watched by Parliament. He believed there was no tribunal which was so satisfactory to the Commissioners and so unsatisfactory to landowners as an enclosure commission, for he had known cases where Commissioners luxuriated in turtle and champagne, and discharged their public duties in the most leisurely manner. The Lord Chancellor had said those Commissioners had been too hasty in their decisions, and he (the Earl of Hardwicke) thought they could not have paid very diligent attention to their duties, as they had only sat for forty days since their appointment. The letter of the Commissioners to his noble Friend was couched in such terms as he had never seen addressed by public officers to any gentleman in the land, and he had certainly expected that the noble and learned Lord on the woolsack—although he said he had no power to censure the Commissioners—would have expressed his strong disapprobation of the conduct of members of the Bar who had been parties to such a communication.

THE EARL OF MALMESBURY wished to say that he did not complain that the judicial decisions of the Commissioners had been unfair, or even mistaken. He complained of their arrangements, which he thought were most objectionable. He had been under the mark in stating that the Commissioners had only sat four hours a day at Christchurch, for taking the average of a fortnight they had only sat three hours and a half a day.

THE LORD CHANCELLOR said, it was clear that the Act of Parliament had not contemplated a continuous sitting, for it had appointed the County Court Judge of the district one of the Commissioners, and he was always employed in his duties some days in each month.

EARL GRANVILLE reminded the noble Earl that the concluding paragraph of his letter to the Commissioners ran in these terms:—"As I consider it a case of great and apparently useless injustice and inconvenience upon myself and others, I have taken the liberty to press upon you my view of it, in the hope that you may think fit to take the whole of this parish at the same time and place." The Commis-

sioners might very well have regarded this as impugning their conduct, and that therefore they felt some irritation on the subject.

THE EARL OF MALMESBURY said, he did not think it could be taken in that sense; and he must say that he was sorry to find that his noble Friend had not had either the courage or the friendly courtesy which he (the Earl of Malmesbury) might perhaps have expected from him more than from any other Member of their Lordships' House, of saying that which the noble and learned Lord had so fairly and generously said as to that letter. His noble Friend (Earl Granville) preserved absolute silence when asked if he approved of the letter, and not until the debate was closed did he endeavour to show that there was any reason for the answer he had received.

EARL GRANVILLE thought there was no ground whatever for this attack upon him by the noble Earl. The noble Earl having brought his Motion and applied to him (Earl Granville), as the representative of the Government in that House, to give his opinion with regard to the course which had been taken by the Commissioners; and when he rose he stated, he thought, in a manner not in the slightest degree discourteous, the reasons why, as a Minister of the Crown, it would not only be unnecessary, but in some degree improper, for him to speak in reference to a case in which the Crown was a suitor. Further, he conceived that it would have been manifestly unjust if, in the absence of the Commissioners themselves, and upon a single point on which he believed them to have acted without sufficient consideration, he had condemned them before hearing the defence which his noble and learned Friend the Lord Chancellor had been able to make for them. He should have thought his noble Friend would have been grateful to him for correcting an unintentional statement on his part, instead of exhibiting what he could not help as regarding as some degree of anger and want of courtesy.

Motion agreed to.

THE TICKET-OF-LEAVE SYSTEM— MOTION FOR RETURN.

LORD BERNERS moved, that an humble Address be presented to Her Majesty for a Return of the number of Tickets of Leave issued to convicts in each year since the commencement of that practice, showing the minimum periods of sentence at which such licences have been granted,

and the number of licence-holders re-apprehended, with the result of the proceedings against them. In proposing the Motion, the noble Lord said, that when he placed this notice on the paper, he was not aware that a noble Lord, whom he did not then see in his place, had given notice of a Motion of a more general character on the subject. Under these circumstances he should avoid entering upon a discussion of the larger question, but confine himself to the subject of his Motion. There was no doubt that the public mind had been very greatly agitated in reference to the ticket-of-leave system, and that the opinion was almost universally entertained, as appeared by the remarks of learned Judges, including the noble and learned Lord the Chief Justice of England himself, the Lord Mayor and magistrates of the metropolis, the recorders of different boroughs, grand juries and courts of quarter-sessions in various counties, that the system was a complete failure. All testimony upon the subject went to prove that the most mischievous results had arisen from letting loose, with tickets of leave, a large number of men, many of whom were the most hardened criminals, who had been frequently convicted, and in fact had made crime their profession. This being so it struck him that correct information should now be laid before the House and the public, not only of the number of tickets of leave that had been granted, but also of the nature of the offence and the character of the offender. He held in his hand the report of the Inspectors of the prisons at Pentonville, Parkhurst, Millbank, Portland, Portsmouth, Dartmoor, Brixton, and the hulks; also an extract from the table of the criminal offenders in the year 1855. By these documents he observed, that although the number of offenders in the aggregate was less in that year than during some previous years, yet that where an increase had taken place in certain descriptions of crime, that increase had arisen concurrently with the adoption of the ticket-of-leave system. In addition to this, he had before him the copy of a memorial to the Home Secretary from the magistrates of the county of Leicester, in quarter-sessions assembled, representing what his (Lord Berners') experience entirely confirmed, that there had been an increase of crime in that county, which was clearly attributable to the system. The noble Lord then moved for the returns.

EARL GRANVILLE said, the Govern-

ment were perfectly willing to comply with the Motion, and he quite concurred with the noble Mover that discussion upon the general question at that moment was altogether unnecessary. Notice had been given in the other House of the intention of the Government to bring in a Bill upon the subject of secondary punishments; and in moving for leave to introduce that Bill, the Home Secretary would state at length what were the views of Her Majesty's Government upon this most important question.

THE EARL OF CARNARVON suggested that the return moved for by the noble Lord should not be confined merely to those holders of tickets of leave who had been reconvicted for some specific offence, but should be made also to include, in an additional column, those ticket-of-leave men who had been reapprehended without the commission of any distinct crime. Their Lordships were aware that the tickets of leave were granted upon certain conditions, and that they were revocable not simply on the repetition of acts of violence, but also at the pleasure of the Home Secretary, provided that Minister was satisfied that the holder was leading a suspicious life. The object of this latter provision obviously was to prevent the men from returning to their old associates and to habits of idleness; and, were it wise or were it inexpedient in itself, there was little doubt that it was an important feature of the system. In order, therefore, fairly to test the working of the entire system, it was desirable to ascertain how many of the men had been reapprehended under the category just mentioned, as well as under the other categories enumerated in the proposed return.

LORD CAMPBELL, while agreeing that this was not a favourable opportunity for entertaining the subject of secondary punishments, yet believed it to be most important that their Lordships should know at the earliest possible moment what was the real question they had to consider in the present emergency. That question was not whether they should, or should not, continue the issue of tickets of leave, but whether they should, or should not, return to the practice of transportation. The granting of tickets of leave was not a substantive, but merely a collateral measure, contingent upon the suspension of transportation, and while the system of transportation continued in abeyance the evil now so loudly complained of must go

on. The Government must take into their serious consideration the absolute necessity of returning to transportation, if security was to be extended to Her Majesty's peaceable subjects; and nothing but the assurance given by the noble Earl that a measure on this subject was in contemplation, and about to be introduced into the other House, could at all quiet the alarm now so justly felt by the public. Had it not been for that promise on the part of the Government, he should have deemed it his duty immediately to bring the question under their Lordships' notice.

VISCOUNT DUNGANNON thought it of the utmost importance that every possible information upon the subject should be laid upon their Lordships' table. He concurred with Lord Berners in one fact especially, and that was, that since the ticket-of-leave system had been in operation, crime in the rural districts had been on the increase. Crimes had been committed there which, before that period, had scarcely ever been heard of, and general alarm pervaded the mind of the country. It was quite obvious that if a man were sent back with a ticket of leave to the place which had been the scene of his crimes, it would be next to impossible for him to obtain employment, and that consequently he must either return to his old practices, or be content to live in a condition of absolute want and starvation. In fact, it was placing him in circumstances of temptation which it would be impossible for him to resist or to endure. During the recess he (Viscount Dungannon) was in Ireland, where he had an opportunity of visiting the convict establishment at Spike Island, and making inquiries as to the character of the ticket-of-leave system there. He learned that the course pursued was this—when a man's conduct in confinement appeared to entitle him to receive a ticket of leave, inquiries were made with the view of procuring him employment in the event of his being discharged, and when that was obtainable, further inquiries were made as to the character of the proposed employer, his habits, and associations. These inquiries were usually conducted by the police authorities of the district in which the employer resided, and upon the result of those inquiries depended whether the convict should be admitted to the privilege of having a ticket of leave or not. Now, it appeared to him that that was a cautious and admirable course of proceeding, and a very great improvement upon the system which existed here. He was convinced

that the time had arrived when a revision of the system in this country should take place, because, as the noble and learned Lord (Lord Campbell) had justly observed, the public at large entertained very great and serious apprehension upon the subject. Circumstances which had occurred during the recess had greatly augmented that alarm, and he hoped the Session would not be allowed to pass away without the adoption of some decided legislative measure on the subject, for he was convinced, that so long as the present system continued, crime must continue to increase. He felt much indebted to the noble Lord (Lord Berners) for having on so early a day brought the question under the notice of their Lordships.

EARL GRANVILLE said, that there would be no objection to produce the additional information required by the Earl of Carnarvon.

Motion agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 5, 1857.

MINUTES.] NEW WRIT.—For Kingston-upon-Hull, *v.* Sir William Henry Watson, Baron of the Court of Exchequer.

PUBLIC BILLS.—1^o Ionian Subjects' Commissions; Norfolk Island (Ecclesiastical Government); Imprisonment for Debt, &c.

COURT OF CHANCERY (IRELAND)— QUESTION.

MR. MACARTNEY said, he would beg to ask the right hon. and learned Gentleman the Attorney General for Ireland at what period of time it was communicated to the Chief Commissioner of the Incumbered Estates Court in Ireland that his duties were to cease previous to the 1st day of November last; and to the other Commissioners, that they were to undertake and dispose of all matters hitherto in said Chief Commissioner's Court from the time of his retirement? He would also beg to ask the right hon. and learned Gentleman whether he was prepared to bring in a Bill in accordance with the Report of the Select Committee of the House of Commons, for improving and altering the business of the Court of Chancery in Ireland?

MR. FITZGERALD said, that with reference to the first question he could give no reply, as he had not received an answer

from Ireland to a letter requiring information on the subject. With respect to the second question, it would doubtless be within the recollection of the House that the constitution of the Court of Chancery in Ireland had been subjected to considerable modifications, with the view of making it discharge some of the most important functions of the Incumbered Estates Court. He believed that many of the new powers given to it would be found beneficial. In the meantime, the Incumbered Estates Court would be continued till the 28th of July, 1858, and an opportunity would be thus afforded of testing the manner in which it had discharged its new powers. It was not the intention of the Government, during the present Session, to introduce any measure for improving and altering the business of the Court of Chancery in Ireland.

ENGLISH CAPTIVES IN FORMOSA— QUESTION.

MAJOR SIBTHORP said, he would beg to inquire of the First Lord of the Treasury whether Her Majesty's Government intended to take any measures for the release of the British Seamen shipwrecked on the coast of Formosa, and now in captivity on that Island.

SIR GEORGE GREY said, orders had been sent out to Sir John Bowring the Governor of Hong Kong to communicate with the admiral on the station, and to desire him to ascertain whether the report was true that British subjects were held in captivity in the Island of Formosa, and, if so, to adopt the best means for obtaining their release.

THE VACANT JUDGESHIP—QUESTION.

MR. GLADSTONE said, he wished to know whether it was intended to fill up the vacancy in the Court of Exchequer caused by the lamented death of Baron Alderson, or whether it was intended to keep open that vacancy until the Commission recently appointed to inquire into the state of the judicial establishments in Westminster Hall had made their Report?

SIR GEORGE GREY said, he believed it was not intended to keep open the vacancy on the bench of the Court of Exchequer during the prosecution of the inquiries of the Commission. The instructions of that Commission were to inquire whether any changes could be made consistently with economy and the public convenience,

whereby a reduction in the number of Judges could be made. At the present time he (Sir G. Grey) was informed that to keep open the vacancy caused by the death of Baron Alderson would cause great public inconvenience.

HUDSON'S BAY COMPANY.

SELECT COMMITTEE MOVED FOR.

MR. LABOUCHERE said, he rose to move for a Select Committee to consider the state of those British Possessions in North America which are under the administration of the Hudson's Bay Company, or over which they possess a licence to trade. In making the Motion it was his duty to state the reasons why Government at this particular time had thought it incumbent on them to call the attention of the House to the vast possessions of the British Crown referred to in the Motion. Those extensive regions, stretching away far beyond the limits of Canada, were for the most part little adapted for industrial pursuits, except in so far as they were connected with the chase of wild animals for the sake of their fur, or with fisheries. Nevertheless there were large districts fitted for the use and enjoyment of civilised men, some of them being rich in soil, some of great mineral wealth, and others, from their situation, of the greatest consequence to the commerce of this country. He believed that he should be able to convince the House, if they were not already convinced, that the question involved considerations of Imperial policy, of justice, and of humanity of no ordinary magnitude. It was not his intention to go into the past history of those regions. Those hon. Members who had attended to the subject were aware that the country was long divided between two hostile companies—the Hudson's Bay and the North-Western Companies; and that collisions occasionally took place between them, fraught not only with injury to our trade, but also productive of disgraceful scenes of confusion and bloodshed. The Companies some years since were amalgamated under the sole control of the Hudson's Bay Company. Under different tenures that Company possessed the exclusive trade and the exclusive administration over that immense tract of country which stretched from the borders of Hudson's Bay to the waters of the Pacific, comprising within its jurisdiction the important adjunct known as Vancouver's Island. It would be necessary that

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he should state, though very briefly, the nature of the tenures under which the Hudson's Bay Company exercised such vast powers. In the first place they possessed a charter granted to them by Charles II. in 1670. Under that charter they claimed rights of the most important description over all that portion of British North America which was known as Rupert's Land, and which had been described as the country which lies on the waters of those rivers that flow into Hudson's Bay. In stating the claims of the Company to this part of their possessions he would refer to the words used by the Company itself. Some years ago a Motion was made in that House for an Address to the Crown to investigate the title of the Hudson's Bay Company to those territories claimed by them. The Colonial Minister of the day (Earl Grey) asked the Company to state their claim, and it was referred to Sir John Jervis and Sir John Romilly, the law officers of the Crown at the time, for their opinion. After defining the country designated as Rupert's Land, the Company stated that they claimed the absolute administration and exclusive trade over all the territory described, and the law officers reported that they were of opinion that the rights so claimed by the Company over the territory in question did properly belong to them. It was thought by Earl Grey that it would have been more satisfactory if those rights and claims had been referred to the Judicial Committee of the Privy Council for their decision, but that had not been done, and so the matter rested. As, however, that proceeding would involve considerable expense, the persons opposing the Company declined to carry the matter further, and he was, therefore, justified in saying that those rights, having been enjoyed for so great a number of years, and though frequently challenged never disproved, must be regarded, so far as authoritative decisions went, as confirmed to the Company. But the authority and right of exclusive trade of the Hudson's Bay Company extended not only over the regions known as Rupert's Land, but over a far more valuable district to the west of the Rocky Mountains known as British Oregon. Their tenure over that district was the result of a Royal licence, granted some nineteen years ago, under which they enjoyed the exclusive trade with the Indians, and also the fur trade. That licence would expire in 1859, and he had felt it his duty to

bring the subject before the House, because he had received some weeks ago a communication from the Directors of the Hudson's Bay Company, wishing to know whether the Government intended to renew the licence. As the question involved one of commercial monopoly he had felt it to be his duty to consult the House, and not to pledge the Government upon it until the House had a full opportunity of considering the matter. Although the licence would not expire till the year 1859 the nature of the trade (requiring long preparations) was such as to make it most unfair to leave the Company in ignorance of the intentions of the Government until the last moment. He had, therefore, replied to the Company that he would bring the whole subject before a Committee of the House during the present Session. In justice to the directors, he must say that they had expressed their perfect readiness and willingness for a complete investigation of their claims by a Committee of that House. Looking to the questions of policy and humanity necessarily connected with the inquiry, he was satisfied, if the Committee were appointed, that they would receive from the Hudson's Bay Company every assistance in the prosecution of the inquiry. He had stated the tenure by which the Company held Rupert's Land, and that more valuable territory lying between the Rocky Mountains and the Pacific. Another part of their territory he could not pass over without notice—Vancouver's Island. That island was held by the Company under a tenure different from that by which they held their other possessions. The House would probably recollect—for the circumstances caused some discussion at the time—that when Lord Grey was Colonial Secretary he thought the best arrangement of the question was to grant a lease of Vancouver's Island to the Hudson's Bay Company for eleven years. That lease might be terminated by a year's notice at any time, but, necessarily, it expired in 1859; and it obviously would have been the duty of Government seriously to consider the condition of Vancouver's Island before renewing the lease of it. In his opinion it was, therefore, expedient for them to take a general view of the whole subject—to consider the condition of Rupert's Land, and of the territory between the Rocky Mountains and the Pacific, held by Royal licence, which expired in 1859; and also whether they would renew the lease of Vancouver's Island, which also

expired in 1859. He had framed the terms of his Motion in a most general way, because, to take a narrow view of the question to which it related, would, he felt assured, be to deal with it in a very imperfect and unstatesmanlike manner. Looking at the condition of those Indian tribes who inhabited the vast district under the control of the Hudson's Bay Company, the House would find that there were connected with the subject considerations of humanity which, consistently with the proper discharge of their duty, they could not neglect. He did not deem it necessary that he should enter into any detailed statement in reference to the mode in which the Company managed the territories entrusted to their care; but he might observe that the Company was presided over by a gentleman residing in London who possessed the highest character for sagacity; that its agents to the number of 1,200 were scattered throughout those distant tracts of country, and that those agents, being for the most part Scotchmen, conducted the affairs of their employers with a skill and shrewdness worthy of the land which gave them birth. He felt also bound to state that the Company, so far as he was aware, were not neglectful of the duties which they had to perform as persons who were in a certain sense the trustees of the English people. So far as his information went, he was of opinion that upon the whole their rule had been beneficial to the Indian population, and that they were actuated by a sincere desire to treat that population—amounting, as it did, to the number of about 300,000—with due regard to considerations of humanity. There might have been, and, indeed, must have been, occasional scenes and actions extremely to be regretted and deplored; but, on the whole, the principal members of the Company had acted in a considerate and humane spirit to the native tribes who inhabited their territory. The Company's agents were narrowly watched, their promotion depended entirely upon their good conduct—in short, they were subjected to a degree of discipline which the Colonial Office would find it difficult to maintain in those distant regions. He was happy to be able to add that by their exertions the sale of ardent spirits—that bane of the unfortunate Indians—had been to a great extent put a stop to. Of course that restraint became less perfect as the borders of civilisation were approached, but among the more distant

tribes the Company had managed to exclude the sale of those ardent spirits which were usually their bane and destruction. There was also another circumstance which he felt bound to bring under the notice of the House, and that was, that while during the last few years internecine wars, with all their frightful scenes of carnage and confusion, had been waged between the white and the red races upon the frontier within the limits of the American possessions, the most complete tranquillity and goodwill had prevailed between those two races throughout the whole of the British possessions. That being the state of things, he should be very slow to believe that the conduct of the Company towards the native Indians, had been of a character so reckless, so regardless of justice, and so inconsistent with humanity as some of their opponents were wont to allege. He should only say in conclusion, that having made up his mind to institute an inquiry into the subject-matter of his Motion, he had communicated his intention to the Governor General of Canada, with a view that the inhabitants of that colony might be afforded an opportunity of putting forward such opinions and furnishing such information as they might deem desirable upon a question in which they very naturally took a deep interest. To that communication he had received a reply from the Governor General which led him to hope that the Select Committee, if appointed, would have the advantage of having the evidence of competent men from Canada to guide them in their labours; and he trusted that those Members of the House most conversant with the subject would not hesitate to lend their assistance to bring those labours to a satisfactory termination. He had borne his testimony to the humanity which was exercised by the Hudson's Bay Company towards the people under their protection; but while he was prepared to accede to them that merit, he must say that he could not accord to them the praise of being disposed to encourage colonisation. Indeed, it was not likely that as a trading corporation they should do so, inasmuch as it would be adverse to their interests to promote any scheme which, by diminishing the number of wild animals, would as a consequence diminish the quantity of the fur which formed the staple of their commercial speculations. That part of the subject would no doubt receive the careful consideration of the Committee. The nature of the country

itself was such as to make its condition worthy of the serious attention of Parliament. Vancouver's Island, for instance, which formed a portion of the Company's territory, was a place which might become of the highest political importance. It possessed an excellent soil; abounded in minerals; had valuable fisheries around its shores, and occupied a commanding situation in the Pacific. There was also another district known as the "Red River Settlement," where there was to be found from 10,000 or 12,000 half-breeds, which was growing up into importance, and the management of which he believed was productive of serious embarrassment to the Company. How that settlement was to be dealt with—as well as the various other questions to which he had referred—constituted a fit subject for serious inquiry, and therefore it was that he felt it to be his duty to call upon the House to grant the Committee for which he had deemed it to be his duty to move.

Mr. ROEBUCK said, he had no intention of opposing the Motion, but he thought the right hon. Gentleman might have taken a shorter course in attaining the end in view. He believed that the general principle with regard to this question might be settled without any specific inquiry. It appeared to him that the Hudson Bay Fur Company was in itself and by constitution opposed to colonisation, for where the axe of the settler rang, there the trapper must certainly disappear. The object of the Company was to keep their territory a solitude where wild animals would always be within their reach; settlers would terrify those animals, and therefore to establish a fur company in the North of Canada was to say, "Here must be the limits of cultivation; beyond that ye shall not go, keep the land a desert, we want to have it so because we are a fur company." Beyond the territory of the fur company, both the Canadas were merely strips of land up to the St. Lawrence, and what he wanted to see was that they should cover the whole, so that British North America might really have the preponderance of territory which it presented on the map. It was true, it was said that a great portion of the Company's territory was unfit for human habitation, but France—that was to say, Gaul—was in the time of the Romans what Canada was at present. Any one who read Gibbon would see that then the Danube and Rhine were frozen over every winter; and that reindeer were common

over Gaul during nearly the whole of the Roman dominion down to about the time of Julian. The Paris of those days was what travellers describe the Quebec of the present to be, and therefore he said that with the same circumstances that had changed the face of Europe, Canada would be in the same degree ameliorated. Let it be remembered that Canada was south of a great portion of Europe, being about the latitude of Italy; and if we cleared the country and drained the morasses, it might possibly become as flourishing and fertile as the most favoured portion of the Old World. The rivers which ran into Hudson's Bay passed through the most fertile territories belonging to England. He believed that if England did her duty to the Canadian provinces, there would be created in the Hudson's Bay Company's territory the Germany of North America, and therein something to counteract the preponderance of the United States. He did not want to be an alarmist, but he did not like to see a nation growing so great as to become insolent to the rest of the world; and if the United States were permitted to effect the aggrandisement they now contemplated, they would most certainly dominate over the rest of the world. The only way to compete with that tendency successfully was to give Canada the fullest development. Between the St. Lawrence and Hudson's Bay there was a country as large as Europe, and becoming more temperate in climate every day. There were the elements of a great nation, and it was the duty of England to develop them. When he found, then, that such prospects were obstructed by the interests of a small number of men, under the pretext of a charter, he said at once that such interests, or such a pretext, should not be allowed for a moment to stand in the way of the great interests of humanity. The right hon. Gentleman had alluded to the charter of Charles II. Surely he knew that that charter was contradictory in itself, and also that it was in contravention of the rights of all British subjects, inasmuch as what was given by King Charles to the Hudson's Bay Company was what the king had no right to give. Any one who had ever read the charters of Virginia must know what James I. did. He gave to the colonists all the land from the Atlantic to the Pacific with full sovereignty. He believed that the powers given in this case to the Company were wholly beyond the power of the king to give—he should be

sorry if they were not, because they were wholly against right and equity, and were in opposition to the interests of humanity. The right hon. Gentleman (Mr. Labouchere) said that the Company had taken care of the Red Men. But of that statement he had his doubts. He knew the country, and he knew that war was carried on in it in a way to emulate the barbarous combats of Europe. Even in his time, Lord Selkirk went to oppose the Company at the Red River, and combats occurred which would not have disgraced the regular armies of Europe. The territory was beyond the pale of civilisation and the Colonial Office; the Company did as it pleased, and its pleasure was to slaughter any one that offered opposition. He believed that in this slaughter the Red Men were employed, and they all knew that their doings would be a disgrace to civilised men. It had been stated on different occasions that the Company took care of their peltries. What had they done in Vancouver's Island? To make it fit for themselves they kept it a solitude; they acted as peltry merchants, and fostered foxes, bears, wolves, and martens, instead of men. These facts must have led the right hon. Gentleman to the conclusion that the Company was inimical to colonisation, and that the proper course for Government to pursue would be to take away the powers of the Company. The right hon. Gentleman had, however, pursued a different course, and one that would perhaps be more satisfactory to the House. He (Mr. Roebuck) should say before he entered the Committee, what his purpose was in doing so. His purpose was to civilise that part of the world, and to make it a pleasant home for a happy population. He wanted to found there a great nation as a preponderating power to the United States, and by so doing, to do his duty to the people of England, in opening better prospects and newer fields for thousands of their numbers.

MR. ADDERLEY said, he should have thought that the inquiry proposed by the right hon. Gentleman the Colonial Secretary might be needless, but some of the opinions expressed by the right hon. Gentleman had convinced him that a Select Committee should be appointed in order to remove any doubt which might remain on the right hon. Gentleman's mind as to the absolute necessity of opening this extensive territory to colonisation. He should have supposed that every one would anticipate with eagerness the expiration of the two

years which must elapse before the Company's licence expired and the country could be opened for settlement. If England did not allow it to be opened it would open itself by means of squatting immigration and gradual annexation by the United States, and the real question, in his opinion, was whether it should much longer continue to belong to the Queen or become a new territory of that republic. Vancouver's Island, which had been annexed to the Hudson's Bay territory by the greatest blunder ever committed by a Colonial Minister, was not only peculiarly rich in minerals and whale fisheries, but it was upon the line which would connect the Atlantic and the Pacific, and the value of its great harbour, Nootka Sound, had been long ago foreseen by Mr. Pitt, who risked a Spanish war for its sake. It mattered little whether the charter of the Company was valid or not; it could not be maintained in opposition to the rights and the necessities of mankind. The charter, if valid, could only be matter for compensation. There was no precedent in history of an empire which had the power of declaring that a great continent should be locked up and kept as a preserve for wild animals, and produce nothing but fur. For all the important purposes of commerce, traffic, and colonisation, the world was shut out from this enormous territory on behalf of a small trading and exclusive Company, and the territory was consigned to the use and management of a set of absentee proprietors. He did not believe the Company's charter had the slightest validity, but if it had, it was impossible for the Crown of Great Britain to maintain such a claim in the face of the world. By the express letter of their charter the Company were trustees for the colonisation of the country, and were bound to introduce religion among the Indians, but, as the hon. and learned Gentleman who had just sat down observed, how was it possible for a Company trading in wild animals to execute such a trust? In order to execute it they must destroy their own trading concern. The right hon. Gentleman (Mr. Labouchere) said that the Company had better agents than Government could command for the purpose; but the question was not whether the Colonial Office agents were more or less efficient than the Company's, for no one thought of handing over the colony to the Colonial Office. If the territory should be freed from the grasp of the Hudson's Bay

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Company, it would not be handed over to the Colonial Department, but to Canada, or it would be formed into a colony to be maintained by its own administration. Unless something of this kind were done the inhabitants would again do what they had done before,—they would petition the United States to be annexed, rather than remain under the thralldom of this exclusive trading Company. He would venture to say that when the present Motion appeared on the paper of the House so little was the revival of the Hudson's Bay Company in any man's thoughts that nine-tenths of those hon. Members who read it conceived that there was some intention in the mind of the Colonial Secretary to raise the question whether this territory would be available as a penal settlement or not. He was happy, at all events, to find that there was no such idea in the right hon. Gentleman's mind; and he was perfectly convinced that no such idea would be entertained by any hon. Member who had had an opportunity of considering the question. That was a proposition loosely and unguardedly made by writers who had not taken pains to consider the subject. At all events, one good would arise from the inquiry, for it would show by plain and intelligible evidence that if new penal settlements were to be formed (which he doubted), of all spots in creation, the Hudson's Bay Company's territory was not only the least advisable, but the most impossible to be selected for that purpose.

Mr. E. ELLICE (St. Andrew's) said, that if anything was wanted to convince him of the necessity of the proposed Committee of inquiry it was the speeches of the two hon. Gentlemen who had just spoken, exhibiting, as they did, a total ignorance of the manner in which the Hudson's Bay Company had administered its affairs, and of the state of the population in their territory. He was not so much surprised that this should be the case on the part of the hon. Gentleman opposite (Mr. Adderley), because his attention perhaps had not before been directed to the subject; but he was astonished at what had fallen from the hon. and learned Member for Sheffield (Mr. Roebuck), because he naturally supposed that that hon. Member, from his connection with Canada, would have taken the trouble to become acquainted with the real circumstances of the case. He believed it to be well known to all persons who had travelled in Northern Canada that a large portion of that terri-

tory was so unfavourable to colonisation as to render it extremely improbable that any settlers could be induced to fix their residence there, while to the south, in Canada and the States, lay as good soil with a better climate still unoccupied. The hon. Gentleman who had just sat down seemed to be astonished that a doubt could be entertained as to the expediency of relieving that part of North America from the government of the Hudson's Bay Company; but had the hon. Gentleman made up his mind as to the form of government which he would give the inhabitants of that country in its stead? Had he considered the nature of the country, or its geographical position? Had he reflected that one of the most difficult questions by which the whole subject was beset, was that which related to the intercourse between the red population and the white? Was he aware of what had become of those red men whose territories had been attached to the United States? Why they had all gradually dwindled away, while upon the territory, presided over by the Hudson's Bay Company east and west of the Rocky Mountains, there were in round numbers 200,000 of those native inhabitants. Before the Hudson's Bay Company had become the compact body that it now was, this country had been one scene of turmoil and of bloodshed. From the years 1815 to 1818, the period which had been referred to by the hon. and learned Member for Sheffield in connection with the name of Lord Selkirk—massacres the most horrible had taken place. But it should be borne in mind that the Hudson's Bay Company had not at that time a monopoly of the trade of the country, but were exposed to competition upon the part of free traders coming from Canada and the United States, who had introduced ardent spirits among the Indians—a circumstance which had led to the most lamentable results. Since, however, the Company had obtained a monopoly the condition of the Indians had, he should not hesitate to say, been materially improved. The laws were put in force with as uniform justice and impartiality as it was possible to administer through so wide an extent of savage wilderness. Taken as a whole the rule of the Company was a good rule and beneficial to the Indians, and in the proof of this he might state that while the number of the Indians in the United States had been gradually dwindling down, yet in the Company's territory

the native population—in all except the Red River district, and immediately on the American frontier—was upon the increase. Such increase, he might add, to a great extent depended upon the sufficiency of the means of subsistence provided them. They were themselves careless in those matters, and to procure supplies of necessaries for them from this country constituted one of the chief employments of the agents of the Company. Indeed the exigencies of the case were so great that the Company were under the necessity of laying up at every one of their numerous posts a whole year's provisions in store in advance, in order that they might be prepared for any sudden emergency which might arise. With regard to one important point which had been raised in the course of that discussion, he should at once acknowledge that a trading company was not, except under extraordinary circumstances, the proper medium of colonisation, and that nothing but the necessity of the case could justify a Government in putting any part of its colonies under the superintendence of such a Company. But the country now under discussion was an exceptional case, and even there, under the rule of the Hudson's Bay Company, a colony containing 6,000 or 7,000 inhabitants had sprung up, and enjoyed a certain amount of prosperity, in the Red River territory. The great difficulty which a Government or any other body representing this country must experience, in dealing with such a community, would be to counteract its natural tendency to attach itself to the United States. The Red River territory was not at all united by position to Canada, and it had far less facility for communication with Canada than with the great North American republic. He believed that if the trade which was at present conducted by Hudson's Bay between the Red River colony and London were discontinued, the whole of it would be transferred to the United States. The fact was that the road from the Red River territory to the United States was an easy and a direct one, over hundreds of miles of perfectly level prairie, while the route between the Red River and Canada lay through almost impassable districts of morass. For the greater part of the year no communication whatever could be had with the Red River except through the United States. With regard to the charter of the Company he should observe that he did not think it would be fair to attempt to set aside its validity on the ground of any

original informality in the manner or the terms in which it had been granted, after it had been allowed to pass unchallenged for nearly two centuries; at the same time he believed that, if tried, its validity would be fully established as regarded the principal rights claimed by the Company. Looking to the fact that this vast continent had been governed by the Hudson's Bay Company for so many years, without expense or trouble to the mother country—probably the only British dependency of which the same could be said—he thought the Company was entitled to the favourable consideration of the Government and of Parliament, on the ground that their authority had, on the whole, been efficiently and usefully exercised. A reference had been made in the course of the discussion to the cession of Vancouver's Island to the Company, and upon that point he would only say that he believed there would be no difficulty in effecting some satisfactory arrangement between the Company and the Government. The appointment of the proposed Committee met with the approval of the Company, who wished to afford every facility in their power for ensuring the best possible settlement of the questions which that Committee would have to consider.

MR. GLADSTONE: Sir, it is one of the misfortunes arising out of the vast extent of this empire, and the multiplicity of its relations, that there is a class of subjects of the utmost importance and the deepest interest to which, under all ordinary circumstances, it is impossible to draw the attention of this House and of the country. Such a subject is the one now before us. But I hope that, as it has at length come under our consideration, it will be possible to obtain for it some portion, at least, of the attention which it deserves; and I feel bound to return my thanks to my right hon. Friend the Secretary for the Colonies, who has been the first among the administrators of that department to take a step which promises to bring this question effectually under the consideration of the House. I concur generally in the sentiments expressed by my hon. Friend the Member for Staffordshire (Mr. Adderley); but I cannot agree in the opinion which his language seems to me to have implied, that my right hon. Friend committed an error in referring this subject to a Committee, because although I think that a Minister may, upon his own knowledge and from the means of information at his disposal, adopt a plan and re-

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commend it to Parliament, yet, considering the peculiarity and the strangeness of this question, I think that if my right hon. Friend had taken that course he would probably have found himself under the disadvantage of addressing unprepared minds; and in my opinion he did well to make a proposal in the first instance which will associate the House with his labours, and which gives us a guarantee that whenever any positive and definite plan is submitted to Parliament, it will be a plan for the reception and the discussion of which many Members at least of this House will be prepared. I therefore thank my right hon. Friend for the proposition which he has made, and turning to my hon. Friend the Member for St. Andrew's (Mr. E. Ellice), I am bound to say that although I do not join with him in the sweeping censure which he pronounced on the ignorance of the hon. Gentleman below me (Mr. Roebuck), and of my hon. Friend opposite (Mr. Adderley), I feel bound to thank him also for the disposition he has shown on the part of the Company to throw open the merits of the whole of this very considerable question, and to become himself a partner with the Government in enabling Parliament to discharge this, as I must call it, long-neglected portion of its duties. Having now said thus much with respect to the manner in which the question comes before us, and fully granting, as I do, that we cannot blame the Hudson's Bay Company for having taken advantage of the powers which we had been imprudent enough to leave in their hands, I must add that I do feel that it has been not only an error, but that it has been almost a scandal to this great assembly, that we never have considered with the seriousness which the case deserves, the condition and the fortunes of that large portion of the surface of the globe which is, or purports to be, under the jurisdiction of the Hudson's Bay Company. And I hope my right hon. Friend has fully measured the great scope of the subject he is about to submit to the proposed Committee: that Committee will, no doubt, have to inquire whether the measures of the Company, in the government of their territories, have been on the whole, and more especially in recent times, liberal and wise. Upon that portion of the subject I have not the slightest desire to anticipate a judgment unfavourable to the Company. That inquiry will, no doubt, be conducted with that justice which characterises every in-

quity adopted under the sanction of this House. And, further, I have no doubt that if the Committee should come to the conclusion—a conclusion which, I think, not improbable—that it would be well to have the relations of the Company with this vast territory circumspectly and gradually wound up, a temperate course will be adopted by Government and by Parliament, and any claims which the Hudson's Bay Company may deem itself entitled to prefer will be fairly considered. There will remain two questions, besides that to which I have already referred, which the Committee will have to consider, and which they must not refuse to look fairly in the face. One is the legality of the title of the Company, and the other, the expediency and the prudence of continuing to that Company the government of this vast territory. With regard to the legality of the Company's title, I may observe that I myself about seven years ago succeeded to a certain degree in drawing the attention of the House to that subject. But I regret to say that the measure to which the House and the Government of that day agreed was entirely frustrated and made utterly barren of effect by the course which was adopted by the then Colonial Minister. Here is a case in which there is a charter of Charles II., which purports to grant to a certain Company of adventurers powers of government that may be called pretty nearly absolute, and powers of trading which are rigidly exclusive. Now, Sir, it is material—material not only to pecuniary interests, but material, I will say, to constitutional principles and personal liberties—that it should be known whether a charter so granted by the Crown is or is not valid. And here I cannot quite subscribe to the doctrine of my right hon. Friend the Secretary for the Colonies. The charter was never, I believe, brought under judicial consideration, but it appears to me, as well as I recollect—I speak with less confidence upon the point, as some years have elapsed since I was led carefully to inquire into the subject—it appears that the records and the history of the case, and the important documents bearing upon it, so far as they go, are not favourable to the legality of the charter. The charter was granted in the year 1670. An essential object of that concession was, that the Hudson's Bay Company should expend their energies and their resources in the discovery of a “new passage to the South Sea.” All those voyages of north-

western discovery which have been made by the adventurous navigators of England in the course of the 19th century, at an enormous cost to the country, ought, by right, therefore, to have been paid for out of the revenues of the Hudson's Bay Company. The moving consideration which induced Charles II. and his Government to grant those privileges to the Hudson's Bay Company was, that they would thereby be enabled to prosecute the discovery of a “new passage to the South Sea.” But the Company, after they had obtained the privileges, entirely forgot that object, and left to other hands the duty of conducting that search, and to other purses the duty of paying for it. My hon. Friend the Member for St. Andrew's (Mr. Ellice) is not right when he speaks of this title as a title that has endured for ages, and passed unquestioned from generation to generation. The charter was granted in the year 1670, and in the year 1690 the Act of Parliament was passed. And now, Sir, I ask the House to observe the terms of that Act of Parliament, because I believe that from those terms there arises a strong presumption of the invalidity and the illegality of the charter. It is called “An Act for confirming the Governor and Company trading to Hudson's Bay their privileges and trade.” The preamble of that Act recites pretty nearly the terms of the charter, and then proceeds to state that the Governor and Company have gone to great expense in the prosecution of the objects of the charter. The Act then provides, that the powers conferred by that document shall be valid, and that the Company shall be a body corporate; and then we find in it a phrase which indicates the suspicion of its powers that the charter was not at that time worth the paper or the parchment on which it was written. In that phrase it is stated that the “franchises, immunities, &c., shall be made good which were thereby given, granted, and demitted, or mentioned to be given, granted, or demitted to the said Company.” But you will say that the Act made the Company at any rate a body corporate and settled the whole question. Far from it, however, for the last words of the Act are—“Provided always, that this Act shall continue and be in force for the period of seven years, and until the end of the then next Session of Parliament, and no longer.” I think I have stated enough to show my hon. Friend the Member for St. Andrew's and the House, that my hon.

Friend the Member for Sheffield and my hon. Friend the Member for Staffordshire, when they ventured to cast a doubt on the validity of the Company's title, were not liable to a charge of gross ignorance such as that which my hon. Friend the Member for St. Andrew's hastily, as I think, threw upon them. The subject undoubtedly is one which it is impossible to discuss with advantage at the present moment. But at the same time I wish to show that the question of the legality of the charter is a matter which the Committee must take into their consideration. It may be said that that legality was never questioned during the whole of the last century. But I must remind the House that, during the whole of the last century, the affairs of the Hudson's Bay Company were a perfect bagatelle. The spirit of monopoly operated upon that Company with its usual effect, and reduced them to a state of lethargy and torpor. They never extended their settlements, except to short distances, and along a narrow line from Hudson's Bay. I have not seen the books of the Company, but my hon. Friend (Mr. Ellice) has the means of examining them, and I have no doubt he will find that the transactions of the Company at that period were extremely limited. They had not the enterprise to face a wintry sea, a hungry soil, and a most rigorous climate. They had not found their way into the heart of the country, nor began to eat—in the sense they now eat—of the fat of the land in the shape of large dividends and a vast accumulation of capital. The history of the country under their jurisdiction is a curious one. While the Hudson's Bay Company, paralysed by monopoly, were conducting their operations in the spirit in which the snail conducts his march, an opposite spirit—a somewhat bucaneeering spirit, but also a free-trade spirit—sprung up among certain persons in Canada, who, without the assistance of the legislature, organised a company, to which they gave the name of the North-West Company. This latter body moved vigorously onwards, and founded almost all those stations at which the Hudson's Bay Company have for the last thirty or forty years been conducting so profitable a trade. Then came that state of lawlessness which overspread the territory, when bloody battles—for one ought to give them their right name—were fought for the valuable trade which had been established by the energy of the North-West Company, at that time it

became worth while to inquire into the charter of the Hudson's Bay Company. If you ask why the question of the validity of the title of the Hudson's Bay Company was not raised in the earlier portion of the last century, my answer is, because the interest in the question was in the main a public interest, and it was not worth the while of anybody to incur the costs and anxieties of going into a court of law to raise against a comparatively powerful body a question in the issue of which he had no more interest than had the whole trading community. But when the North-West Company had commenced their operations the case was very different. That company, under the direction of its able and energetic managers, and with the assistance of its good advisers in this country, of whom my hon. Friend knows something, took opinions upon the legality of the charter of the Hudson's Bay Company. There was a long purse to pay for these opinions, and those of very eminent counsel were obtained, and some of the lawyers consulted—among whom, if my memory does not deceive me, were Lord Brougham and Mr. Serjeant Spankie—gave opinions extremely unfavourable to the validity of that charter. There stood, then, upon the one side the Hudson's Bay Company with its charter and its *quasi* legality, and on the other the North-West Company, with its energy, its developed trade, and its stations, but with no legal privileges. Under those circumstances that happened which commonly happens at the present day, when two railway companies, after having first quarrelled, lay their heads together. The North-West Company made over to the Hudson's Bay Company its stations and its energy, and the Hudson's Bay Company gave the North-West Company a share in its privileges; and upon that footing they have since carried on a flourishing trade, much to their mutual satisfaction. This is a brief, but I believe it is also a correct, sketch of those transactions. It will, undoubtedly, be the duty of the Committee to take measures for the purpose of ascertaining the real state of a question so interesting to the personal rights of Englishmen, and especially of Englishmen engaged in trade, as the extent of the power of the Crown to grant these exclusive privileges—privileges claimed by the Hudson's Bay Company. With respect to the prudence or the imprudence of entrusting to that Company, or to any Company whatever, the exclusive

government of this vast territory, I confess that is a question on which I entertain the strongest convictions. It appears to me that there is an abnegation and a renunciation by England of no inconsiderable portion of her duty and of her inheritance when she consents to lock up from her children a vast territory like this—a territory which, in spite of all that we have heard of the rigours of its climate, and without allowing for the changes which, as the hon. Member for Sheffield justly says, might occur to the climate and soil with the progress of civilisation, offers, I believe, a very considerable scope for the commercial spirit of Englishmen. The question of the legality of the charter will, I trust, be sifted, and sifted to the bottom, by the Committee, but I also trust that it will be sifted by means into which partiality cannot enter. The true mode of deciding that question is, as I think, the mode adopted by our ancestors, and not the mode adopted in the year 1849, when the course taken was to receive an *ex parte* statement from the Hudson's Bay Company, and then to submit that statement to the law officers of the Crown, in order that they might give upon it their opinion. That can hardly be considered anything better than a mere childish proceeding. I apprehend that the proper course to pursue upon such a question is that which used to be taken 200 years ago. Even in the arbitrary days of the Stuarts, of James I., of Charles I., and of Charles II., when a charter was granted by the Crown in abrogation of the rights of the subject, means were taken to raise the issue fairly before the judicial tribunals of the kingdom, and if those tribunals found that the Crown had exceeded its powers, the charter was quashed, and the subject was relieved from the damage which the Crown would have inflicted on him. Some such proceeding might, I believe, be adopted with perfect justice to the Hudson's Bay Company, and to the great satisfaction of the country, for the purpose of ascertaining the legality of that Company's charter. I beg pardon of the House for having addressed them at such length upon this occasion; but with the feeling which I entertain of the importance of the question, and the recollection I still preserve of the extreme interest—the almost romantic interest—of the history of the struggle that had been carried on for the possession of this territory, I could not refrain from submitting these observations to the House, and expressing

my opinion as to the extent and scope of the inquiry into which it will be the duty of the proposed Committee to enter.

MR. HENLEY: Sir, I cannot help entertaining some apprehension that evidence of a one-sided character only may be brought before the proposed Committee. The right hon. Gentleman the Secretary for the Colonies has told us that he has communicated to the Governor General of Canada his intention of moving for a Parliamentary inquiry in this case; but he has not told us that he has made that intention known to the people of Canada, so that they might have been able to prepare any evidence they might think it desirable to bring forward. The right hon. Gentleman has made a strong—and as I think a rather ominous—statement with respect to the manner in which the Hudson's Bay Company has been able to preserve order within the territory under their jurisdiction. The right hon. Gentleman would almost lead us to the conclusion that in his opinion it would have been impossible to promote the interests of the inhabitants of that territory without having given to the Company a trading monopoly; and what I fear is that the Government are actuated by a foregone conclusion in entering upon it. I also apprehend that, though in these times intelligence is quickly communicated from one part of the world to another, considering the distance of the territory from this country, evidence may be brought before the Committee very much of a one-sided character, and therefore that there may not be a fair and dispassionate inquiry into the subject. I hope, however, that our apprehensions are groundless in this respect. It is quite clear, with regard to two portions of the territory, that they were open to be dealt with in any way that Parliament may see fit; but as to that portion held under the charter, I agree that the charter, which hitherto has received no judicial confirmation whatever, ought to be submitted to a tribunal properly invested with the power to decide the question of validity. If the charter is valid and good it ought to be dealt with in a fair and equitable manner; but if it is not, the question stands in an entirely different position, and I hope it will be thoroughly investigated by the Committee. Unless it came out in the inquiry that the people could not, if otherwise circumstanced, have a better chance of spreading themselves and improving their condition, I do not think it desirable,

or even possible, that they should be left in the hands, for good or bad, of a Company who, after all, must manage the territory with a view to their pecuniary advantage. They are a trading Company, and though I cannot doubt that they treat the people subject to them with a due regard to justice and humanity, still it is their main object to carry on their enterprise with a view to their own interests. I am glad this question is no longer to be kept in the background, and I trust it will be submitted to a fair and impartial investigation.

MR. LAING said: If I understood the Secretary for the Colonies rightly, the right hon. Gentleman pronounced the greater portion of the territory to be absolutely uninhabited. I wish to correct what appears to me to be a little misapprehension on that point—for I believe that the territory under the jurisdiction of the Hudson's Bay Company is more valuable than many persons imagine. That territory may be divided into three parts:—First there is the portion to the north of Canada; there is next the portion to the west of Canada; and finally, there is the portion to the west of the Rocky Mountains. With respect to the portion to the north of Canada, I believe that if it is not absolutely uninhabitable, it presents a very unfavourable field for the industry of man. The portion lying to the west of the Rocky Mountains, as I have understood from the accounts of travellers, is a much more favourable soil and climate; while, with respect to the remaining part, lying to the west of Canada, I am enabled to state, from personal communications I have had with gentlemen from Canada and with servants of the Hudson's Bay Company, that the climate of that district is not excessively severe, and that it is possessed of a rich prairie soil. It is situated in the neighbourhood of the great western lakes of North America, and the climate round those lakes is always found to be of a much milder character than that of other districts in the same latitude. It would seem as if Providence, which had placed that immense water-power at the disposal of man, had also provided that it should bring with it a climate in which he could avail himself of its advantages. It should, on the other hand, be remembered that the tide of emigration in the United States is setting now most strongly in the direction of the adjoining territory of Minnesota. Besides, of all the railroads in the north part of the

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United States there are none paying so well as those of the State of Wisconsin pointing towards the territory of the Hudson's Bay Company, and if any attempt is to be made to shut out colonisation, the result will be that the border population of the United States will go over in spite of such attempt, and serious difficulties may arise with the United States. I consider the best course will be to make the territory a part of Canada, as I know a strong feeling upon the subject exists in that colony. I hope that in the Committee full opportunity will be given to members of the Canadian Legislature who felt great interest in this matter to explain their views, as well as to the Hudson's Bay Company, who, being on the spot, may be presumed to have some little advantage over them.

MR. BAILLIE said: Sir, I beg leave to suggest that, in order to ascertain the legality or illegality of the Hudson's Bay Company's charter, of which a preconceived idea appeared to exist, a Committee of this House is not the best tribunal that can be selected. I think it would have been better had the Government ascertained the opinions of the highest legal authorities upon the point, and there can be no doubt of the competence of a Committee to deal with the other branches of the subject. It was, in my opinion, a great mistake to have placed Vancouver's Island under the authority of the Hudson's Bay Company, which had had the effect of frustrating all attempts at colonisation upon that island, notwithstanding its vast natural resources.

MR. G. M. BUTT said: Sir, I desire to call attention to the powers which it is proposed to confer upon the Committee. In common with many other Members, I am anxious that the question of the legality of the Hudson's Bay Company should be brought under the consideration of the Committee—I mean the validity of the original grant; and also whether that grant, even if originally valid, has not been forfeited by an entire disregard to the considerations upon which it was made. The terms of the Motion seem to assume the validity of the charter, and I wish to point out that circumstance to the right hon. Gentleman in order that he may vary the terms of the reference to the Committee, if he should think it necessary, so that the whole question of the validity of the charter may be ascertained.

MR. LABOUCHERE, in reply, said:

Sir, I do not think the terms of my Motion are open to the construction which the hon. and learned Gentleman has placed upon them. I do not believe them to imply any opinion as to the legality or illegality of the Hudson's Bay Company's charter, and certainly I did not intend to convey any such impression. I quite agree with the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) that the Committee itself would be a very improper tribunal to decide upon a legal question; but, if the Committee requires a decision upon that point, it will possess the power of sending it to the Judicial Committee of the Privy Council. Some hon. Members appear to think that I have arrived at a foregone conclusion upon the subject; but I beg to assure them that my only desire has been to lay the matter fairly and impartially before the House. It has also been supposed that I said the government of the Hudson's Bay Company was essential to the administration of justice to the Indians; but I only said that, in the performance of that most important part of their functions, the Company have ever acted with the greatest humanity; and I expressed a hope that, in considering the subject the Committee would not confine itself to a commercial view, but would also consider the interests of those Indian tribes whose interest it is our duty to protect. Some hon. Gentlemen have argued as though the whole of the territories in question are of the same character; but it is not so, and, without throwing any impediment in the way of colonisation, it may be possible to continue the fur trade in those districts which are at present unsuited for the location of settlers. I only desire that this important and complicated question shall be fairly brought before the Committee, and I am glad to find that the course which the Government have adopted is one which has received the general approval of the House.

Motion agreed to.

Select Committee appointed, "to consider the state of those British Possessions in North America which are under the administration of the Hudson's Bay Company, or over which they possess a licence to trade."

IONIAN SUBJECTS' COMMISSIONS BILL.

LEAVE. FIRST READING.

MR. LABOUCHERE said, he rose for the purpose of asking leave to introduce a Bill to enable subjects of the Ionian State

to hold commissions in Her Majesty's naval and military services. The inhabitants of the Ionian Islands were at present placed in an anomalous position, being in a certain sense British subjects, while they were debarred from enjoying all the rights and privileges in which other of Her Majesty's subjects participated. One of the disabilities under which they laboured was, that no native of the Ionian Islands could hold a commission under the Crown, and the object of the Bill which he asked leave to introduce was to get rid of that disability. The matter had been brought to his notice by the circumstance of a young man of good family and character, a native of these islands, wishing to enter the military service of this country. The Commander in Chief was willing to grant him a commission, but the law officers of the Crown, upon being consulted, were of opinion that it would be illegal in the present state of the law. He found that several of the Lord High Commissioners of the Ionian Islands had expressed opinions in favour of the removal of this disability, and Sir John Young, the present Lord High Commissioner, had stated that he regarded such a step as most desirable.

COLONEL DUNNE said, that some years ago the Maltese were in the same condition, but by an Act of Parliament they had been regularly constituted British subjects. He wished to know whether the Ionian Islands were to be considered as a separate State, for if so, young men wishing to enter Her Majesty's service could only do it by letters of naturalization. He believed that great discontent was occasioned by thus closing two professions, for at present the study of medicine and the law were the only means by which the youth of those States could distinguish themselves.

MR. LABOUCHERE said, the Bill would only place the inhabitants of the Ionian Islands in the same position as the inhabitants of any of our Colonies, and would not otherwise affect their status.

Motion agreed to.

Bill ordered to be brought in by Mr. LABOUCHERE and Mr. JOHN BALL.

Bill read 1^o.

NORFOLK ISLAND ECCLESIASTICAL GOVERNMENT BILL.

LEAVE. FIRST READING.

MR. LABOUCHERE said, that in moving for leave to bring in a Bill to alter the existing provisions relating to the ecclesiastical government of Norfolk

Island, he had to state that it was intended to rectify an omission in the arrangement made two years ago. The House was probably aware that the destination of Norfolk Island was changed, and, instead of being associated with the worst of our criminals, would, in future, be inhabited by the natives of Pitcairn's Island. Those persons, whose virtues and good conduct had excited so much interest in this country, found Pitcairn's Island too small, and, on their own application, were transferred to Norfolk Island, after the latter had been purged of its convict population. In reference to the change, it was thought best to transfer the civil government from Tasmania to New South Wales; but the transfer of the ecclesiastical government was omitted. The consequence was that, while Norfolk Island was under the civil jurisdiction of the Governor of New South Wales, it was under the ecclesiastical jurisdiction of the Bishop of Tasmania. Such a state of things was obviously inconvenient, and the proposed measure was for transferring the ecclesiastical government from the Bishop of Tasmania to the Bishop of Sydney.

LORD ROBERT CECIL said, he would beg to ask whether the Bishop of Tasmania assented to the Bill, and whether the change ought not to be made by an Order in Council.

MR. LABOUCHERE said, the power of changing the ecclesiastical jurisdiction rested with Parliament. He did not know whether the Bishop of Tasmania had been informed of the intention to introduce the Bill, but he could not imagine that the right rev. Prelate would raise the least difficulty in such a matter.

SIR STAFFORD NORTHCOTE said, it was reported that twelve convicts had been left on Norfolk Island. He wished to know whether that was true; and, if so, whether their being left was intentional or accidental?

MR. LABOUCHERE said, no convict had been left behind. The Pitcairn people had petitioned to have one old man, who was well acquainted with the soil of the island, left to teach them agriculture, but the Governor, after some deliberation, thought it most expedient that the request should not be granted, and the man was removed with the other convicts.

Motion agreed to.

Bill, to amend so much of an Act, intitled, "An Act to repeal the Acts of Parliament now in force respecting the

disposal of the Waste Lands of the Crown in Her Majesty's Australian Colonies, and to make other provision in lieu thereof," as relates to the Ecclesiastical Government of Norfolk Island, ordered to be brought in by Mr. LABOUCHERE and Mr. JOHN BALL.
Bill read 1^o.

NOTICES OF MOTIONS.

RESOLUTION MOVED.

MR. W. WILLIAMS moved a Resolution, that in future notices of Motion on going into Committee of Supply on the Estimates, should have precedence only on alternate days. He complained very much of the abuse which had lately crept in, and had, in his opinion, arrived at a very serious head, of Members delaying the Committees of Supply in order that they might bring a vast number of subjects before the House which it was inconvenient for them to introduce in the form of Resolutions, or in any other manner allowed by the rules of the House. The practical working of this pernicious system was to prevent the Estimates from being discussed in consequence of the lateness of the hour at which they were brought on. Hon. Members made long speeches on their particular hobbies, and knowing that no result could be obtained, went calmly away to dinner, having effected their purpose, and thus the public time was wasted very much to the injury of the country. Private Members had Tuesdays and Thursdays for Motions, and Wednesdays for Orders. The Government had only Mondays and Fridays for all their business, and he thought it would not be too much to limit the right of private Members to interpose with a Motion before going into Committee of Supply to one evening of the week. He pointed out the inconvenience of this practice upon the general business of the House, and especially as preventing the Government from giving explanations which might be required, simply from the reason that when the patience of the House had been exhausted by a long and purposeless conversation, and it at length got into Committee, about twelve o'clock at night, hon. Members were so weary that they passed the Estimates without the slightest examination. Nobody, he thought, could deny the importance of discussing the Estimates, considering the enormous amount of money involved, and the fact that, once passed, there was no control whatever upon the expenditure of the money. If his Motion were carried, hon.

Members would still have every other day on which to bring forward their grievances. There could be no doubt that it would lead to a great saving of time, and, as he contended, would in its practical effect prove highly advantageous to the country. The Government were not averse, as he understood, to this Motion. ["Hear, hear!"] He perfectly well understood what that cheer meant. No doubt hon. Gentlemen opposite found their account in protracting such useless Motions in order to harass the Government; but he considered that the absence of objection from the Treasury bench was a proof of the desire of the Government to have the various Estimates thoroughly investigated, and, therefore, highly creditable to it.

MR. WISE seconded the Motion, although he should have preferred the appointment of a Committee to inquire. At present it was almost impossible to know when the Estimates were coming on.

Motion made, and Question proposed, "That Notices of Motions on going into Committee of Supply on the Estimates shall have precedence only on alternate days."

SIR GEORGE GREY did not know upon what authority the hon. Member for Lambeth (Mr. Williams) spoke; but in his (Sir G. Grey's) opinion the privilege accorded to Members of making Motions previous to going into Committee of Supply was one of the most important and valuable they possessed. He had had no communication with his noble Friend the First Lord of the Treasury upon the subject of the Motion, of which he believed notice was only given yesterday; but he was quite sure that that noble Lord would not be prepared to give his consent to it. Neither, if the Motion of the hon. Gentleman were agreed to, would it effect his purpose; nor would it do so unless he intended to preclude all discussion before the Speaker left the chair which would deprive hon. Members of the constitutional privilege of calling attention to the grievances of the people before the House voted the public money. He only hoped that the hon. Member for Lambeth would himself set a good example in respect to this description of Amendments, and that that example would be followed by other hon. Gentlemen. They all had a duty to perform, and, although, wherever it was practicable, it would be desirable to get into Committee as soon as possible, hon. Members ought not to be deprived of the pri-

vilege of introducing discussions, often of a very important character, before going into Committee. He should vote against the Resolution.

MR. FRENCH said, he was glad to find that the hon. Member had failed to represent the Government in this Motion, and it was his opinion that he had equally failed in representing the feelings of his Lambeth constituents. He was perfectly surprised to hear such a Resolution emanate from that quarter. He always thought that the principles professed by that section to which the hon. Gentleman was attached were repugnant to placing too much power in the hands of Government. It was true enough that two days a week were allowed to private Members to make Motions, but that was only provided they were not counted out, and his impression was that the only way of compelling Ministers to make a House for them was to threaten to bring the Motion they had in hand before the House previous to its going into Committee of Supply. He gave the present Resolution his strongest opposition.

Motion, by leave, *withdrawn*.

LORDS COMMISSIONERS' SPEECH— SUPPLY.

LORDS COMMISSIONERS' SPEECH *considered*, according to Order.

Moved, "That a Supply be granted to Her Majesty."

Committee thereupon *To-morrow*.

The House adjourned at half past Seven o'clock.

HOUSE OF LORDS,

Friday, February 6, 1857.

THE DIVORCE COMMISSION—FOREIGN LAWS OF DIVORCE— MOTION FOR A PAPER.

LORD CAMPBELL said, he wished to move for a valuable paper, to the production of which he believed there would be no objection. He was sure that all who had any notion of its contents would rejoice in seeing it laid on their Lordships' table. Their Lordships were aware that four years ago a Commission, of which he had the honour to be the head, was appointed to consider the law of divorce; and that they made a Report on which was founded a Bill that had twice been laid upon the table of the House. It had, however, been thought proper, and he considered very wisely, to extend the measures

which that Commission had recommended, and he believed that the Bill which his noble and learned Friend (the Lord Chancellor) had promised to introduce this Session would be of a more comprehensive description than the proposal of the Commissioners; and that it would take into consideration what should be done with respect to the rights of women who had been separated from their husbands, and the various rights and liabilities arising from the important relation of husband and wife. The secretary of the Commission, Mr. Macqueen, furnished with valuable introductions which he received from the noble and learned Lord opposite (Lord Brougham), who was so intimately connected with the other side of the water, had been in Paris, and in consequence of that introduction he had obtained much information, both from oral communications and from written books; and he had composed a most valuable paper, which he had laid before the Commission, having reference to the whole laws on the subject of husband and wife; and divorce, which prevailed in France under the *ancien régime*, under the *Code Napoleon*, under the Bourbons on their restoration, and under Louis Philippe, and continued in existence up to the present day. He had also furnished them with an abstract of the codes of other continental nations, especially those of Austria and Prussia; the code of the latter being particularly interesting, as it was a Protestant country, and, like England, did not consider marriage indissoluble. It was, he thought, of great importance that their Lordships should all have an opportunity of reading this valuable paper before the whole matter was brought before them, on the Bill being introduced by the Lord Chancellor; and what he proposed was, that a copy of it should be laid on the table, and should be printed and circulated for the use of the Members of the House. The noble and learned Lord then moved an Address for a Copy of the Paper on foreign Laws of Divorce, prepared for the Divorce Commissioners by their Secretary, Mr. Macqueen.

LORD BROUGHAM said, that he agreed entirely in the opinion expressed by the noble and learned Lord as to the value of the document, and the propriety and high expediency of having it before them in time to well consider its contents before any discussion arose on the measure of the Lord Chancellor. His noble and learned Friend (Lord Campbell) had not, in the

smallest degree, gone too far in eulogising the paper of Mr. Macqueen, for it was impossible to over-estimate the importance of the information it contained. His (Lord Brougham's) opinion on this subject remained precisely the same as it was when the subject of marriage and divorce was last before the House; with this difference, that his conviction had been strengthened by further reflection and further experience of the evil consequences of the present law.

Motion agreed to.

ECCLESIASTICAL DISCIPLINE— QUESTION.

LORD BROUGHAM wished to ask his noble Friend on the woolsack whether the Bill which he contemplated introducing into that House, with respect to ecclesiastical discipline, contained any provision for doing what he (Lord Brougham) had so frequently urged the necessity of upon the attention of that House, as well as elsewhere; namely, giving to the Court of Appeal—the Judicial Committee of the Privy Council—the very great benefit of having access to the opinions of the Episcopal Bench, or a portion at least of that Bench, upon questions of doctrine incidentally, but most importantly, coming before them. He did not mean to say that the Court of Appeal should be bound by the answers which the ecclesiastical authorities gave to questions, but that it should have the benefit of their opinion and information on questions submitted to them, in the same way that the Court of Chancery had the advantage of the opinion of the Courts of Common Law without being obliged to act upon it.

THE LORD CHANCELLOR said, that such a provision would be found in the Bill which he should ask permission to lay on the table. His most rev. Friend the Archbishop of Canterbury had been kind enough to communicate to him a sketch of a Bill which he had framed, in conjunction, he believed, with a great number of the right rev. Prelates, for the Amendment of the present law relating to church discipline. That Bill contained a provision for the purpose mentioned by his noble and learned Friend; but, as it was very inconvenient and cumbrous, he had not thought it desirable to adopt it. The course which he proposed to adopt was exactly that which his noble and learned Friend suggested—namely, that some of the Episcopal Bench should attend the Judicial Committee as assessors when their

presence would be likely to throw light upon any matter brought before that Court. House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 6, 1857.

MINUTES.] NEW WRIT.—For the City of Hereford, *v.* Sir Robert Price, bt., Steward of the Manor of Northstead.

PUBLIC BILLS.—1° Hereford Cathedral Restoration; Tweed Fisheries; Passing Tolls.

THE LORDS COMMISSIONERS' SPEECH— ANSWER TO THE ADDRESS.

THE VICE CHAMBERLAIN OF THE HOUSEHOLD (Lord Ernest Bruce,) in full dress, *reported* Her Majesty's Answer to the Address, as follows:—

"I HAVE received with much satisfaction your loyal and dutiful Address.

"I SHALL gladly avail Myself of your assistance in My endeavours to advance the best interests of the Country, and to promote the prosperity and happiness of My People."

THE SITTINGS OF CONVOCATION— QUESTION.

MR. J. G. PHILLIMORE said, he wished to ask whether it was intended to allow the Convocation for the Province of Canterbury to sit for any longer time.

SIR GEORGE GREY said, that the noble Lord at the head of the Government, being unable to attend, had requested him to answer the question of the hon. and learned Member. The House was of course aware that Convocation met in consequence of a summons from the Crown, and it was also, no doubt, aware that Convocation had no power to make canons or make changes without an express licence from the Crown, therefore any such proceeding which might be taken this year, being without the licence of the Crown, would be invalid. The usual course was for the Archbishop of Canterbury to prorogue the Convocation a few days after its first meeting. There was no reason to suppose that the Archbishop of Canterbury would not pursue that course upon the present occasion, but should he not do so, it would become the duty of the advisers of the Crown to interpose, as it was inexpedient that the sittings of Convocation should be prolonged merely for the sake of discussion.

UNIFORM WEIGHTS AND MEASURES— QUESTION.

MR. LLOYD DAVIES said, he would beg to inquire whether it was the intention of Government to introduce a Bill; and, if so, when, making it compulsory that weights and measures throughout England and Wales should be uniform? the loss from the inequality in the sale of corn alone being very great.

SIR GEORGE GREY said, the general Act which became law last Session upon this subject was directly aimed at the object sought by the hon. Gentleman. The machinery of that Act was the county justices and local inspectors, and although he was sorry to say that the provisions of the Act had been certainly inefficiently enforced, that was the consequence of the absence of proper measures to carry out the law. The Government did not intend to propose any alteration in the law.

THE WAR WITH PERSIA AND CHINA— QUESTION.

MR. BAILLIE said, he would beg to inquire of the Chancellor of the Exchequer whether any agreement had been entered into with the Indian Government respecting the expenses of the Persian War, and whether any or what portion of those expenses is to be paid out of the Revenue of India; also whether Her Majesty's Ministers have admitted the claim of the Indian Government for the expenses of the last Chinese War, what the amount of the debt is, and why it has remained for so long a period undischarged?

THE CHANCELLOR OF THE EXCHEQUER: Sir, in reply to the hon. Gentleman's first question, I have to state that the arrangement which has been made by Her Majesty's Government with the East India Company in respect to the expenses of the Persian war is this—that Her Majesty's Government shall propose to this House to grant payment of one half of the extraordinary expenses of the Persian war out of the national Exchequer, and the remaining half of the expense is to be borne by the East India Company. This arrangement has received the approbation of the Court of Directors. In answer to the second question of the hon. Gentleman, I have to state that the payment of the expenses of the former Chinese war has been so long postponed in consequence of a difference that existed between the Court of Directors and Her Majesty's Govern-

ment in respect to the terms of that settlement. The Court of Directors had understood that Her Majesty's Government were to pay the entire expenses of that war, while the Government, on the other hand, considered that they were only bound to defray the extraordinary expenses. The matter remained unsettled until last year, when it was brought to a conclusion, upon the principle that the extraordinary expenses of that war should be defrayed by the Imperial Government, those extraordinary expenses being understood to include everything beyond the ordinary expenses which the East India Company would have had to bear for the maintenance of their fleet and army. The result of that settlement is, that a sum of £590,693 is due from the Government to the East India Company, but at the same time, I must inform the House that the East India Company owes to the Government a larger sum than £590,000, and therefore no money will have to be paid out of the Exchequer this year on account of the last Chinese war.

SAVINGS-BANKS—QUESTION.

MR. WILKINSON said, he would beg to ask the Chancellor of the Exchequer whether it was his intention to propose any measure in the course of the Session for the improvement of the system upon which Savings Banks are conducted.

THE CHANCELLOR OF THE EXCHEQUER said, the subject of Savings Banks had been under his earnest consideration during the recess, and he had prepared a measure, the effect of which would be to give the guarantee of the Government to all Savings Banks which could comply with certain conditions—which conditions appeared to him to be very reasonable ones. He would be prepared to submit the measure to the House as soon as he saw any prospect of its receiving consideration; but he did not think it advisable to bring in Bills which could not be discussed for some time, and which were only incumbrances upon the paper.

SIR HENRY WILLOUGHBY said, he hoped that sufficient time would be given for a full consideration of the details of the measure.

THE CHANCELLOR OF THE EXCHEQUER said, he was quite ready to bring in the Bill at any time; the House might desire, as it was now complete and ready for presentation.

The Chancellor of the Exchequer

MOTION FOR SUPPLY.

The Order of the Day being read for the House to resolve itself into a Committee to consider the Motion, "That a Supply be granted to Her Majesty,"

Ordered, That the Speech of the Lords Commissioners to both Houses of Parliament be referred to the Committee.

On Motion, That Mr. Speaker do now leave the chair.

THE FINANCIAL STATEMENT—QUESTION.

MR. MILNER GIBSON said, he wished to take that opportunity of making an inquiry of the right hon. Gentleman the Chancellor of the Exchequer. The noble Lord at the head of the Government, in addressing the House on Tuesday, intimated the importance of having in the present Session a very early financial statement. It had been, he believed, the practice to defer the financial statement until the principal Votes had been taken in Committee of Supply on the Army and Navy Estimates. But as the Estimates, he believed, were prepared, and must by the order of Parliament be laid before the House within a week after the first Committee of Supply, he wished to know whether there was any reason why the Chancellor of the Exchequer could not at once, or at a very early day, give the House the general views of the Government upon the expenditure and income of the country for the year commencing April next. He, for one, really felt that, being likely to be asked to give his vote on large questions of taxation, he should be far better able to form a just opinion as to how to give those votes if he were in possession of the general views of the Government. But he did not mean to say that the postponement of the financial statement of Her Majesty's Ministers could for a moment be considered sufficient reason to prevent private Members asking the House of Commons for their opinion on any particular tax.

THE CHANCELLOR OF THE EXCHEQUER said, the earliest day consistent with the forms of the House, on which the Army and Navy Estimates could be presented was Tuesday next. On that day he believed his right hon. Friend the First Lord of the Admiralty would lay on the table of the House the Navy Estimates. The Army Estimates were in a very forward state, and would be produced in the course of next week. Those two classes of Esti-

mates would be presented without loss of time, and would speedily be in the hands of Members. He should be ready on the earliest day, consistent with the course of public business and the convenience of the House, and having regard to precedent and usage which distinguished their proceedings, to lay before them the financial plans of the Government; but he felt a difficulty in fixing any day before the Army and Navy Estimates were laid upon the table. He should be prepared on Monday or Tuesday, or, at all events, on one of the first days of next week, to name the day on which he should make the financial statement, or for taking into consideration the Army and Navy Estimates.

SIR HENRY WILLOUGHBY said, he did not quite understand whether the Chancellor of the Exchequer would be prepared to make his statement before the Army and Navy Estimates were passed, or whether he would wait until those Estimates were passed.

THE CHANCELLOR OF THE EXCHEQUER said, he understood his right hon. Friend the Member for Manchester (Mr. M. Gibson) to express a decided opinion that it was desirable that the financial statement should be made before considering the Army and Navy Estimates. His answer was that he was unable to state the intentions of the Government with regard to priority in the consideration of those matters, but that he would on Monday or Tuesday state the course which the Government intended to pursue with respect to submitting the financial statement before the Army and Navy Estimates, or in the reverse order.

THE ADDRESS—EXPLANATION.

LORD JOHN RUSSELL said, he wished to call the attention of the House to what appeared to him to be a departure from a usage which had been observed for some years past, to the great convenience of Members, and also of harmony in the House on the first day of the Session. It had been the practice, in answer to the Queen's Speech, to put the Address in such general terms as not to commit the House to matters which might afterwards become the subject of discussion, especially as the House was not usually called upon to give an opinion without having received information on the subject. He concluded, without attending, as he ought to have done, to the words of the Address agreed

to on Tuesday, that a similar course had been pursued. He considered so the more because the hon. Mover of the Address had shown great judgment not only in the topics which he discussed, but in those which he avoided. He heard the Hon. Gentleman say that, with regard to the affairs of Italy, Persia, and China, the House would probably suspend their opinion until the papers were laid before them; but he found, on looking at the Address adopted by the House, these words,—

“We assure your Majesty that we participate in the expression of your regret that the conduct of the Persian Government has led to hostilities between your Majesty and the Shah of Persia, and that the Persian Government, in defiance of repeated warnings, and in violation of its engagements, has besieged and captured the important city of Herat.”

It was perfectly natural for the Ministers of the Crown to say that. They had all the papers before them. They were entitled to form their judgment when they adopted hostile proceedings, but he did not think it was right to ask the House of Commons to affirm that the conduct of the Persian Government had led to hostilities. He was not aware that the Shah of Persia had besieged any possessions of England, or captured any of Her Majesty's ships; and he did not think the House was aware of “repeated warnings” and “engagements” with regard to the important city of Herat. All that, he had no doubt, might be proved by the papers; but he submitted that the House ought not to be called on to pronounce a very decided opinion on a matter with respect to which they had not any information. He only wished to guard against the inference of his being a party to the affirmation, and to state that he should form his judgment free and unbiassed upon the papers which might hereafter be produced.

SIR GEORGE GREY said, it was far from the intention of the Government to commit the House, by the form in which the Address was drawn, to any opinion on foreign policy. The right hon. Member for Manchester (Mr. M. Gibson) pointed out that one paragraph had the appearance of expressing an opinion with regard to the events in China, and the noble Lord at the head of the Government, acceding to the suggestion of the right hon. Member for Droitwich (Sir J. Pakington) at once substituted a mere expression of thanks. The Government would not for a moment take advantage of the terms used in the Address with regard to the Persian

Government, and if those observations had been made when the Address was under consideration he felt assured that his noble Friend would have acceded to any suggestion whereby the possibility of committing the House to an opinion would have been avoided.

MR. GLADSTONE said, he thought the moral of these observations was that very great care ought to be taken in the preparation of these Addresses. It was not consistent with the patience, or rather the impatience, of the House that the Address should be heard either when read by the Mover or when read from the chair. He had, among others, anxiously strained his powers of hearing to catch some words of the Address, but such was the general inattention that it was in vain. By peculiar vigilance the discovery of an error was made by the right hon. Gentleman near him (Mr. M. Gibson), and his noble Friend (Lord J. Russell) had now detected another error. It only showed that in a matter of such delicacy greater care in turning the paragraphs of the Address ought to be taken before the House was called on to assent to it.

SIR F. BARING said, he quite concurred with his noble Friend (Lord J. Russell) in thinking the paragraph in question highly objectionable. Even with regard to the case of China the Address committed the House in a manner in which it could hardly have been intended. Turning to the Address he found that not only did the House thank Her Majesty for information, but "we concur with your Majesty in trusting that the Government of Peking will see the propriety of affording the satisfaction demanded, and of faithfully fulfilling its treaty engagements." The House at present had no possible means of knowing what those demands were, and consequently they had given an opinion upon a matter of which they had not the slightest official knowledge. He would recommend that more care should be taken in future in the framing of the Address.

MR. W. WILLIAMS said, that after the strong feeling which had been exhibited throughout the country on the subject of the war tax, he considered that the Chancellor of the Exchequer ought to produce his financial statement before he took any Vote in Supply. If he did not, it was to be hoped that the right hon. Member for Buckinghamshire (Mr. Disraeli) would persevere in his Motion, in which case Go-

vernment would perhaps find themselves in a position different from that which they would have occupied had they done as he suggested. He remembered a case in which a Chancellor of the Exchequer had submitted three different schemes of taxation to a dissatisfied House.

MR. DISRAELI: Sir, I can assure the hon. Member for Lambeth that it is my intention to proceed with the Motion to which he refers, whatever may be the course pursued by the Chancellor of the Exchequer with respect to the financial statement. I think that the object of that Motion has, perhaps, been misunderstood, and that it will be seen to be quite independent of the course which Her Majesty's Government may think proper to take. I observed that great agitation prevailed throughout the country in the autumn, in consequence of a belief on the part of the people that they were suffering under a grievance imposed upon them by an Act of Parliament. I examined into the circumstances of those allegations, and it appeared to me that it was a grievance justly complained of. All that I shall propose to do is to obtain the repeal of the Act of Parliament that entails this grievance. In the agitation of this question, however, as in all agitations of this kind, very many dangerous opinions have been circulated with respect to the principles of taxation with regard to this particular law, and I thought it more judicious, not only to remove the grievance, but to assert those sound and just principles on which I thought the income tax ought to rest so long as it is permitted to remain in existence. I thought, that if I attempted to remove the grievance without arresting attention to the principles of the tax, I should pursue a course which would be injurious to the public good, and should only half perform my duty. I shall endeavour, in the Motion I shall make, to accomplish both these purposes. I am not about to bring forward any financial scheme myself, nor do I want to stand in the way of the financial scheme of Her Majesty's Ministers. I think that the House of Commons is acting in the discharge of its first and highest duty in redressing a great grievance which has been complained of, and in asserting and strengthening those principles of legislation which I think it of advantage should be maintained. Whatever Estimates, therefore, may be brought forward in this House, and whatever may be their nature and amount, Ways and Means will, I doubt

not, always be found in order to sustain the public service of the country.

MR. CARDWELL: I hope, Sir, that the observations of the right hon. Gentleman who has just resumed his seat, will confirm my right hon. Friend the Chancellor of the Exchequer in the good resolution that he has announced, although more faintly than I could have wished, to give us the financial statement at the earliest possible period. At the same time, I do not understand how it is possible for the House to give an opinion upon one part of a great financial case without having had the whole of that case laid before them. The right hon. Gentleman opposite (Mr. Disraeli) would first begin by repealing that which he calls the war income tax, and he would then proceed to vote those Estimates which the public service demands. I should be glad to vote the remission of that portion of the income tax which the war imposed, and then to provide the necessary Estimates, but I apprehend we shall do that with more confidence and satisfaction when we know that, after providing for all the necessary expenditure, there will be a balance in the Exchequer at the end of the year, notwithstanding the remission of that tax, or else the House will find itself in this predicament. The Crown may have to come to Parliament and say, "You have repealed a portion of the taxes, and voted larger Estimates than the public money provides." Now, Sir, I will ask what course would the House then be compelled to take? Why, you must either sanction a loan in the first year of peace, or levy those taxes on articles of large consumption which for years it has been the policy of this House to repeal. By the other plan we may proceed with confidence, and I trust we shall be enabled to repeal the war income tax as soon as it is seen that the amount necessary for the independent requirements of the present year leaves the whole of that sum open to the representatives of the people. That knowledge we shall not satisfactorily possess unless we are first placed in possession of all the views of the Government with regard to the requirements of the year. My right hon. Friend the Chancellor of the Exchequer, has correctly stated that it is the practice to adhere to precedent in these matters. There have been two remarkable precedents upon this point. In 1845 Sir Robert Peel, having then a balance in the Exchequer upon the income of the year larger than the whole produce of the in-

come tax, felt it his duty to ask for an entire readjustment of the Army and Navy Estimates, and followed up that readjustment by a renewal of the income tax. The course he adopted was not to take a Vote upon the Estimates, but he came forward as early as the 14th of February, and in a Committee of Ways and Means stated the whole views of the Government, and concluded by asking the opinion of the House on the renewal of the income tax. In 1848 the noble Lord the Member for the City of London (Lord J. Russell), had to propose another readjustment of the Army and Navy Estimates, and an alteration in connection with the income tax. Unless I am mistaken, the course then pursued was to make the financial statement as the earliest step in the financial history of that year. We have now not to impose taxes, but to remit taxes and diminish Estimates. And I submit that the proper course is that we, now readjusting the Estimates and the taxation, should follow the precedents of 1845 and 1848, and learn from the Crown what its opinion is upon the sum necessary for the coming year, and that we should form our judgment whether that is necessary or not. I think we ought to have before us the whole financial statement of the year, and that we should not be called upon to form an opinion on only a portion of that statement.

MR. MALINS said, he thought the right hon. Gentleman had misapprehended the meaning of his (Mr. Malin's) right hon. Friend (Mr. Disraeli). They all concurred in calling upon the Chancellor of the Exchequer to make his financial statement at the earliest possible period of the year. But the right hon. Gentleman (Mr. Cardwell) appeared to suppose that his right hon. Friend (Mr. Disraeli) was about to ask the House to take into its consideration the mode in which the Ways and Means were to be raised. But that was a misconception. A mistake had been made in an Act of Parliament of which the people of England complained; for, while under that Act it was intended that the war income tax should be levied for a year after the termination of the war, by an accidental wording of the Act of Parliament it seemed about to be levied for two years. He had pointed out the mistake last year, and had asked the Chancellor of the Exchequer whether the Government intended to avail themselves of it, and to levy this most burdensome tax up to April, 1858. He expected that the Chau-

cellor of the Exchequer would have said then, what the Government would be obliged to say now, that they did not intend to avail themselves of that accident. He believed that the Parliament and the people of England had made up their minds on this subject; and that, although it might be necessary to double the income tax, yet that it could not be done under the existing Act of Parliament. He desired to keep his mind free as to the Ways and Means, believing as he did that, whatever the necessity of the country might be, the means would be found to meet the expenditure. If the Chancellor of the Exchequer could satisfy the House that the next year could not be got through without the additional 9*d.* income-tax, he did not pledge himself to vote either for or against it; but the Government were certainly bound to forego the advantage they had gained by the accidental wording of the Act, and to throw themselves upon the generosity of Parliament and of the nation.

Motion, That Mr. Speaker do now leave the chair, *agreed to.*

House in Committee. Mr. FitzRoy in the chair.

Lords Commissioners' Speech read:—

THE CHANCELLOR OF THE EXCHEQUER then moved, that a Supply be granted to Her Majesty.

Resolved, "That a Supply be granted to Her Majesty."

Resolution to be reported on *Monday* next.

The House resumed.

THE BANK ACTS—THE BANK CHARTER.

SELECT COMMITTEE MOVED FOR.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I rise to make the Motion of which I have given notice for the appointment of a Select Committee to inquire into the operation of the Bank Act of 1844, the 7 & 8 *Vict.* c. 32, and of the Bank Acts for Ireland and Scotland of 1845, the 8 & 9 *Vict.* c. 37 and 38; and also to inquire into the law relating to Joint-stock Banks. In order to understand the operation of the Act of 1844, it is necessary to go back to the time of bank restriction, and to consider the policy of the measure which was proposed and carried by Sir Robert Peel in 1819. By means of that Act the value of the currency was restored, after a long period of suspension of cash payments during the French war, and the currency was fixed upon a firm and legiti-

mate basis. The principle established by that Act was the convertibility of bank-notes for gold at a certain fixed value; and I trust that the time will never come when that principle will be called in question by this House or by the country.

The question has sometimes been asked—what is the meaning of a pound note? and it has been thought that some difficulty exists in finding an answer to that question. But it appears to me—with great deference to the various able and accomplished persons who have discussed the matter—that no interrogatory admitting of a more simple and satisfactory answer ever was asked. What is the meaning of a pound note? It is simply a promise to pay on demand to the bearer, at the place where the note is issued, the sum of one sovereign. No mystery is involved in the answer to that plain question. A bank note is a promise to pay a definite sum in coined money of a known weight and value; and if that promise is not fulfilled a contract is broken and a fraud is committed. I think, therefore, it cannot be denied with truth that the convertibility of a bank-note is a plain question of contract, that it rests upon principles of honesty which must be recognised not only by every speculator, not only by every political economist, but by every man of plain sense and understanding; and I cannot believe that the time will ever come when any large, when even any small portion of this House, or when any considerable portion of the people of this country will seriously contest the validity of that principle. I can conceive that a Government may, in order to overcome a temporary deficiency, issue for a time inconvertible paper, and may meet a financial pressure by discharging its engagements in promises to pay, which promises it is unable to fulfil; but I confess I am at a loss to understand the opinions of those persons who believe that the wealth of a country can be increased, and that the trade of a country—resting, as it does, upon credit—can be benefited by the issue of mere promises to pay, which promises the issuer is not bound to fulfil. I repeat, therefore, the expression of my hope that the principle upon which the Act of 1819 is founded, of the convertibility of paper for gold, will never be seriously contested by any party or person in this House. But in the course of time it was found that the Act of 1819, although it established this important principle, did not in all

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cases provide effectual securities for its enforcement. Excessive issues of paper were made from time to time by country banks, and sometimes by the Bank of England, and although notes were always convertible by law into gold, it happened in many cases, upon the failure of country banks, that they were not convertible in fact. The credit of the Bank of England was never in truth impeached; but it was contended that its issues were sometimes excessive, that its reserves of bullion were not always sufficiently great to support public confidence; and accordingly Sir Robert Peel, acting under the advice of a Committee, presided over by my right hon. Friend the First Lord of the Admiralty (Sir Charles Wood), proposed in 1844 the Act which I am about to ask the House to refer to a Select Committee. The policy which Sir Robert Peel announced that he intended to enforce by that Act was not merely the convertibility of bank-notes and the legal liability of their issuers to pay them, but also, by imposing certain conditions as to their issue, the provision of effectual securities against their over issue, and their consequent depreciation. Now, I freely admit that, in proposing the restrictions embodied in the Act of 1844, Sir Robert Peel sought to establish a principle in which the presumption lay against him. He attempted to impose restrictions upon the banking trade; and I quite concur with those persons who hold that any one who seeks to impose limits and restrictions upon the banking trade comes forward with a presumption against his policy, and is bound to establish a strong case of expediency or necessity. In my opinion Sir Robert Peel did establish a strong case. His view, I apprehend, was this; when a bank such as the Bank of England is empowered by the Legislature to issue notes; when those notes circulate freely from hand to hand; when they are invested by Act of Parliament with the attribute of being a legal tender; when the Legislature, in fact, confers upon the Bank the power of issuing paper which, whatever theorists may say, practically discharges the functions of money, the Legislature is justified in imposing certain conditions upon the exercise of that power. That was the principle by which Sir Robert Peel justified the restrictions he imposed by the Act of 1844. Much subtle discussion has been raised on the question of what is money—whether bills of exchange and commercial instruments of that nature are to be con-

sidered money—whether the term should be confined to paper instruments such as bank-notes, and whether even the title of money should be refused to bank-notes, being a legal tender. It would be quite out of place for me in a practical assembly such as the House of Commons to occupy time upon the discussion of such questions; and I trust the House, in debating this subject, will not think it necessary to go into questions of the theory of currency, with respect to which, I need scarcely inform hon. Members, a number of volumes sufficient to fill the shelves of a large library has been written. But I may be permitted to say that it seems to me a practical question for our consideration whether or no a bank-note does not deserve the name of money. If a bank-note enables a person, who is unknown, upon presenting it wherever he goes in the country to make a legal tender, without reference to his individual credit or character, it appears to me that such an instrument is fully entitled to the name of money, and practically discharges the same functions as sovereigns. If that be the character of the bank-notes issued by the Bank of England, I cannot help thinking that a justification arises for the Legislature to impose such restrictions as the public advantage may demand on the extent to which such bank-notes may be issued. Sir Robert Peel, by the Act of 1844, for the first time placed on the discretion of the Bank of England certain limits with respect to the issue of bank-notes. The bank was by that Act restricted to the issue of £14,000,000, represented by a similar amount of securities, and so much more as might be equal to the quantity of bullion in possession of the Bank. Beyond these limits the Bank of England under the present Act is not entitled to go, with the exception of a small addition which I shall afterwards mention. The policy of the Act of 1844 was, therefore, in general to impose such restrictions on the discretion of the Bank of England in regard to the issue of money as would practically secure its maintaining such a reserve of bullion as should at all times be equal to the demands of the public for the conversion of its notes into gold. I think a fairer test cannot be taken of the practical success of that Act than by comparing the quantity of gold held in reserve by the Bank of England for ten years prior to 1844, and for ten years subsequent to that Act. If the House should find that there has been a great increase

in the average quantity of gold held by the Bank of England in reserve since 1844—if the House should find that the maximum quantity and the minimum quantity and the averages also have been greater, the conclusion must naturally be arrived at that that Act has accomplished the object for which it was designed. The contrast is so decided and immediate on the change of legislation that it could not be attributed in any considerable degree to an increased supply of the precious metals, and of gold principally, in late years. It was quite conceivable that, though the supply of gold increased, the Bank might not have thought it necessary to keep a larger reserve unless the legislative restriction, to which I have already alluded, had been in operation. I hold in my hand a statement of the highest, lowest, and average amount of bullion in the Bank of England, from the year 1834 to the present time, and I will read to the House some of the principal results. In 1843, the average amount was £11,700,000 in round figures, being the highest amount during the ten years prior to the Act of 1844. The average amounts for the other years were, in 1834, £8,000,000 (omitting all the figures after the millions); in 1835, £6,000,000; in 1836, £6,000,000; in 1837, £5,000,000; in 1838, £9,000,000; in 1839, 1840, and 1841, £4,000,000; in 1842, £8,000,000; and 1843, £11,000,000. In the first year after passing the Act, the average amount of the bullion in the Bank of England was £15,000,000, and in 1855 it was £14,000,000. In 1847, which was the year in which the average was lowest, the average amount was £10,600,000, and the minimum amount was never under £8,000,000. After that year the average amount rose to £14,000,000, 16,000,000, and in 1852 to £20,000,000. In 1853, it was £17,000,000, and in 1854, £14,000,000. Therefore since 1843, the lowest average was £10,600,000, and the highest £20,500,000, whereas before 1843 the highest average was £11,700,000, and consequently the lowest average since 1843 did not very much differ from the highest average of the preceding period. These figures cannot, I think, fail to convince the House that, assuming that the main object of the Act of 1844 was to increase the average reserve of bullion in the Bank of England, that object had been very completely attained.

There is another part of that Act to which I must advert briefly—the separa-

tion of the issue and banking departments which was then effected. That separation was an essential part of the Act of 1844, and was then introduced for the first time. The effect of the separation is, that the accounts of these two departments are kept separately, and that for practical purposes, while the management of the Bank proceeds in its ordinary manner, these two departments are managed independently of each other. An inquiry into the legal operation of this part of the Act is not of a very practical nature; but in order to avoid misunderstanding, it ought, perhaps, to be stated—that, in the event of the insolvency of the Bank of England—a contingency not very likely to occur,—it is held by those most competent to form an opinion on the subject, that all the creditors, both note-holders and depositors, would have equal rights and equal claims on the general assets of the Bank. In such a contingency the funds of the Bank would be considered as one, though, for the practical management of the Bank, and for the purpose of measuring its issues, which was the object the framers of the Act had in view, the separation of the two departments is complete.

I now come to the effects of this Act as developed during the successive years that have elapsed since it was passed into law. And, first, I will venture to call the attention of the House to what occurred in the year 1847. In that year the operation of this Act underwent an important trial. Commercial distress of a very aggravated kind was then experienced; and the Bank of England was subjected to a heavy pressure for the purpose of inducing it to extend its advances and discounts for mercantile purposes. The Bank found itself restrained by the limitations which had been imposed upon it by the Act of 1844. Application was in consequence made to the Government of the day, of which my noble Friend the Member for the City of London (Lord John Russell) was the head, and my right hon. Friend the present First Lord of the Admiralty was the Chancellor of the Exchequer, on the subject; and the consequence was that, after much deliberation, they issued a letter authorising the Bank of England to increase its advances upon approved securities, and assuring the Directors that if that course led to any infringement of the law the Government would apply to Parliament for an indemnity. However, the provisions of the Act were not infringed, the Bank of England never being called on to extend its issues beyond

the limits settled by the Act of 1844, and the Government were never necessitated, consequently, to apply to Parliament for an Act of Indemnity. Nevertheless, on the meeting of Parliament a Committee of Inquiry into the matter was proposed, and the subject underwent a full discussion in this House for several nights. A Committee, composed of some of the ablest Members, sat and examined witnesses, and came to a Report, to one or two passages of which I will call the attention of the House. The Committee report—

“Your Committee have had under their consideration whether it is advisable that powers should be conferred by law upon the Government to enable them to meet the occurrence of any circumstances which may call for extraordinary interference; but they have come to the conclusion that, looking to the impossibility of foreseeing what the precise character of the circumstances may be, and also what may be the measure best calculated to meet them, it is more expedient to leave to those with whom the responsibility of the Government may rest at the time to adopt such measures as may appear to them best suited for the emergency. Your committee, therefore, after a careful review of all the evidence, are of opinion that it is not expedient to make any alteration in the Bank Act of 1844.”

A Committee was also appointed, at the same time, by the other House of Parliament, and that Committee also, I believe, declined to recommend any alteration of the Act. The question, at all events, was considered by the other House of Parliament, and the whole matter underwent their full consideration at the time when those circumstances occurred, and the law was left unchanged. I have taken the liberty of recurring to these events for the purpose of suggesting to the House that, inasmuch as the facts of the crisis of 1847 were very fully investigated at that time, there seems no occasion at present for the appointment of the Committee which I am about to move to reinvestigate the circumstances of that period, or to do anything more than to consider the operation of the Act at that time, as shown in the evidence and reports of that period with a view to estimating its general policy. The subject that will more justly engage the detailed attention of the Committee is the operation of the Act since 1847 to the present time. During that interval we have had an arduous war, which has led to great exportations of bullion for foreign service. We had a transition from war to peace. We have also had to encounter changes in the monetary system in some of the continental countries which have constituted a

gold for a silver currency. The failure of the silk crop in Italy and France this year has led to a great increase in the importations of silk from the East, and has rendered necessary a great increase in the exportation of bullion. All these were disturbing causes of the first magnitude in the monetary world, and yet we have found that the currency of this country, under the tutelary influence of the Act of 1844, has remained in a sound state, that the credit of the Bank has never for a moment been in question, and that it has not experienced any real or pressing difficulty in maintaining the large reserves of bullion which I have already stated to the House. In estimating the effect of that Act I trust that the House and the Committee will bear in mind that it has had no ordinary difficulties to contend with; that the period during which it has been in operation has not been what is called a normal period; that it has not been an ordinary state of peace; but that our currency system has been exposed to severe trials, and that out of those trials it has emerged triumphant.

Now, Sir, as I was aware that we should have to consider in the course of the present Session the renewal of the privileges of the Bank of England for another term of years, and at the same time the expediency of either allowing the provisions of the Act of 1844 to remain unchanged, or of introducing certain amendments into its provisions, in the course of the autumn I placed myself in communication with the Governor of the Bank of England, in order that I might ascertain whether he or his colleagues were of opinion that any alterations should be made in the existing Act. Being themselves practically acquainted day by day with the working of the Act, and especially acquainted with the effect of its restrictive provisions, they cannot be considered as other than fair and competent judges of its operation. With the exception of, I think, not more than one Director, they have given their opinion that it is not expedient to make any material alteration in the provisions of the Act. In fact, they have not been able to suggest to me any considerable improvement which it would be desirable to effect in that measure. I therefore, Sir, assume that the principle introduced by that Act—namely, the imposing of some legislative limit upon the issue of the Bank of England, is to be taken as established. Those who contest the policy of the Act admit in general terms that principle. I may

refer particularly to a gentleman of whom I speak with sincere respect, Mr. Tooke, the author of the well-known book *On Prices*—a book which is a most valuable contribution to the economical history of this country. Well, Mr. Tooke is a strong opponent of the Act of 1844, yet he proposes a principle of limitation—a principle, it is true, different from that laid down in the Act, but still a limitation which would involve a restraint upon the discretion of the Bank. And I am unable to find that there is any considerable number of practical persons engaged in banking or mercantile affairs, and acquainted with the operation of the Act, who propose to do away with all legislative limit, and to return simply and without qualification to the Act of 1819.

Well, then, if we assume that principle as granted, there are certain other points which are fairly open to consideration before the privileges of the Bank of England are renewed for another period. There is one objection which has been made very frequently during the last half year, upon the conduct of the Bank. It has been said that through the indiscretion of the Bank Directors, or in consequence of the operation of the Act, there has been an inconvenient fluctuation in the rates of discount, and that that inequality has been produced by circumstances which legislation could have prevented. Now, Sir, I must be permitted to state my confident opinion that the Bank of England Directors are not answerable for the inequalities in the rate of discount; that the rate of discount is regulated by causes over which they have little control; and that in raising and lowering the rate of discount the Bank Directors follow and do not lead. They are not the regulators of the rate of discount in this town. The amount of Bills discounted by them is in the aggregate less than those discounted by private houses. They have it not in their power either to increase or diminish the rate of discount. It is something which is governed by causes of a peculiar and independent character. It does not vary according to the general rate of the interest of the country, as some persons suppose. If anybody will take the trouble to compare the price of Consols with the Bank rate of interest he will find that when Consols remain stationary, when the rate of money lent upon real securities remains quite stationary, the Bank rate of discount and the general rate of discount for mer-

cantile purposes in this metropolis may undergo considerable fluctuations. It is a mode of employing money which is liable to certain influences; it has a territory of its own which is governed by causes, I will not say independent of, but to a great extent unconnected with, those which regulate the general rate of interest in this country. I have before me a very detailed account of the fluctuations in the Bank rate of discount. It is impossible for me to read the whole of it to the House, but I will state what appears to me to be the general result—which is that when the Bank rate of discount is the highest the amount of bills under discount is for the most part very large; and when the Bank rate of discount is low the amount of bills under discount at the Bank is for the most part less considerable—a fact which shows that pressure is made upon the Bank for discount when its rate of discount is high, and that far less pressure is made upon it for discount when its rate of discount is low. The result seems to me clearly to establish that the Bank is not the regulator of the rate of discount. If the greatest number of applications are made to it when its rate of discount is highest, it is clear that it is because the general rate of discount is high, that persons desirous of having their bills discounted cannot get more favourable, or as favourable terms elsewhere, and therefore they crowd to the Bank of England. When the Bank of England rate is low, the rate elsewhere may perhaps be even somewhat lower. That fact, I think, must be considered as conclusively exonerating the Bank from the charge of having augmented commercial distress by their indiscretion with respect to the management of the rate of discount. It shows, also, I believe, that, whatever faults the present Act may have to bear, it cannot be justly blamed for having created any unnecessary hardship with regard to the fluctuations of the rate of discount during its time.

The next question, I think, which ought to engage the attention of the Committee is, that of the precise limit which should be fixed upon the issue of notes by the Bank. The limit was originally fixed by the Act at £14,000,000; but since that time an Order of Council has been made, under a clause in the Act, by which the Government is empowered to authorise the Bank to issue in addition to the £14,000,000 upon securities two-thirds of the amount which may have been aban-

done by the country banks. Now, the amount abandoned by the country banks since 1844 is about £712,000. The additional sum which the Bank can issue in consequence of that Order of December, 1855, is £475,000; therefore, it is at present empowered to issue notes to the amount of £14,475,000. It has been suggested that this limit is capricious and is too narrow, and that it might with advantage be enlarged. Now, Sir, with regard to the point at which numerical limits are fixed, it is very difficult to give a conclusive reason why any particular sum has been selected. When it is once admitted that a limit is to be adopted, it is necessary to fix upon some sum at which the line shall be drawn, but it would be very difficult to give a reason why it should not be a little more or a little less. In the case of a duty of 1s., it would generally be difficult to show why it should be that precise amount, and not either 11d. or 13d. In the present instance the amount of £14,500,000 was taken as representing the lowest amount to which it was thought the currency might descend, and I believe it has, in the operation of the Act, with the addition of the £475,000 I have mentioned, been found not an inconvenient amount. Those persons who desire to raise this limit to about £16,000,000—which is the increase which has been most recommended—have it, I apprehend, in view that such an alteration would enlarge the issues of the Bank and the paper currency of the country by the amount of about £1,500,000. My belief is, that an extension of the limit to that extent would have no such effect, but would simply enable the Bank to keep a million and a half less gold. The issues would not be increased, because they are already sufficient to meet the wants of the trade of the country; and the only result, in my opinion, of allowing the Bank to increase their paper circulation would be that they would effect a proportionate reduction in the amount of their bullion. That would be, as far as I can see, the practical operation of the extension proposed, and entertaining that belief, in any measure which I now have in contemplation, it is not my intention to propose any alteration of the limit which is now fixed by law, and which may, in round numbers, be taken at £14,500,000. At the same time I quite admit that it is a subject fairly within the consideration of the Committee; and I need not say that if the House should do me the honour of appointing me

a Member of that Committee, I shall be fully prepared to go into the inquiry with the view of seeing whether any public benefit would arise from the enlargement of the limit.

There is another point which is referred to in the Report of the Committee of 1848, and which is generally mentioned in connection with the policy of this Act. I mean the question whether, as a legislative limit is to be imposed upon the discretion of the Bank with respect to the issue of paper, power should not by law be vested in the Government to dispense with the restriction, and to enable the Bank in extraordinary circumstances to depart from the provisions of the Act of 1844. I confess that I am hostile to any such provision. It appears to me that not only is the Government empowered, but it is required by the maxim *Salus populi suprema lex*—by the duty incumbent upon all Governments to interfere at critical moments—should it think that the public interests necessitated such a step—to depart from the provisions of the law, and afterwards to come to Parliament for an indemnity—the course which was contemplated in the year 1847. In support of that opinion I will take the liberty of referring the House to a remarkable precedent in the year 1797 on the occasion of the Bank restriction. In consequence of the demands which were made upon the Bank for foreign loans and for the military service of the year, the bullion in the Bank was at the commencement of the year 1797 reduced to a very low ebb. The demands upon the Bank increased; the reserve of bullion diminished during the month of February, until at the end of a certain week in that month it was found that matters had become urgent. Parliament was sitting at the time, but Mr. Pitt thought the affair so pressing that, after communicating with the Bank authorities on the Saturday, he convened a Council on the Sunday. On a certain Sunday in the month of February, 1797, an Order in Council was agreed to restraining the Bank from paying in specie; and on the following day, Monday, Mr. Pitt brought down a message from the Crown informing Parliament of the step which had been taken, and explained it to the House. I think that precedent, the legality of which has never been questioned, although the policy of the Bank restriction has been much disputed—an example set by Mr. Pitt, who was very careful of constitutional precedents—must convince the

House that there does inhere in the Executive Government a power of meeting emergencies of this kind which they are called upon to exercise upon their responsibility, however arduous that responsibility may be; and it appears to me that it will be better to leave the matter in that state than, by attempting to allow a discretion by the Act itself, to confer upon the Executive Government a dangerous power of at any time interfering with the action of the established monetary system of the country. Although I fully admit that the subject is one which may properly be inquired into and considered by this Committee, it is not a provision which I should advise them to recommend. Therefore, the course which I am prepared to adopt is this, subject to any amendments of the law which the Committee should suggest for consideration, within the limits which I have sketched:—I shall, at the proper season, be prepared to introduce a Bill renewing the privileges of the Bank of England for another period of ten years—the same period as that which is now about to expire.

There are also questions as to the Bank of Ireland, and the case of the Banks in Scotland. Those banks are now regulated under the provisions of the Acts passed in the year 1845. The Bank of Ireland possesses no peculiar privileges; all that it seeks is a renewal of its corporate character, together with the removal of a restriction imposed upon it by an Act passed in the reign of George III., which seems to me quite unnecessary at the present day—namely, a prohibition against the lending of money upon mortgage. The Bank of England is empowered by law to advance money upon real securities, which power it exercises up to a certain limit. It is well known that loans upon real securities are not in general prudent investments for a bank. The Bank of Ireland does not wish to exercise this power to any large amount; they seek relief from the absolute restriction to which they are now subject, and the demand seems to me to be a reasonable one, provided that the amount which they should be empowered to lend on such security should be limited by the Act. With regard to the Scotch banks, I have communicated with the directors of the six principal Joint-stock Banks in Scotland, with the view of ascertaining whether they can suggest any alterations in the law by which they are at present governed. I have not received from them suggestions for any

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material change in the existing law, and do not find that the operation of the present Act has been complained of.

I have now called the attention of the House to what seem to me the most important questions involved in the Act of 1844, and which will require consideration from the Committee. It is of the utmost moment to the country that its currency should rest upon a sound basis. On the soundness of its currency the trade, the industry, and the credit of the nation depend; and no effort should be spared to maintain in their integrity such provisions of the law as secure so valuable a blessing, and so great a source of wealth and prosperity. But there are other questions connected with this subject which, although subordinate in their importance, yet deserve, and I hope will receive, the attentive consideration of the Committee. I allude to the arrangements subsisting between the Bank of England, in its relation of a banker, and the Government—that is to say, with regard to the deposit of the public money in the custody of the Bank of England, and also with regard to the management of the national debt. The pecuniary relations subsisting between the Bank and the Government do not, like the subject of the currency, affect the interests and fortunes of trade and production. Nevertheless, within their limited sphere they are of undoubted importance. Under the existing Act the Bank of England now pays about £188,000 annually to the Government for the privilege of issuing notes. I think £120,000 is the sum fixed by the Act, in addition to which the Bank pays £60,000 a year for stamp-duty, and another trifling item of £8,000, making the total amount which it pays to the Government, in connection with the paper currency, £188,000. The profit derived by the Bank of England from the currency may be calculated upon different principles, and it is perhaps not very easy to decide its precise amount; but the highest estimate that I have heard places it at about £170,000, and the lowest at about £80,000. The Government, therefore, receives from the Bank a larger sum than that made by the Bank in the shape of profits. In addition to its duties in respect of the issue of notes, the Bank also undertakes the management of the national debt. The scale of payment made for that service is prescribed by Act of Parliament. They are paid at the rate of £450 per £1,000,000 for every part

of the national debt not exceeding £400,000,000; £340 per £1,000,000 for every portion between £400,000,000 and £600,000,000; and £300 per £1,000,000 for all above £600,000,000. This is the scale fixed by Act of Parliament; but it will be open to the Committee, in connection with the general question of renewing the charter, to revise the terms upon which the privileges of the Bank shall be continued. I may also state, that I am now in communication with the Governor of the Bank of England on the subject of the pecuniary arrangements subsisting between the Government and that corporation. Upon the result of that communication it may depend whether or not the Government will deem it advisable to propose any modification in the terms of the present arrangement. If such a modification should be thought expedient, and it is likely to receive the assent of the Bank, the Government will of course bring the matter under the consideration either of the House or of the Committee.

I have been compelled to trouble the House at, I fear, a wearisome length on this question; but the matter is one of so much importance to the whole community that I have preferred to appear to be unnecessarily tedious rather than to withhold anything which might be essential for the information of hon. Members. Before I sit down, I have only to add that the subject of Joint-stock Banks has, from circumstances well known to every hon. Gentleman, attracted a great degree of public attention during the last twelve months or more. Some of those establishments have failed under circumstances which have led to a great amount of public comment, and produced the most disastrous consequences to their unfortunate shareholders. It therefore appears to me that the subject is one well worthy of investigation before a Committee of this House. The procedure by which the affairs of insolvent Joint-stock Banks are wound up is anything but satisfactory. Suggestions have been made—although I confess that I am not one of those who approve them—for the substitution of an inspection of the state of their affairs by a Government officer for the vigilance and control of their own directors. I, for one, greatly deprecate any attempt to improve the management of Joint-stock Banks, or any other mercantile undertakings, by weakening the motives for vigilance and caution on the part of those

directly interested in such enterprises by holding out the shadowy safeguard—for, after all, it never can be any real protection—of Government inspection. However, this is one of those matters which may fairly receive the attention of the Committee. I freely admit that there is a great dissimilarity between the question of Joint-stock Banks and the all-important subject of the currency, which will constitute the main topic for the investigation of the Committee. Still, it appeared to me that it would be difficult to form two Committees, to sit both at the same time, on subjects as closely related to each other as the affairs of the Bank of England and the currency generally, and the state of the law of Joint-stock Banks. On the other hand, I think it would not be expedient altogether to omit to consider the question of Joint-stock Banks, and I therefore propose that it be submitted to the same Committee.

Motion made, and Question proposed—

“That a Select Committee be appointed to inquire into the operation of the Bank Act of 1844 (7 & 8 Vict. c. 32), and of the Bank Acts for Ireland and Scotland of 1845 (8 & 9 Vict. c. 37 and 38); also to inquire into the Law relating to Joint-stock Banks.”

MR. DISRAELI: Sir, if it be desirable that both of the subjects brought under our notice by the right hon. Gentleman should undergo the investigation of a Select Committee, I think it would be very unwise that they should both go before one and the same Committee. Between the currency and Joint-stock Banks I see no such necessary connection as would render it expedient to refer them to one and the same tribunal; and, moreover, the question of Joint-stock Banks has by itself attracted the greatest amount of public attention, and is likewise one of sufficient difficulty and importance to demand the undivided labours of a Committee. But, I must further observe that, after listening to the statement given by the right hon. Gentleman of the intentions of the Government respecting the currency and their relations to the Bank, I am really at a loss to understand what are to be the duties of the proposed Committee on that important subject. The Government appear to have entirely made up their minds on every point of moment connected with the question before us; and surely, therefore, it would have been preferable for the right hon. Gentleman at once to introduce a Bill embodying his views, and thus to afford the House an opportunity of expressing its

approval or disapproval of them. With the exception of one solitary point, of no very great moment—namely, whether the Bank of Ireland should have permission to lend money on mortgage—the Government, according to the speech of the right hon. Gentleman, have clearly made up their minds on the whole question which they now wish to refer to a Committee; and, therefore, the course he proposes to us is equally unsatisfactory and futile. Where the questions are of such a nature as those on which the right hon. Gentleman has touched, and on which the Government also entertain a very decided opinion, the proper arena for investigation is the whole House. The Ministers have a policy which they are no doubt prepared to support. Then, why do they not at once boldly submit it to the verdict of this House? I question very much the propriety of referring the Bank Act to a Select Committee, and I should much prefer that the Government should lay before us their matured views in the shape of a Bill, which would be discussed and criticised by all those hon. Members who take an interest in the subject, and the Government would then be able to defend the policy which they recommend. Of course, on such a subject I shall not attempt to divide the House should there appear to be a predominant feeling in favour of adopting the proposed course; but I beg the House to consider whether it would not be more advisable, as I have suggested, that the Committee on Joint-stock Banks should be confined to that topic, and that the renewal of the Bank Act should be brought before us in the shape of a Government Bill, which could be discussed in this House.

MR. TITE said, that in the course of last Session he had addressed a question to the right hon. Gentleman (the Chancellor of the Exchequer) with regard to the course he intended to take on this subject, and the right hon. Gentleman said he could give no pledge as to what course he would take; but that he had no objection to any private Member bringing the matter forward. He (Mr. Tite) therefore believed that he should have been the person to introduce the subject to the House. He was glad, however, to find that the subject formed one of the topics in the Speech from the Throne. He could not help, however, imagining, when he read the manner in which it was referred to, that Her Majesty's Ministers had come to a foregone conclusion upon it, and he was confirmed

in that opinion by the speech which they had just heard from his right hon. Friend the Chancellor of the Exchequer. Although not very intimately connected with the monied interest, he had all his life paid great attention to the question of the currency, and in his opinion the Chancellor of the Exchequer had given a very feeble explanation of what occurred in relation to this subject in 1847. In the Report of the Committee which had been appointed by the House of Lords to consider the occurrences of that year it was resolved that the panic of that year was mainly attributable to the operation of the Bank Act of 1844, and that the money market had been affected in consequence of the fluctuations in the rate of discount which arose from the unwise reductions they made as soon as that Act passed. The Report of the Committee of the House of Commons was in direct opposition to that of the Committee of the House of Lords; but, although the Report of the Commons' Committee, when brought up, was agreed to by a bare majority, yet there were opposed to the principles of the measure men of the highest eminence, who had come to the conclusion that the difficulties of that period were very much aggravated by the operation of the Act of 1844. The same opinion with regard to it was held out of the House by men of great eminence. Indeed it could not be denied, that never did the opinion of statesmen, of commercial men, bankers, and others, holding so deep a stake as they did in the question, differ more than it had done with regard to this intricate though important subject. The opinions of those who opposed the Bill were, he would admit, directed, not so much against its principle as against the arrangements it prescribed; for Mr. Tooke, amongst others, laid it down that convertibility was the cardinal principle of all paper currency. In the Committee of 1848, Mr. Hume and Mr. Herries divided the House against Sir Robert Peel, and certainly made a very strong case for the repeal of the Act. One element ought especially to be taken into consideration as one of the greatest disturbing causes of the money market, and that was the enormous amount of bills of exchange, inland and foreign, in circulation, which he believed reached no less a sum than £200,000,000—certainly not less than £180,000,000. The effect of that circulation ought to be distinctly inquired into, because if the small lever of the Act of 1844 was to move this weighty

mass, the machinery used ought to be more nicely calculated; but at present the operation of the Bank Act might be compared to a steam engine without a fly-wheel—it was exposed to continual jerks in the course of its working. Then the changes in the rate of interest, so numerous last year, were due to its operation; there had been no less than nine changes in the rate, and the frequency of such changes was to be attributed to the operation of the Act of 1844. A great mistake was made in that Act, which had the effect of cutting the capital of the Bank in half. Making the Bank of England a bank of issue and a bank also of an ordinary character, caused a great deal of mischief, and was one cause in the fluctuations in the rate of discount. It was stated by the Chancellor that the balance in the Bank coffers in 1849 was £8,000,000. So it was, but it was composed of the gold in the bank of issue and the reserve, and it was perfectly well known that at the time of the issue of the Government letter, which restored the confidence of the country, there was only £6,000,000 in bullion in the Bank of England, and £750,000. reserve. The cause of those jerks in the rate of interest was that in the banking department the fluctuations were exceedingly great, but if the capital were not, it would be infinitely more regular. Take as an instance. In 1844, the whole sum in the Bank was £15,000,000; but in 1845, after the Act of 1844 came into operation, the amount of reserve in the banking department was only about £5,700,000, while in the issue department there was £8,300,000, making together £14,000,000. Thus there was in the banking department a fluctuation of something like £9,000,000, while, if the capital had not been cut in half it would only have amounted to a difference of about £1,000,000. There was extremely little variation in the yearly issues of the Bank, and, indeed, it had almost assumed a mathematical precision, and it had been found that as nearly as possible the yearly average of issues amounted to a fixed quantity. The amount the Bank of England had in circulation was almost always £20,000,000; and although it had been known upon one occasion to have fluctuated to the extent of £5,000,000, yet that was as far back as 1852, and since then it had been extremely regular. The next disturbing cause which he thought ought to receive the serious consideration of the Committee was the enormous amount of gold introduced into the country since 1848, consequent upon

the discovery of the Australian and Californian gold fields, and which had exercised an enormous influence upon the currency. He believed that since 1848 the whole amount was correctly estimated at £175,000,000—most certainly the amount introduced into this country exceeded £135,000,000. Nor was the disturbing cause of such an element limited to the gross amount received in the country extending over a number of years; for in itself it was subject to enormous fluctuations. In some quarters of the year not more than £1,000,000 had arrived, in others as much as £3,000,000. All this had an enormous effect upon the regulation of the discount of the Bank of England, and ought most certainly to be taken into consideration by the Committee. No doubt to a certain extent the value of gold was subjected to the same laws of supply and demand which ruled the price of everything else; but the moral influence of the Bank of England alone was extremely great, and they exercised the most important influence on the affairs of the world, by the mere raising or reducing the rate of interest. Now, in reference to the crisis of 1847 the Bank of England had sunk their discount from 4 to $2\frac{1}{2}$ per cent, and therefore the Bank, in its capacity as an ordinary bank, became immediately a competitor with the commercial world, and therefore, when they brought their discount down to 2 per cent, they brought down the discount of the whole commercial world. What ensued? A plethora of capital in hand, which led to the wildest speculations, particularly in building, which continued for several years. The Bank had now found it necessary to raise the rate of discount excessively, the consequence of which was the ruin and bankruptcy of many large firms, an entire stop to building, and the consequent throwing out of employment of many thousands of workmen. That was the cause of so large a number of unemployed workmen in London at the present moment. Again the Committee, when formed, should look narrowly into the constitution of the Court of Directors of the Bank, which at present appeared to be of the most inconvenient and objectionable kind. The question of fixing the rate of interest and the general regulation of the circulation was determinable by the majority, the consequence of which was, that what had been done one week might be upset the next. There were twenty-four Directors, sixteen of whom constituted the Board, and eight

retired annually, their places being filled by the remaining eight who had not been acting for the year; and thus, when the pressure of 1847 first began in April, eight of the Directors, who had for twelve months been engaged in deliberations respecting it, had to give way to men who had not been called upon to study the question. All these considerations he was sure the Committee would enter into, and he hoped that hon. Members who took an interest in the question would have an opportunity of stating their opinions before the Committee when constituted.

MR. H. BAILLIE said, he did not understand the Chancellor of the Exchequer to express any opinion respecting the details of the Act he was about to bring in; but, on the contrary, he expressed his intention to reserve the opinion of the Government until the Report of the Committee had been laid before the House. If that were a correct understanding of the intention of the right hon. Gentleman, it was certainly of the most serious importance that a thorough understanding should be come to respecting the powers of the Committee and the nature and limitation of the inquiry. The opinions of men upon the advantages of restricted and unrestricted banking were quite as much opposed to each other as the opinions of Protectionists and Free-traders were. The right hon. Gentleman, in the course of his speech, had referred to the opinion of the late Sir Robert Peel upon this question; but he stopped very short of expressing the real views of that right hon. Baronet. Anybody who remembered the discussion which took place in 1844 would know very well that Sir Robert Peel never considered the Act a final measure. When he introduced the Bill he stated distinctly that he intended to carry it much further; that his ultimate object was that there should be only one bank of issue. He pointed out with great distinctness the manner in which he intended to arrive at that result. He knew it to be understood by the private bankers in the country that the privilege of issuing paper would only be conceded to them for ten years, and he invited all those who were disposed to give up that privilege to do so by accepting an annual payment of 1 per cent. on the amount of notes they withdrew from circulation. A number of bankers accepted that proposition, clearly understanding that all the issues of private banks would cease on the termination of the charter. Those private bankers

were now placed in a very disadvantageous position, as compared with others who did not accept the proposition, but who, since the expiration of the period in question, have gone on issuing notes. He knew three private banks who issued no less than £1,000,000 of paper. When they considered the present interest of money and the advantages derived by those banks which did not agree to the terms of Sir Robert Peel's proposition, he thought it would be for the Committee to take their case into consideration, and state whether, in their opinion, the banking system of the country was to stop short, as it at present did, or whether, on the contrary, all private banks ought not to be put in the same position in which they were before the passing of the Act of 1844. He quite agreed with his right hon. Friend the Member for Buckinghamshire, that the question of Joint-stock Banks ought not to go before the same Committee, and that the Committee would have quite enough to do if it was limited to the consideration of the Bank Charter Act.

MR. GLYN said, he thought the suggestion of the right hon. Member for Buckinghamshire, that two Committees should be appointed to inquire into this important subject, well deserved the consideration of the Chancellor of the Exchequer. When they considered the nature of the inquiry which was to be submitted to the Committee, including the embarrassing question of the whole currency of the United Kingdom, and involving the nicest points of law, and when they reflected that the committee would be called upon to lay before the House a new commercial code affecting the whole banking business of the country, he thought it would be evident that an investigation of such magnitude would be much more satisfactorily and speedily conducted by two committees than by one. The Chancellor of the Exchequer had referred at some length to the question of convertibility. He (Mr. Glyn) had always considered that the question of the currency and of the Bank privileges was most unnecessarily mixed up with the question of convertibility, with the intention, as he thought, of throwing a slur upon those who did not assent to the Act of 1844, but whose object was, if possible, to improve the principle laid down in that Act by extending rather than diminishing its operation. He would not enter at length into a consideration of the Act of 1844, for he had no doubt the House would assent to the Motion of the Chancellor of

the Exchequer, and the subject itself was a very dry one. He might observe, however, that he had always regarded that Act as dividing itself into three parts, distinct from each other, and operating very differently with regard to the public welfare. The first important portion of the Act provided for the separation of the issue and banking departments; the second for the limitation of the amount of circulation advanced upon securities; and the third laid down regulations affecting country banks. With regard to the first of these provisions he did not hesitate to say, although he knew it was rather an unpopular doctrine, that, though he had always been an advocate for the separation of the two departments, he regretted that the machinery for regulating those departments had not been left in the hands of the Bank of England. If there had been statutory regulation giving to them the management of the circulation of the country, the duty might have been still in their hands. Their power and capital were great, and, having the command of the Government balances, they would have been in circumstances to carry on all the necessary operations. But the Bank of England themselves rejected that view of the matter, and by accepting the Act of 1844 they had prevented all chance of a return to that state of things. The question could no longer be argued as it was in 1844, for there were now other bodies who might step forward and say, "Why not intrust the duty to us as well as to the Bank of England?" As to the third point (which he would notice before referring to the second),—viz., the regulation of the country bank issues—he was not aware that there was any such compact entered into with them as the hon. Member opposite (Mr. Bailie) had alluded to. But, whatever the case might be, the renewal of the Bank Act could not alter the position of the country bankers; nor did he see that they had any claim whatever to be placed in their former position. He had always thought the arrangement with the country bankers one of the best provisions of the Act; for while it forced no private bank to give up its circulation, it provided a machinery by which, in point of fact, they might substitute other paper for their own at advantage, and many of the country banks availed themselves of the option thus afforded them. But, after all, the most important point of those he had mentioned, was the second, which referred to the limitation of

the amount of notes which the Bank of England was allowed to issue. It was impossible to advert to this without bearing in mind what took place in 1847, and it was remarkable how very anxious the advocates of the Act were to get over the consideration of the events that occurred in that year. The right hon. Gentleman the First Lord of the Admiralty (Sir Charles Wood) told them last year that what occurred in 1847 was entirely to be attributed to the state of the commercial body; but he found that another advocate of the Act, in some remarkably lucid letters which had lately appeared, took another view of the matter. He attributed the events of 1847 not to the state of the commercial body, but, in a great extent, to the prejudice and want of prudence of the Bank Directors, who ought to have raised instead of reducing the rate of interest. But the writer made a mistake in the matter of fact. The Bank Directors did not reduce the rate of interest in 1847. They reduced it in 1846, acting upon the doctrine laid down by their friends, that they should look to their own reserve merely as bankers, and not to the amount of bullion. Accordingly, when they found their own till full in 1846 they reduced the rate of interest. At the same time they were entitled to do so, for the bullion was increasing in the Bank. The fault of the Bank Directors in 1847 was, that they did not in time raise the rate of interest, and when they did so they did it in a too gradual way. He believed that the Bank of England was administered as ably and as honestly as any public establishment could be, and he had no fault to find with it. With respect to the limitation of the issue of notes on securities to £14,000,000, the rest of the issue being based on bullion, he had never heard any reason assigned for that limitation. In some circumstances this was a great deal too much. The Chancellor of the Exchequer had told him that, under this system, the bullion at one time in the Bank amounted to £20,000,000, and when to this was added the £14,000,000 of notes on securities the effect of such an accumulation was to raise great expectations in the country, to inflate prices, give encouragement to speculation and the creation of new companies, all which was sure to be followed by a commercial crisis, and thus drive the country from one extreme to another. This was the result of having a fixed sum of £14,000,000 as the amount of the issue of notes on securities. They had

been told that, as a certain consequence of having this fixed amount of circulation, whenever the bullion began to flow out the notes in circulation would be diminished ; but nothing of the kind had occurred. Take last year as an example. There was a diminution in the amount of bullion of £3,900,000, but the notes in active circulation stood at the same amount as before. There was no corrective for this in the existence of the limit. The truth was that in framing the Bill the fact was totally forgotten, that the moment money became more valuable than instant the Bank reserves were acted upon. The Bank of England had ceased to have any effect as regarded the circulation, and its operations were nothing more than those of any large Joint-stock Bank. He could not conceive how such a system should be thought advisable, or how the idea had been lost sight of that the rate of interest should be determined by the amount of bullion, and not by the state of the Bank reserve. He did not wish to go into details which would hardly be made intelligible, but the general principle in which we should proceed was something like the following : Do not allow the amount of notes issued on securities to be a fixed amount. Issue a certain amount, but let all above that be issued at given rates of interest, and let these rates of interest be determined by the amount of bullion in the Bank, making the amount of notes in circulation always to bear a proportion to the amount of bullion in the Bank coffers ; if, for example, there should be two million of notes, let the minimum of bullion be at least one million, or some proportion of that kind. He hoped his right hon. Friend would not give up the appointment of the Committee, as it seemed that the Government had nearly made up its mind on the principle to be adopted in regard to the Bank charter, and perhaps something might transpire there which would lead him to change his mind on this question. He thought it was possible to improve the machinery of 1844 very materially. He had doubts whether the time had not come when all this machinery should be placed in other hands—whether the day had not arrived when we should have not Bank of England notes, or notes of Government circulation, but what might be called Mint notes, or something of that sort, with a more complete separation of the issue department from the Bank of England. Let it be an issue founded on the receipt of bullion by

Mr. Glyn

the Mint, and they would then have a currency free from all chance of risk, and establish a system which would promote most materially the commercial interests of the country.

Mr. HENLEY hoped that the Chancellor of the Exchequer would divide the inquiry into two, dealing separately with the question of the Bank charter and that relating to Joint-stock Banks. The country took a great interest in both questions, but especially in the latter. It was highly desirable, as the Chancellor of the Exchequer had truly said, to reconsider the mode of winding-up Joint-stock Banks ; but that was a matter different from banking, and one which ought to be investigated by different Members. On the Committee charged with the inquiry into Joint-stock Banks, they ought to have Members of the legal profession, who were well acquainted with the subject. It was a very intricate subject, upon which great difference of opinion existed, and it was desirable that legislation should follow the report of a competent Committee. Now, nothing could be more general than the terms of the reference to the Committee. The Chancellor of the Exchequer seemed to wish that they should not go into the operation of the Act of 1844 in 1847 ; but the terms of the reference would not exclude that year from the inquiry, and the right hon. Gentleman might depend upon it that when the Committee came together they would examine into the whole operation of the Act from the beginning to the present time. Well, that would open up no inconsiderable field of inquiry ; the investigation would necessarily be a lengthened one ; and in these circumstances, he would ask, was it fair or prudent to postpone the consideration of the Joint-stock Bank question till the *fag-end* of the Session, when everybody would be wearied out and legislation perfectly hopeless ? At present the interest in the question of Joint-stock Banks and their insolvency was immense—much greater than that in the general subject of banking. Joint-stock Banks when prosperous were closely allied to banking ; but directly they came to deal with insolvency the question then assumed a very different aspect from that of the Bank of England. He thought that, upon reflection, the Chancellor of the Exchequer would say that each of the Committees would have quite enough to do—probably as much as would permit them to report in time for legislation to follow during the present Session. He would

not at that moment offer an opinion on the Act of 1844, but he did not think that the labours of the Committee would be of a very agreeable nature if they were to commence their investigation under the notion that the Government had come to a conclusion—as might be inferred from the speech of the Chancellor of the Exchequer—with respect to the most material parts of the subject.

MR. MALINS concurred with the right hon. Gentleman in wishing the Chancellor of the Exchequer to divide the inquiry into two. Considering the disasters which had taken place during the last few years, nobody could doubt that the whole question of Joint-stock Banks should undergo the most rigid investigation in regard both to management and mode of winding-up. The House was aware of the decisions which had recently been given in the case of the Royal British Bank, and of the misfortunes to which the shareholders in that concern were exposed. He hoped that the present Session would not come to an end without an enactment providing that after the winding-up of a Joint-stock Bank, or any Joint-stock Company, whether in the Court of Chancery or the Court of Bankruptcy, creditors should not be at liberty to sue individual shareholders. The proceedings in the case of the Royal British Bank were a disgrace to a civilised country. Debts had been bought up by litigious persons for the sole purpose of suing the shareholders. Now, if after the winding-up, the privilege of suing individual shareholders were abolished, and contributions to pay the debts of the bank or company obtained by means of calls, he had no doubt that the shareholders in almost every joint-stock concern would be found competent to meet all the demands made upon them. There was thus no necessity for suing individual shareholders. He believed it had been ascertained that the shareholders in the Royal British Bank were able to pay the debt three times over by the system of calls; but as long as they allowed shareholders to be sued by creditors, the consequent litigation would frequently cost more than the entire liabilities of the concern; and the shareholders, instead of meeting their responsibilities at home, would fly to escape the monstrous cost of legal proceedings. With regard to the main subject of debate—the Bank Charter, it was one in which he felt the deepest interest. He concurred in everything that had been

advanced by the hon. Member for Kendal (Mr. Glyn), and he had been disappointed with the speech of the Chancellor of the Exchequer, because, when he saw the notice on the paper, he did trust that the Members of the Government would enter upon the inquiry with minds open to conviction, or that if there was to be a Committee it would be one by which the subject would be fully investigated. But the Chancellor of the Exchequer had expressed his satisfaction with the Act of 1844, as being a piece of absolute wisdom; and, therefore, if the Government were to have a preponderance in the Committee, it would be vain to proceed with the investigation. He trusted, however, that when the Chancellor of the Exchequer went into the Committee he would be associated with men who had not so made up their minds; and, if that were so, the right hon. Gentleman would find that the question was not so simple as he appeared to imagine. One of the many surprising statements made by the right hon. Gentleman in the course of his speech was that the rate of discount had very little to do with the Act of 1844. Now, during the whole of last winter we had what might be called a money panic. It certainly had not been so bad as the panic of 1847, but it had caused great commercial embarrassment. The rate of discount, which since August had been as high as 7 per cent., was at the present moment 6 per cent. at the Bank of England. It was said that there ought to be a limit to the issue of bank-notes. He was not prepared to assert otherwise. But the principle of Sir Robert Peel's Act was not to use the gold when we had it, but to lock it up. According to the *Gazette* of last week the amount of gold now in the Bank was in round numbers £10,000,000, which being added to the imaginary £14,000,000 mentioned in the Act, brought up the amount on which notes could be issued to £24,000,000. He believed that the public had in their hands rather less than £20,000,000, leaving reserved or unemployed notes to the amount of about £4,800,000. The Chancellor of the Exchequer had stated that in 1842 the gold in the Bank of England rose to £20,000,000, which added to the £14,000,000 of the Act, made a total of £34,000,000. At that time the actual circulation was £21,000,000, leaving unemployed notes to the amount of £13,000,000. At that time the rate of discount was 3 per cent. Everything

rose in price; great facilities were given to trade; many new undertakings were launched. But the inevitable crisis soon arrived, and traders suddenly found themselves overwhelmed with interest at the rate of 6, 7, and 8 per cent. That was the rate of discount at the Bank of England; the amount actually paid by traders was much higher. When spending his Christmas vacation in the country he met a banker, doing considerable business, and asked him what his rate of discount was. His reply was, "I charge 3 per cent. more than the Bank of England." So that when the Bank charged 7 per cent. the trader and farmers in the country had to pay 10 per cent. Such a state of things was fraught with ruin to the trade of the country. The readers of the "city articles" of the journals, and particularly of *The Times*, must have observed the panting anxiety with which this great country waited the arrival of a vessel with £300,000 in gold,—as if the nation actually depended upon it to save it from bankruptcy. What was the meaning of that anxiety, and how was it to be accounted for? The answer was that it was not gold that the country wanted, but bank-notes. He would endeavour to make this clear. There was in the coffers of the Bank of England £10,000,000 in gold, and the notes in circulation were £20,000,000. Now, the minimum circulation of notes for the ten years previous to 1844 was £16,000,000; during the ten years between 1844 and 1854 it had never gone so low for any duration as £18,000,000; and he ventured to say that it would be impossible by any process now to reduce the circulation below that amount. In order to take the £10,000,000 of gold from the Bank, however, the circulation must be reduced, not to £18,000,000, but to £10,000,000. The public had in hand at the present moment—say, £20,000,000 of notes; and if the whole British community were to present those notes at once the Bank of England must necessarily stop payment, because the much-vaunted system which, according to the Chancellor of the Exchequer, it was impossible to improve, permitted £20,000,000 of notes to be in circulation when there was only £10,000,000 of gold to meet them. Sir Robert Peel, however, knew that the circulation never would fall so low, and he assumed that it would never be reduced to less than £14,000,000; and therefore he

Mr. Malins

allowed that number of notes to be issued upon imaginary security, every note being payable in gold, although there was no gold to meet it. It was impossible at this time to reduce the notes in circulation below £18,000,000; but, as the Bank was possessed of £10,000,000 of gold, the Bank could never be inconvenienced unless the circulation were reduced to £10,000,000; and therefore it was not gold, but bank-notes, that the country wanted. Then, as the Bank of England was compelled to buy gold at the rate of £3 17s. 9d. an ounce, people were anxious for the arrival of ships with gold, in order that they might take it to the Bank, and thus compel the issue of additional notes. His assertion that it was the deficiency of bank-notes which led to commercial disaster was borne out by what occurred in 1847, when we were upon the eve of a national bankruptcy. On the 25th of October in that year, when the celebrated letter was written, the gold in the Bank was £8,000,000, and the circulation was £21,000,000. It was impossible that there could have been any stoppage of the Bank, therefore, unless the circulation had been reduced to £13,000,000. There was no fear of that; but this difficulty might have arisen—that while there was £8,000,000 of gold in the Bank the Directors might not have had a single note to issue. The unemployed notes were then reduced to £1,500,000, and representations were made to the then Chancellor of the Exchequer (Sir C. Wood) that unless something were done there would be a national bankruptcy. Something was done; the Bank was authorised to issue notes beyond the £14,000,000, and by that means the difficulty was surmounted—a relaxation took place, and the rate of discount rapidly fell. He was surprised that the Chancellor of the Exchequer, with that example before him, should say that there should be no relaxation now, but that it would be better to leave these cases always to the extraordinary intervention of Government, preferring, as it seemed to him (Mr. Malins), the transgression of the law to leaving the remedying power within the law itself. It was said of those who did not approve the Act of 1844 that they were in favour of an inconvertible issue. Now, he, for one, could not be included in that list, for he did not see any occasion for the inconvertibility of the bank-note, for during the year 1847, and during the past year, the gold in the Bank had never been exhausted.

The effect of creating two departments, as the Act of 1844 had done, had been to lock up the gold, and to make the rate of discount to depend on the quantity of reserve notes, and the result had been that the commercial transactions of this country had never been in a satisfactory state when the reserve notes fell below £5,000,000; for if they fell below that amount up went the rate of discount, for the increase in the rate of discount was not occasioned by any scarcity of gold, but by the diminution of the reserve notes. The effect of those changes in the rate of discount, and the uncertainty with regard to them, was highly injurious to commercial transactions, for transactions commenced when the rate of discount was 3 per cent might not be concluded before it had risen nominally to 7, but in reality to 10 per cent; and so commercial men were deprived of the power of making accurate calculations before embarking in any enterprise. It was of the greatest importance to commercial men that the rate of discount should be well known, and that there should not be much fluctuation. Before the Act of 1844 it appeared from the evidence of Mr. Horsley Palmer, given before the Committee, that the maximum rate of discount seldom exceeded 5, and never was below 4 per cent; whereas, in the ten years ending at Christmas 1855, there had been no less than forty variations in the rate of discount, and in the year 1856 alone there had been nine or ten variations from a minimum of 3 to a maximum of 7 per cent,—a circumstance highly injurious to commercial transactions. The subject was one of the greatest importance to a commercial community, and he trusted that the Committee would not enter into the inquiry with foregone conclusions, but that they would remember that even Sir Robert Peel himself did not consider the Act of 1844 a perfect measure, and that they would not, like “Mercator”—the language of whose letters was most clear, but whose ideas appeared to be as confused as they possibly could upon the subject—start by looking upon all those who did not view the Act of 1844 as a perfect Act as mere idealists.

MR. HEADLAM said, he quite agreed with the right hon. Gentleman (Mr. Disraeli) that if the Government had made up its mind on the subject of the Bank charter, it would have been much better that they should have proposed to legislate at once without any Committee, and intro-

duced their views to the House in the shape of a Bill. If, however, this was to be an inquiry, it must be a complete one, and therefore must occupy a considerable period of the time of the Session, and therefore it was most inexpedient that the subject of Joint-stock Banks, which required immediate legislation, should be mixed up with the totally distinct subject of the Bank charter. There were two great questions to be settled with regard to Joint-stock Banks, one as to their constitution, whether they should be based upon the principle of limited liability, the other as to the means of winding-up such Joint-stock Banks as unfortunately failed. He did not think that the preparation of a measure with respect to the winding-up of Joint-stock Banks was at all fitted to occupy the deliberations of a Committee, or that that was the best mode of arriving at a good measure. They all knew how difficult it was to agree on the draft of a measure when only two or three persons were to be consulted. How much would the difficulty be increased with the increased numbers of a Select Committee? It would be much better for one competent man to undertake the preparation of a Bill. The evils and the disgrace of the present state of the law were perfectly unbearable, and ought to be terminated as soon as possible. Let the Government then at once introduce a measure on this part of the subject on their own responsibility. With respect to the other question—the adoption of the principle of limited liability to Banks—he thought the Government had better bring in a Bill to apply the principles of limited liability to Joint-stock Banks, for he had yet to learn what reason there was for making an exception of Companies of this description from the general law applicable to the trading corporations. If, however, it was to be referred and considered by a Committee, it should be referred alone to a separate Committee. But if this and the preparation of a measure for the winding-up of Joint-stock Banks were to be referred to the Committee which had to consider the general subject of the currency, it was perfectly clear that there could be no legislation on these subjects during the present Session.

MR. LAING said, the hon. and learned Member for Wallingford (Mr. Malins) seemed to be of opinion that the proper way to relieve the pressure now felt would be by an increased issue of bank-notes. At the same time he avowed himself to be the advocate of the convertibility of bank-

notes. It was difficult to see how these two propositions could be reconciled. Was it not plain that there had of late been a continued drain of bullion from this country affecting the bullion in the coffers of the Bank, and that this pressure was continued with increased severity? Now, if money were temporarily made cheaper by issuing bank-notes, how could the drain be arrested? And if not, where was it to end? It was clear that it must at last bring us to the end of our stock of bullion, and then how was the convertibility of the note to be maintained? If it were true that the difficulty under which the country was now labouring was a deficiency of bank-notes and not a deficiency of bullion, how was the fact to be explained that at present the amount of bank-notes in the hands of the public, was positively more than at several periods when there was the greatest ease in the money market? To give one instance—the total amount of circulation in the hands of the public, at the close of the past year, when the rate of discount was 6 and 7 per cent, averaged about £40,000,000; and the circulation of the Bank of England was £21,000,000. Now take the period of the greatest inflation the country had ever known. Towards the close of 1846 speculation was rampant, and the rate of interest unprecedentedly low. What then was the amount of circulation? In November, 1846, the circulation of Bank of England notes was £21,425,000—within a fraction of what they had now; and the total circulation of the country was less than at present. Therefore the present pressure was not for want of bank-notes. The error arose from confounding the term “money.” In one sense it meant an instrument of exchange; in another sense it meant capital, or rather that portion of the capital of the country which was available for commercial purposes. That was a very different thing from the total capital of the country, the great bulk of which was permanently invested in land, in the funds, or in mortgages, and persons holding that fixed capital would not be tempted to place it in Lombard Street at an interest of 6 per cent, inasmuch as in six months they might not get more than 2 per cent. It was the floating portion only of the capital of the country which was chiefly affected by the variation in the rate of discount. When they talked of money being abundant or scarce, they meant that the amount of floating capital seeking

employment in discounting bills or in short loans, was redundant or otherwise. There was no way of meeting a superabundance or a scarcity of the capital thus employed but by adjusting the supply to the demand. If the demand were greater than the supply, money would be dear in spite of all they could do. When the supply was smaller than demand there was no way of restoring the equilibrium, except on the one hand by diminishing the demand, and on the other by increasing the supply. How could they do this? By increasing the rate of interest. It was true that this would not always effect the object immediately, but, in the long run, it could not fail to act on the one hand by diminishing the demand, and on the other by increasing the supply, because with a high rate of interest they would draw unemployed capital both from this and foreign countries into the market, and they also attracted some portion of that capital which under other circumstances would be in fixed investments. That he believed was the whole art and mystery of banking, to regulate the supply according to the demand. There was one point which seemed to him to require investigation before the Committee, which the Chancellor of the Exchequer, though he agreed with him in the main, had omitted. As regarded the Act of 1844 he did not think the facts proved that the theory upon which the Act was founded was altogether true. The Chancellor of the Exchequer had described it as being brought in simply and solely for the purpose of enforcing the convertibility of the paper money issued by the Bank. That might be true if they looked merely at the terms of the Act; but it was not true—not the whole truth, at least—if they looked at the circumstances under which it was introduced, and the operation it was intended to have by its promoters. Undoubtedly it was framed partly in accordance with a theory which said, if you regulate your circulation by a self-acting process, you may leave everything else to take care of itself, because the simple fact of your providing that your mixed currency of paper and gold shall be the same as one purely metallic, will be sufficient to keep you right. It was supposed that the first commencement of a demand for gold would necessarily act upon the circulation, and by causing contraction ensure the raising of the rate of interest to the proper point until the drain was arrested.

That was the theory of the school of which Lord Overstone was the leader, on which the Act of 1844 was introduced. It was a beautiful theory, and every one who paid attention to this subject for the first time began by believing it to be true, and ended by wishing it were true. But, unfortunately, it was not true, because, if they referred to periods of great prosperity, and periods of great depression, they would find there was no connection between the supposed cause and effect. The period of 1847 was a very remarkable one for the severity of the crisis. Between September, 1846, and October, 1847, upwards of £7,000,000 of bullion had been drained away, while the amount of bank-notes in the hands of the public had remained almost identically the same; and if they looked at the circulation of 1852 and 1853, when money was abundant, and compared it with the latest returns, they would see that there had been no material variation in the circulation, although the rate of interest had varied from 3 to 7 per cent. Therefore the theory was not consistent with the facts. The effect of the Act of 1844 undoubtedly was to provide for the convertibility of the bank-note; but it made no provision on the other point—the banking reserve—upon the amount of which depended entirely the recurrence of those periods of commercial pressure. It was a matter of fact that it had not done so, and that the amount of the reserve depended now as much on the discretion of the Directors of the Bank as it did before the Act passed. The Act of 1844, in his opinion, in reference to the panic of 1847, had done mischief, because it produced a false confidence both on the part of the Directors of the Bank and the public, which led the Directors not to take restrictive measures in time, which they would have done if they had not thought that the Act would work of itself. Experience had exploded that error; the Directors had seen that a sound discretion was necessary and on the whole he thought they had, during the last few years, carried the country through a period of great trial and difficulty very successfully. He conceived that the whole question to be considered resolved itself into the question of the banking reserve. There appeared to him to be three points connected with this. In the first place the bank-note should be always convertible, which was effectually provided for by the Act of 1844, and therefore the Committee would not have

much to consider on that point. The next point they had to guard was the perfect solvency at all times of the Bank of England; he meant that it should not be under the necessity of dishonouring cheques or of not paying its depositors. The third point was, that it should have a certain power of supporting the credit of the country in periods of pressure and emergency. When he said the Bank should support the credit of the country, he did not mean that it should be bound to step in and assist every important house that had been trading imprudently and locking up its resources; but what he meant was that the Bank, having the power to issue notes to the amount of £14,000,000 on securities, which no other bank possessed; and having the public balances, that gave it a power which made it the basis of that commercial credit on which the operations of the country depended. If they analysed the operations of other banks, and money-lenders, they would find that they depended in the last resort on the assistance they could get with undoubted securities from the Bank of England. Therefore, if the reserve of the Bank fell to a low sum, that caused a panic. The public were afraid of an absolute stoppage, and that even on bills accepted by the very first firms or on Exchequer bills, they might be unable to get accommodation. That was the state of things in 1847, and it was to obviate it that the Government letter was written in that year. The panic in that year arose from the reserve of the Bank having run so low that, in order to save themselves, they were compelled, at any sacrifice, to restrict the great superstructure of commercial credit. The great problem was to prevent the recurrence of that state of things in which the reserve was run down so low as to make pressure become panic. Some of the suggestions with that view were that there should be an increase in the issue of notes beyond the fixed sum of £14,000,000 and the amount of bullion in the Bank. To that suggestion he could not agree, because he could not see how the mere issue of so many additional notes would increase the amount of available capital to be applied to these purposes in the country. It seemed to him that such a course would simply displace so much bullion, which would go away from the country, and if for instance they were to enlarge the fixed issue of the Bank by £4,000,000, the

result would simply be that instead of holding £10,000,000 of bullion there would be only £6,000,000. He apprehended the amount was fixed at £14,000,000 because in practice that was found to be sufficiently above the minimum point to which the circulation had ever been contracted, and they gave a valid security that the convertibility of the notes would never be risked by their being reduced below that point. His hon. Friend near him (Mr. Glyn) said they might issue £34,000,000 of notes, but, in point of fact, they could not get the public to take them. A circulation based on bullion could not be over-issued. The whole question merged itself into keeping up the reserve of the Bank as high as they possibly could. The Act of 1844, in periods of pressure like the present, when the reserve was inconveniently low, prevented them resorting to the issue department, and getting from it a portion of the bullion which was placed there for the specific purpose of insuring the convertibility of the bank-note. It seemed to him that the issue of that bullion to the banking department would not be a safe remedy to adopt, because he could see nothing to prevent the mischief coming back to them again. What was desirable was that they should, in periods of prosperity, accumulate a larger reserve, and that they should adopt their measures of precaution sooner, so that, when a drain commenced, the reserve should not be allowed to become too low. In short, the interest of the public and the interest of the Bank of England were not always identical. The interest of the Bank was to work with the minimum reserve which was compatible with solvency. But the interest of the public was to have a large reserve accumulated, when money was cheap, so as to keep panic at a distance when money became dear. This object could not be attained without some understanding between the Government and the Bank, to keep some extraordinary reserve of securities and bullion, which should be issued only in times of pressure at high rates. It had been suggested that there should be a discretionary power to relax the Act of 1844. He quite agreed with the objections that had been made to that, and wished to strengthen the reserve, not by dipping into the fund appropriated to secure the convertibility of the bank-note, but by the *bond fide* maintenance of a larger banking reserve. There were other questions in this matter of im-

portance as to the direction of the Bank. He did not agree in the suggestion that there should be Government Directors, because that would be throwing a responsibility on the Government which they would not be able to discharge; but there were some points as to the rotation of the Directors, which ought to be considered in order to secure good management. If, by appointing a Committee, they could do anything towards effecting these objects, he thought they would be doing a great service to the commercial community.

MR. JAMES MACGREGOR was at a loss to understand in what way his hon. Friend would enable the Bank to hold a larger reserve without larger means, and he knew not how those means were to be provided, except by the removal of what was emphatically called the dead weight, by the payment of the debt due from the Government to the Bank of England. He was not one of those who had the slightest doubt of the propriety of providing, under all circumstances, for the convertibility of the bank-note into gold, but he expressed his fervent hope that some means would be taken by the Committee to prevent a recurrence of such a state of things as occurred in 1847. That panic did not arise from the foreign demand for gold, but from domestic causes, and the moment it was known that bank-notes could be procured at the Bank of England, the panic ceased. He believed that the silent sacrifices made by individuals in that year in order to keep up credit had proved in the aggregate a serious injury to the country. What was required was more elasticity in the Act of 1844, and he trusted the Committee would turn their attention to this point. As no doubt the Committee would consider these matters he would not detain the House upon the subject: but he did hope the Chancellor of the Exchequer would agree to a separate Committee on the Joint-stock Bank question, with the view to devise some means by which those concerns which should unfortunately be compelled to wind up should be enabled to do so without those frightful difficulties and expenses which were being incurred by the one now undergoing the process. He was of opinion that Joint-stock Banks ought to be placed upon a sounder footing than at present. From many years' consideration of the subject, he had come to the conclusion that if the principle of limited liability were applied to Joint-stock Banks it would be far

better both for the shareholders and for the public. He hoped the Chancellor of the Exchequer would see the propriety of appointing a separate Committee to consider this branch of the subject.

MR. POLLARD-URQUHART said, he thought there were two separate points to be considered by the House in relation to the Act of 1844. First, was it adequate to maintain the convertibility of the note under all circumstances? Secondly, was it more than sufficient?—did it contain provisions which were unnecessarily embarrassing to commerce? He thought that the Act had made the convertibility of the note morally certain; but they should bear in mind the statement of Lord Ashburton, published at the beginning of 1848, viz., that no Act of Parliament could give absolute convertibility to the note, and be sufficient to meet all circumstances which might arise. It was almost morally certain that such crises as that of 1847, would sometimes occur. He thought that crisis brought on by the large importation of corn. It did not depend on the rate of exchange being adverse; for in the year of panic 1847, the Bank raised the rate of interest, which rectified the rate of exchange, long before the second panic commenced in September, October, and November. He thought he was justified in saying that at that period the convertibility of the note and the security of deposits would have been in no small danger if the Act of 1844 had not compelled the Directors to put on the screw in the months of October and November. Two crises had occurred previously to the passing of the Bank Act very similar to that of 1847; the first in 1839, when the scale of exchange had been turned against this country by a bad harvest. The Bank Directors then consulted Sir Robert Peel as to whether they should suspend cash payment; they received answer to pay to the last farthing, and he believed they would have been in danger of suspending payment if they had not been greatly assisted by the Bank of France. Another crisis, which occurred in 1825, was caused mainly by the internal demand for gold, at which time Mr. Huskisson said that the nation was within an ace of dealing by barter. Yet, in the latter part of that year he believed that the rate of exchange was as much in our favour as in 1847. He was aware that there was one high authority who held that the convertibility of the bank-notes and the security of depo-

sits would have been and was as great, in 1847, without the pressure of the Bank Act of 1844. He was not of that opinion, and he was justified, by the assertion of the then Government of the Bank of England, who ascribed the good position of the Bank to the £8,000,000 of gold in their coffers which they would not have had but for that Act. He believed that the Act of 1844 had no more to do with the creation of the crisis of 1847, than Ten-terden steeple had to do with the Goodwin Sands. That panic was caused by the drain of gold created by a bad harvest, and the failure in the potato crop. The Act of 1844 could no more be said to have caused the panic of 1847 than a moonlight shadow at which a horse might start could be said to make the way impassable. The Act of 1844 might in fact be said to pat the horse on the back, and make it feel that there was nothing to fear. He was aware that many people objected to the Act of 1844, because they thought it had created a great number of minor panics since 1847. There could be no doubt that misconception of the Act of 1844 aggravated the evils it was supposed to create, but it was no sound objection to the practical working of the Act to say that the misconception of those who did not properly appreciate its action had caused a certain degree of mischief. He thought it no small merit of the Bank Act, that it was a sensible barometer of the commercial condition of the nation. It instantly informed them when a screw was loose in their transactions or in the state of the exchanges. On the other hand a system of credit which would enable them to tide over periods of crisis without taking any steps to put their affairs on a sounder footing might last for a time, but it must in the long run bring about disaster and ruin. While he thus approved of the principle of the Bank Act, he did not pledge himself to the support of all its details. If, for instance, the minimum of the circulation had increased since 1844, he thought the limit of £14,000,000 might also be enlarged. Nor was the observation of the Chancellor of the Exchequer, namely, that such a step would only enable the Bank to keep a smaller amount of gold in their coffers, any answer to such a proposal; because if, while they secured the perfect convertibility of the note, they could add a couple of millions to the circulation of the country, they would be conferring a benefit upon the mercantile community. At the same

time he trusted that the Government would never consent to any material alteration in a measure which had been found in practice to answer the purpose for which it was designed remarkably well.

MR. NEWDEGATE said, it was generally admitted that the operation of the Act of 1844 had been to deprive the Bank of England in a great measure of its power of acting as a bank of support. That fact had been strikingly illustrated by the experience of 1847; when, but for the interference of the Government, the Bank would have been obliged to cease operations in support of commercial credit, by affording accommodation, although it had £8,000,000 of gold in its coffers. If, however, the Legislature determined, tacitly, but virtually, to confide to the Government the great and important privilege of infringing the Bank Act, and of so altering the value of money, and of all property, some provision ought to be made for calling Parliament together within a reasonable time, to pass an Act of Indemnity. He (Mr. Newdegate) thought that the objections of the hon. Member for Kendal (Mr. Glyn) to an absolute limit were hard to answer, but that if some limit upon the discretion of the Bank were deemed essential, that it would be highly advisable, after having assigned some limit for the issue of securities, to decide that when gold sank to a certain point the rate of interest upon discounts by the Bank should absolutely advance *pari passu* with the diminution of gold. The point, however, to which he wished particularly to draw the attention of the Government and of the future Committee was this:—By the Act of 1844, in lieu of making a payment to the Bank for doing the business of Government, Parliament placed in their hands the reserve notes, he meant the notes issued upon bullion, which were in excess of the immediate demand for active circulation, and told the Directors to go and trade with these notes in the discount market. This provision had given the Bank an enormous power in the discount market, including virtually that of deciding the rise or fall of the rate of interest; and, judging by the experience they gained in the panic of 1847, the Bank Directors found themselves bound to regulate the rate of interest in a great measure according to the amount of bullion in their coffers, especially when the amount of bullion sank towards £8,000,000. When their stock of bullion was large

the Legislature had given the Bank Directors a distinct inducement to foment speculation, and when it was small they were compelled to crush speculation, by varying the rate of interest. Now, would it not be wise to place a limit upon the power of the Bank to stimulate speculation when the amount of bullion in its cellars was large? This might be done, by enacting that the Directors should not discount or afford accommodation at any rate below, say, two or three per cent as a minimum rate of interest, or by legal provisions to the same effect. Periods of excessive speculation and commercial panic acted and reacted upon one another, and surely it was not prudent that the Bank should derive advantage from, and be supplied by the Legislature with power to encourage undue speculation. He acknowledged that the Bank Directors had, on the whole, exercised their discretionary power very wisely; but the present system served as a direct inducement to them to stimulate an undue spirit of speculation whenever the stock of bullion was very large, while at other times they avenged the very speculations they had before fostered unduly upon the commercial public, when there was a reaction, by raising the rate of interest and even refusing accommodation altogether.

SIR CHARLES WOOD: Sir, I am anxious to set the House right upon one or two points of fact which have not been accurately stated by hon. Gentlemen who have preceded me. Before I do this, however, I must beg to disclaim having ever applied to my hon. Friend, then Member for Kendal, Mr. Tooke, or to other Gentlemen who hold his opinions, the term of "Advocates of the little shilling." It seems to me, nevertheless, that there is some discrepancy between the views of the hon. Gentlemen and the measures they advocate; for while they protest that they are advocates for the perfect and entire convertibility of the bank-note, the doctrine they put forward is inconsistent with the certain maintenance of that convertibility. Now, if the note ever should become inconvertible, the question of the restoration of the standard, after a period of inconvertibility of the note, to its former point, is sure to be raised as it was in 1819. I am not quite certain as to the precise plan which the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate), once advocated in the House; but it was certainly that the sovereign or coin representing a pound should contain a

less amount of standard gold than it did before 1797, and than it does now: that is, in truth, the doctrine (the question) of "the little shilling." Now, let the House remember, how "the little shilling" question arose. After the suspension of cash payments, when the question arose of restoring the convertibility of the note, the question also arose as to the standard. Any course that renders paper inconvertible may lead to a state of things in which that question must be again urged, of not restoring the standard to the point at which it had before been, and of paying a less amount of gold than had been promised to be paid, and I cannot but see that any course which leads to the inconvertibility of the bank-note, may raise again the doctrine of the "little shilling;" and to this extent, anything which does provide for the notes being at all times, and certainly convertible, has a tendency to raise the little shilling question again. The hon. Member for the Wick burghs (Mr. Laing) told us what was the purpose of the Act of 1844. Now, this is not the first time that Gentlemen have undertaken to describe the objects of this Act; but I do not think it fair to say what the objects of the Bill were, except in the words of its authors. The hon. Gentleman says that this Bill was to be the remedy for all possible evils, which could arise out of the currency, but also that it was to prevent not only an over issue of paper, but also any excess of speculation, and the reaction consequent upon it. I say that no such doctrine was ever professed by those who advocated the Bill of 1844. I happened to take a large part in the discussions on that Bill, and I distinctly remember that Sir Robert Peel and every one that acted with him said, that it was impossible for any Bill to deal with rash speculations, and with the mismanagement of banking concerns; but that there had been super-added to those evils the mismanagement of the circulation, and it was these latter evils alone that the Bill was intended to remedy. The evils of excessive credit and mismanagement of banking concerns have occurred in all countries—in Holland, Hambro', and where every note is represented by silver or gold in the bank; in Belgium, and even in countries where no paper circulation existed. It is not necessary in order that banking mismanagement should take place that there should be any notes in circulation. The Bill of 1844 regulated the circulation

of the country, and its object was to put a limit and check to the possible mismanagement of the circulation. We are apt in discussing measures of this kind to forget what were the evils which were really complained of, and to what the remedies devised were intended to be applicable. In old times complaints were made that the issues of the Bank were subject to no rule or limit, but were left to the discretion of the Bank Directors. It is now thought essential by almost every one—including the hon. Member for Kendal (Mr. Glyn)—that there should be some limit or check or rule by which the circulation should be managed. I remember that two or three years ago Mr. Tooke advocated a rule different from that now in force, but which at the time would have been still more stringent. The hon. Member for Kendal has laid down a rule which I will not now discuss; but that some rule should be laid down has been the opinion of almost all persons who hold the convertibility of the note. The opinions of the advocates of the Act of 1844 was, that in order to secure the convertibility of the note, the joint circulation of notes and coin should vary in amount exactly as a metallic circulation should vary, and the object of the Act of 1844 was to ensure that variation. The mode of attaining this object was by authorising the Bank of England to issue a certain number of notes on security, that amount being a little under the minimum which experience had shown to be always in circulation—and taking care that the rest should be represented by an amount of gold in the hands of the issuing department. The amount of the issues of country bankers was also paid. Hon. Members have been a good deal puzzled, and have frequently asked why the sum of £14,000,000 was fixed upon. I believe that the minimum amount of notes that had ever been in the hands of the public had been somewhere about £15,000,000, and the sum of £14,000,000 was taken as an amount below which it was improbable, if not impossible, that the notes in the hands of the public should sink. Circumstances may have so altered since that the circulation will never be under £18,000,000; but that must be determined by experience; the subject is one which may be fairly discussed. I agree with my right hon. Friend the Chancellor of the Exchequer and other hon. Members in thinking that not much benefit would be derived from

raising the sum above £14,000,000. A higher amount might, perhaps, be taken, without impairing the effects to be attained by the Act of 1844; but I believe that the sole advantage would be that an increased amount of so much gold which might be used in other ways would be set loose. Whatever advantage and economy there are in issuing notes instead of gold will be attained by fixing the amount a little higher, to the extent of that quantity of gold, but I do not think that hon. Gentlemen opposite would find that any greater laxity in the circulation would be attained. Hon. Gentlemen having entered upon the question of the rate of interest, I must beg leave to say, that in my opinion, the rate of interest does not, in the least degree, depend upon the amount of notes in circulation. That was shown when we went into Committee in 1844 by numerous witnesses, and it was stated repeatedly in the discussions which afterwards took place. I really thought that in these days everybody was convinced that the rate of interest on floating capital, available for loans or accommodation, depended altogether on the amount of such capital, which at any one time is seeking such investment. The floating capital of the country is sent up to London to be used in discount. The capital in London, for which its owners have no more permanent employment, is used in the same way. If there is an abundance of such floating capital, the rate of interest is low; if, on the contrary, it is scarce, the rate of interest rises. The rate of interest, therefore, must depend upon the abundance or scarcity of available capital. I am almost ashamed to state what, in my opinion, is such a truism, but I am obliged to do so, because, whenever there is a discussion in this House, the proposition is denied by some hon. Gentlemen. I am rather astonished at what was said by my hon. Friend the Member for Kendal (Mr. Glyn) upon this point, for he says everything depends upon the notes in circulation, altogether excluding from his consideration the reserves of the Bank; and yet a few sentences afterwards told us that any demand for accommodation drew out the reserve of the Bank. Some hon. Gentlemen, on the other hand, take a contrary view, and look at nothing but the reserves; but I do not know what distinction can be drawn between the notes in circulation and those in reserve. The banking department of the Bank, acting like a banker, keeps a reserve of notes as well as gold, just as a

country banker keeps a reserve of notes, gold or silver. That reserve, in the banking department of the Bank of England, is a portion of the circulation quite as much as the notes and sovereigns of the country banker; nobody will say that the amount of a banker's notes in reserve do not affect his power of accommodation to his customers, and so nobody can say, that the power of accommodation of the Bank of England does not, in a great degree, depend on its reserve. A good deal has been said about the effects of the Act of 1844, which, it has been contended, produced the crisis of 1847. I believe that it produced no such effect. The real truth is, that it was produced by three or four concurrent causes, of which the first and most active was the great drain of gold required to pay for the vast import of corn; and, accordingly, the first failures were all amongst the speculators in grain. Moreover, it was shown by the witnesses examined at the time, that a baseless system of fictitious credit had sprung up in the preceding years, by which bills, principally from India, were drawn, against produce before it was shipped or even gathered, I believe. These bills were discounted, and rediscounted, and so kept afloat for a time. But there being nothing available, when this system came to an end, by which they could be discharged, failures to a lamentable extent were necessarily caused from want of funds. But this had nothing to do with the Act of 1844. Those who attribute the crisis to the Act of 1844, affirm that it restricted the issues of the Bank, and that everything depending, as the hon. Member for Kendal says, on the circulation—that is, in his sense, on the “notes with the public”—the diminution of those notes produced the distress and crisis. But what was the case with regard to the “notes for the public.” At the beginning of October, when the crisis began to be severe, the notes for the public were not diminished by more than £200,000 from the amount at which they stood in July, when there was no pressure. How, then, can it be said that the Act of 1844 produced the crisis of 1847 by diminishing such notes? Again, it is asserted, the crisis was produced by the inability on the part of the Bank, owing to the Act of 1844, to give accommodation to promote trade. In the three months preceding October, 1847, the amount of accommodation afforded in the shape of discount to private persons was increased to the extent of between £6,000,000

and £7,000,000. The Act of 1844 could not therefore have produced the crisis of 1847, either by diminishing the amount of notes held by the public, or by diminishing the power of the Bank of England to assist private trade; because, in point of fact, the notes for the public were not diminished, and the accommodation to private trade was increased to the very large amount which I have mentioned. The hon. Member for Wick (Mr. Laing) said, that the word "money" is used in two senses, and I certainly believe myself that half the discussions which take place respecting the currency would be avoided if those two senses could be properly distinguished. Money, when that word is used for floating capital available for discount, is a different thing from money when that word is used to mean only circulation. It is true that gold coin is money in both senses; it is equally true that the bank-notes issued to the banking department on gold sent to the Bank of England in the shape of deposits is a portion of the fund available for discount; and, consequently, it is money in the sense of circulation, and money in the sense of floating capital. When, therefore, gold is exported from this country—and the notes issued on it are withdrawn from the Bank reserve—the amount of capital available for discount is diminished. People accordingly look, as the hon. and learned Member for Wallingford (Mr. Malins) has observed, at the reserves of the Bank as an index of the amount of floating capital available at a particular time (although they do not contain the whole of that capital), because it is the practice of merchants to deposit their gold in the Bank, and the amount withdrawn from the Bank reserves is so much withdrawn from the floating capital in the country; but it is not true that the floating capital of the country, or anything like it, is concentrated in the Bank of England. The rate of interest also of the Bank is an index of the rate of interest elsewhere, but the Bank cannot raise or lower it at pleasure. In ordinary times, as the rate of interest required by the Bank is high, people in want of accommodation go where they can obtain it at a lower rate; but at periods when the accommodation, which they have been in the habit of obtaining elsewhere, is diminished, they have recourse to the Bank, but of course they have to pay a higher rate. An hon. Gentleman has stated, that when the rate of interest at the Bank of

England is 6 or 7 per cent, the rate charged by country bankers is 9 or 10 per cent; but that is not because the Bank of England has raised its rate, but because money is scarce, and there is consequently a rise all over the country, in which, of course, the Bank of England takes its part. It will generally be found that the Bank rate of discount for bills is lower than that of private parties. I believe that the Act of 1844 is the best and the least stringent of rules that can be laid down, but I do not wish to enter into the discussion of that topic now. The variety of opinions which have been expressed is, in my mind, a sufficient reason for the appointment of the Committee, where the subject would be far better sifted than by a discussion in this House. A Select Committee, composed of Gentlemen of conflicting opinions, who examined the witnesses brought before them, is a fitter engine for the extraction of the truth in such a matter than this House, and therefore my right hon. Friend has done wisely in proposing the appointment of a Committee. With respect to the last part of the Motion, relating to Joint-stock Banks, I think there is great force in the objection to referring that to the same Committee as the one which would have to consider the Bank Acts, especially as Joint-stock Banks are not banks of issue; and I do not believe that my right hon. Friend would be disposed to insist on that part of the Motion, if it shall be the wish of the House that it shall be omitted from the present Motion.

MR. MALINS, in explanation said, the right hon. Gentleman had attributed to him the recommendation that an additional £10,000,000 of notes should be issued. He was sorry he had made himself so unintelligible. His argument was that, with £20,000,000 notes in the hands of the public, and £10,000,000 gold in the Bank, they could not diminish the circulation so as to draw upon the gold. He did not suggest the issue of any new notes. His argument was to the effect that it was impossible the circulation could be brought down so low as to take away the gold from the Bank.

MR. SPOONER concurred in the two last observations made by the right hon. Gentleman—namely, that there ought to be two Committees appointed to consider the two distinct subjects, and that this was not the proper place in which this subject could be properly discussed. The question

was one that should be delegated to a Select Committee, where there could be an interchange of opinion rather than a regular discussion. Holding that opinion, he was induced to abstain from making any observations in the early part of the night. He was willing to wait the result of the right hon. Baronet's Motion in Committee. The right hon. Gentleman had gone back to the year 1819, and consequently opened a great field for discussion. All the difference between them was the way in which every contract fairly made could be best carried out. He considered that the contract of 1819 was most unjust—it was such that it never had been carried out, and he would venture to say that it never would be carried out. He had a very high authority for saying so. He would take the right hon. Gentleman to a period still further back, which he (Mr. Spooner) remembered well, though he was not then a Member of that House. He had paid much attention to the debates that took place in Parliament in 1810 and 1811. As he had observed, he had a high authority for saying that the measure of 1819 was unjust, and the evidence he would quote was sufficient to prove its injustice. He remembered when Mr. Horner had moved his Resolutions, declaring that there was a great depreciation in the currency, and that it ought to be stopped; and when he went further in saying that a day should be fixed upon when the Bank should be required to return to cash payments, Mr. Vansittart, the then Chancellor of the Exchequer, denied that there was such a depreciation as was alleged, and a large majority of the House of Commons declared that the one pound note and the shilling, for all legal purposes, were identically the same. Both of those distinguished Gentlemen were met, perhaps, by the highest authority then on the subject. The late Henry Thornton observed, "You, Mr. Horner, are quite right in fact—there is a depreciation, and it ought to be marked; but you are decidedly wrong in calling for a day to be named upon which the Bank should return to payments in gold." Mr. Thornton further added, "I doubt whether the day will ever come when you will be able to return to the old standard. I doubt much whether you ever ought to do so. I doubt whether the question of justice has not passed over to the side of depreciation." Now, what was the effect on the country gentlemen of those days—upon all those who had estates to settle, or who were de-

Mr. Spooner

sirous of charging them with liabilities for certain members of their family. If they had been told that at some future time the successors to their estates would be called upon to pay their charges in a currency greatly appreciated, which they were then told had never been depreciated, they never would have so charged their estates. The standard adopted in 1819 was far more stringent than that which previously had existed. There was then a double standard of gold and silver (expressions of dissent). Hon. Members were mistaken. Mr. Vansittart at the time said that the whole national debt might be paid in crooked sixpences—if so many could be obtained. They might say that he was speaking of what had occurred a great many years ago. He was merely tracing what had happened year after year. There was great distress in the year following 1819. In 1822 the distress increased so much that Lord Castlereagh brought in three express measures for the purpose of altering the Act of 1819. Lord Castlereagh said that that Act was sound in principle, but it had been carried out too rapidly. The object of the measures proposed was immediately to increase the number of bank-notes. What, however, was the result of those measures? They led to an elevation of prices and hollow prosperity. The panic of 1825 ensued, because gold coin disappeared. Notes were again pumped out, as in 1822. The measure adopted in order to remedy the evil had only the effect of inflating prices. Gold was again diminished in the country, and again adversity was the consequence. If they properly traced out the cause of those difficulties, he thought that they could easily apply a remedy against their recurrence. That was not the place, however, to state the remedy. He was sure they might establish a currency which would do justice to all, which would confer permanent prosperity upon the country, and which would not be subject to those embarrassing fluctuations which had taken place for so many years. The right hon. Gentleman opposite had said that those on his (Mr. Spooner's) side of the question thought that the rate of discount was left entirely to the control of the Bank of England. Now, what they believed was this, that the rate of discount depended upon the supply of notes in the market. It did not depend merely upon the amount in the hands of the public. He asserted that they must deal with the

reserve in the hands of the Bank exactly in the same way as they dealt with notes in the hands of the public. The moment the public see the reserve beyond which the Bank could not go—that, for example, it had issued to within about £2,000,000 of the amount the Act of 1844 remitted, then immediately the demand upon the Bank increased, not for the purposes of trade or general circulation, but for hoarding, lest when they wanted it they should not be able to get it. The House could not have a clearer proof than the fact that when it was known in 1847 that the Bank was not limited to a given amount, that moment the demand upon it ceased. One of the professed objects of the late Sir R. Peel in 1844, was to prevent great fluctuations taking place in the value of money. Seeing the evils of the Act of 1819, a Bill was brought in in 1844 to amend that Act. He (Mr. Spooner) was old enough to remember what happened in 1819. Notwithstanding the eloquence of the late Sir R. Peel, by which at times he so bewitched the House, the more sensible arguments of that right hon. Baronet's father had convinced him (Mr. Spooner) that, though he had a very eloquent son, the son had a most sensible well-judging father. If the father's advice had been followed we should have rectified the currency long before this time, and have averted the evils which had since occurred. He (Mr. Spooner) wished to put this question to hon. Members. When the Bill of 1819 was passed, or even its "complement" of 1844, did they conceive that any gold would be found in Australia?—that some £157,000,000 of gold would be imported into this country, as the result of that discovery? Could they have contemplated under such importations that they would have been now uneasy to know whether it would remain or leave this country? He asked them could any sensible man say our monetary legislation was such as to warrant their trust and confidence? The fluctuations during the last twelve years had been as many as thirty-four, and there had been as many as ten during the year 1856. Was that a system upon which a commercial business could be carried on? An hon. Friend of his had asked that evening what was a pound. He (Mr. Spooner) defied any man making a bargain to say what a pound would be in two or three months. A man might enter into a bargain when the rate of interest was 2 or $2\frac{1}{2}$ per cent, and, after making

his calculations upon that rate, find, by the time he was called on to pay the money, that the discount had been raised to 7 or $7\frac{1}{2}$. And this would be the case so long as the restrictions imposed by the Bill of 1844 were continued. He wished it to be distinctly understood that he cast no blame whatever on the Bank of England, for he believed that establishment to be most honourably and ably conducted. He did not agree with those who censured the Bank, saying the directors, capriciously, sometimes made money cheap, and sometimes made it dear. The Directors could not help this, the law under which they acted was imperative; nor would it be fair, so long as the present restriction remained, to tell them that they should not employ their capital as well as they could. He only wondered that the Bank managed so well as they did. He believed that there were means by which real convertibility of the note could be secured and credit duly kept between man and man. But the system was one to be gravely looked into, and was peculiarly one for a Committee. He did, however, hope that the Chancellor of the Exchequer would not go into the proposed Committee with a full determination not to alter his views; but with a mind open to conviction, and a desire to hear everything that could be brought forward on the subject. He (Mr. Spooner) also hoped that the Committee would be composed of Gentlemen who took different views on the matter, so that the tribunal before which the question was to be tried should be an impartial one. If any other course were pursued he could have no hope of any result that would be satisfactory to the community at large or to the banking interests. The Chancellor of the Exchequer had referred to the last Report of a Committee of this House as one which supported the views which the right hon. Baronet had put forward; but that Report was carried by a majority of only twelve to ten, and he (Mr. Spooner) knew as a fact that two Members of the Committee who were unavoidably absent when the Report was adopted would have voted against it had they been present, so that in that case there would have been the vote of the Chairman only in favour of the Report. Then the Report of the Lords' Committee was a condemnation against the Bill of 1844. The House had heard the opinions given that evening by his right hon. Friend the First Lord of the Admiralty, but in a speech made in 1847, after

the issue of the Treasury letter, his right hon. Friend made use of these observations:—

“Considering the amount of deposits in the Scotch banks, the shortness of notice, and the fact that the greater part of the funds were in securities that could not be easily realised, their (the Scottish bankers’) applications for assistance became a very alarming feature.”

These were the bankers so held up and lauded by Sir R. Peel.

SIR CHARLES WOOD: The Scotch bankers did not make any application to Government. They applied to the Bank.

MR. SPOONER: True. They had not applied to the Government; but they applied to the Bank, and the Bank applied to the Government, and that was pretty much the same. The present position of the Bank was this. They had in round numbers now £4,000,000 of reserve notes, and £9,000,000 of deposits. Suppose the drain of gold should go on increasing, and that half of the depositors demanded their money, what would be the result in the present state of the law? He did not say the Bank would be insolvent, for that would be absurd, as the Government owed them £14,000,000, which were in securities. What the Bank must do would be to ask the Government for its debt of £14,000,000 in gold. In conclusion, he would say he hailed the appointment of a Committee as the only way in which the subject could be fairly and impartially dealt with, and the whole matter justly determined.

MR. WILKINSON: The hon. Member for North Warwickshire (Mr. Spooner) has asked where we should have been if it had not been for the large importations of gold from California and Australia. I take leave to answer that we should have been a great deal better without them. They have added nothing to the wealth of the country, and promise great disadvantage. I foresee considerable difficulty and distress as likely to fall upon the working classes of the country, by the advent of this gold, which will have the effect of raising the prices of the articles which they consume, whilst their wages cannot for some time be raised in like proportion. Now there were two points of the truth of which it was necessary that hon. Gentlemen should persuade themselves, before they could come to a right understanding of this question. One was that there was absolutely nothing to be gained from a paper circulation, except its economy and convenience:—the other, that a rate of

interest, whatever it may be, is paid for the use of capital, and not for the use of currency. It was singular that whatever might have been the short-comings of the Act of 1844, during the crisis of 1847, in the minds of its opponents, the whole cause of discontent with it, in the present year, was that it was supposed to have had the effect of keeping up the rate of interest. But if interest was paid for capital only and not for currency, how could the Act of 1844, which affected the currency alone, have had anything to do with keeping up the rate of interest? His hon. Friend the Member for Wallingford (Mr. Malins) had said that the rate of interest was high because the Bank reserve of notes was low, and was low because the reserve of notes was high. But, here, he was mistaking effect for cause, and putting the cart before the horse. The fact was that the reserve of notes became low when the demand for capital caused the rate of interest to rise; and the reserve became high when that demand ceased, and the rate of interest fell. His hon. Friend the Member for Wick (Mr. Laing), with every other part of whose speech he entirely agreed, had found some fault with the Act of 1844, because it had not prevented the panic of 1847. The Act of 1844 was never expected, or intended, to prevent panics, but only to secure the convertibility of the bank-note, which it had effectually done. He Mr. Wilkinson believed that no legislation could prevent panics, which were due to the enormous credit system of this country, and would, no doubt, periodically occur so long as that system was maintained.

MR. MUNTZ regarded the appointment of the Committee as one of the greatest “shams” ever proposed to Parliament. If the Act of 1844 was perfect, as the Chancellor of the Exchequer alleged, and required no alteration, of what earthly use could the Committee be, except to shift the responsibility from the Government to the House? Unless the Committee opened up the whole question, its proposal would be an insult to the country as well as to the House. It was absolutely necessary to investigate the subject of Joint-stock Banks, with a view to the passing of a more stringent law for the punishment of acts such as those committed within the last twelve months, which were a disgrace to any trading community; but a Committee to inquire into the Act of 1844, upon such a statement as that of the Chancellor of

the Exchequer, was nothing but sheer nonsense, and an insult to the nation. The object of the Act of 1844, as avowed by Sir Robert Peel, was to take away all discretion from the Directors of the Bank, the condition of convertibility not being sufficient to keep the Bank in order. The adoption of the limit of £14,000,000 was another great sham. That limit had never been approached by £1,000,000 in his recollection; and what possible effect could it therefore have on the circulation? The variations in the value of money in this country had never been so great, so frequent, or so injurious to industry as they had been since 1844. That was the great evil against which they ought to guard, and unless they did so all their legislation must be perfectly futile.

MR. HILDYARD thought it was rather inconsistent in a Government which thought the Act of 1844 perfect to appoint a Committee to inquire into that Act; but as it seemed to be agreed that they should have a Committee, it was incumbent on the Government to constitute their Committee fairly. The nomination of its Members would, under the circumstances, be viewed with much jealousy, and if they were not impartially selected their Report would have no weight with the House, which would have to take the whole matter into its own hands again. What did they mean by a Committee on the monetary system? What was that monetary system? The system on which they interchanged the commodities which had to be changed by the community. If that were so, according to the doctrine of supply and demand which had been alluded to in the course of the evening, they would require to have one thing at one time and another at another time; and therefore it was to be expected that that which might have answered the requirements of trade ten years ago would be found very much behind them now. This was more especially the case in regard to ten years such as the last, during which the exports of this country had doubled. Great stress had been laid by the First Lord of the Admiralty (Sir Charles Wood) on the panic of 1847, and the right hon. Gentleman had mentioned that the circulation had slightly decreased during that period. Now he (Mr. Hildyard) would mention a circumstance which tended to throw light upon some of the operations of the period. On the Tuesday after the letter of the Council came out, a wealthy man in the City went

to a broker and directed him to buy Consols to the amount of £10,000, observing at the same time that he thought things had seen the worst. He handed the money to the broker in large notes, which were each cut in two. The broker asked him how it happened that they were cut, and the gentleman replied that he had kept the halves in his banker's and retained the corresponding halves himself, fearing to trust the notes in their entirety to the bankers. It had been stated to-night that the legitimate mode of checking a drain of bullion was by raising the rate of discount, and he (Mr. Hildyard) was not prepared to deny it; but let them not lay too much stress upon the efficiency of that as a remedy, for he remembered before the Bank had that engine in their hands, the fluctuations were much less than they had been ever since. It was the bounden duty of the Chancellor of the Exchequer to take care that, the question being one of the deepest interest to the country at large, the Committee to be appointed should fairly represent the intelligence of the various interests of the country. Let him do that, and whatever might be the result of its inquiries the feeling out of doors would be one of satisfaction. On the other hand, if the Committee were not fairly constituted, much dissatisfaction would be created, and when its Report came to be considered this House would have to open and debate the entire subject.

MR. INGRAM expressed a hope that, if a Committee be appointed, the present management of the Bank of England of the public debt would be taken into consideration. The charge to the public he conceived to be excessive, and the system adopted by that establishment for the payment of the dividends the worst possible. The allowance to the Bank of England for the management of the public debt was, for the last year, £247,000, being on an average a charge of nearly £1 to each person holding stock in the public funds. According to the returns for the year 1850, being the last in his possession, it appeared that the number of persons holding stock was 269,736—the debt itself being under £800,000,000. It was true that in those returns the Bank of England did not appear to receive so much for their management of the public debt, inasmuch as they refunded £180,000 for the privilege of issuing bank-notes. He, however, had no doubt that there were plenty of Banks in England that would be glad to

pay even four times that amount for the enjoyment of a similar privilege. The trouble and expense attendant upon the system pursued in the establishment were enormous, and even led to considerable frauds. A person holding stock must attend personally at the Bank of England, or incur a large expense in giving a power of attorney to his banker or agent to receive the dividend. Now, let them but compare that system to the one adopted in respect to similar monetary transactions. He would take, for example, the payment of the dividends on railway stock. He had received from Mr. Watkin, the manager of the Manchester, Sheffield, and Lincolnshire Railway Company, a statement of the cost of payment of their dividends for the last year. It amounted to £125 13s. 2d. The capital was about £9,000,000. The number of shareholders, 4,900. The expense, therefore, of the payment of the dividend averaged only 6d. per shareholder, and the mode of payment was much more satisfactory to the shareholders. That expense, however, did not include any of the charges attendant upon transfer, which he calculated would be on an average 1s. additional; therefore the whole charge to each person might be put down at 1s. 6d. He had also another return from the Midland Railway, which gave precisely similar results. If any new arrangement be made with the Bank of England he hoped that these facts would be taken into consideration, and that a better bargain would be made for the public, and a different system adopted for the payment of dividends. He might observe, in conclusion, that he objected to the granting of a new charter to the Bank of England. It was quite time, he thought, that the State should take into its own management the issuing of its own notes and the payment of its own debts.

MR. ALEXANDER HASTIE thought the Chancellor of the Exchequer had made a great mistake in inferring from the non-receipt of answers to the six letters which he had written to the Scotch banks that the operation of the Act was satisfactory to the bankers of Scotland.

THE CHANCELLOR OF THE EXCHEQUER: My hon. Friend misunderstands me. I said that I had received replies, and that they all stated that the operation of the Act was satisfactory.

MR. ALEXANDER HASTIE could guess, then, to which banks the right hon. Gentleman had written. His letters could

only have been addressed to the chartered banks, all of which possessed monopolies to a certain extent, and were satisfied with the operation of the Act; but the other Scotch banks were greatly dissatisfied with the position in which they were placed by it. In 1853 five of the unchartered banks presented a memorial to the Treasury, complaining of the evils under which they were suffering; and in the Session of 1855 a Bill was introduced into that House, which received a second reading, for the purpose of removing some of those evils. The Act of 1845 restricted the operation of charters granted to banks to twenty years. The consequence was, that no one of the banks knew what the state of their affairs really was: they were consequently obliged to shut up their establishments. Then, again, the unchartered banks could not hold securities. The result was, that not only were the people of Scotland dissatisfied with the state of the law, but their uncertainty was such, that since 1845 no new bank had been established in Scotland. He was far from wishing to say a word against the chartered banks; but the other banks were equally respectable, equally well managed, and equally entitled to the privileges of a charter. The Scotch banks generally had great reason to complain of the present system, and he hoped, therefore, that the Chancellor of the Exchequer would take care that Scotland was sufficiently represented on the Committee.

MR. CROSSLEY said, he was glad to find that the Chancellor of the Exchequer had consented to the appointment of two Committees instead of one: that on Joint-stock Banks would require the legal Members; but for the Bank charter they would want commercial men. There were two reasons why the charter ought to be investigated—first, the enormous increase of trade since 1844; and next, that from this increase the prices of all raw materials had risen immensely, so that the same amount of business required a much larger capital. Some Gentlemen seemed to think that an alteration in the charter would be a panacea for all the evils complained of; but so long as the Bank was bound to pay sovereigns on demand, it would be obliged to raise the rate of discount whenever the gold was going out of the country. There was one remark of the hon. Member for Kendal (Mr. Glyn) which he thought worthy of consideration—namely, whether it would not be desirable to take

away the power of issue from all banks. The Chancellor of the Exchequer said that the Bank of England paid £120,000 per annum for the privilege; but on an issue of £14,000,000, there was a profit, at the present Bank rate of 6 per cent, of £840,000 per annum, which, together with the profit on the issue of all other banks, he considered ought to go to the reduction of the taxation of the country.

Mr. CAYLEY expressed his satisfaction at the candid and dispassionate manner in which the discussion had been conducted, observing that when he first occupied a seat in the House only one set of opinions was allowed to be expressed on this subject, and any one who dissented from them was almost cried down. The hon. Member for Glasgow (Mr. Hastie) had said that the Chancellor of the Exchequer, in making inquiries with respect to the state of the law relating to banks in Scotland, had applied almost exclusively, if not exclusively, to the Scotch bankers. Now, he (Mr. Cayley) had always thought there were two parties interested in this question, the bankers and the public; and the interests of the public certainly deserved full consideration. He thought the hon. Member for Kendal (Mr. Glyn) had evinced great disinterestedness in the course he had adopted upon this question, although he could not concur in the hon. Gentleman's suggestion that Mint notes should be substituted for those now existing, as such a change would necessarily involve a more entire correspondence between the circulation of the country and the bullion in the Bank. Under the present system the banks obtained a large amount of profit. If they referred to the dividends declared by Joint-stock Banks they could not come to any other conclusion than that the present system was profitable to banks in general; but he thought the public was the party whose advantage they should keep chiefly in view when they were legislating upon this subject, for surely money was made for commerce, and not commerce for money. Some persons, however, argued the question as if that position was entirely reversed. The Chancellor of the Exchequer in his opening speech had seemed to intimate that the Committee appointed to investigate this subject in 1848 had reported in favour of the Act of 1844, at the same time ignoring the fact, until he was reminded of it, that the Committee of the House of Lords reported directly against the Act of 1844.

Now, what was the fact? He (Mr. Cayley) was a Member of the Committee of 1848, and seventeen witnesses were examined before that Committee, including not only men of the largest mercantile and general experience, but persons who were thoroughly acquainted with the whole circuits of commerce—the great bill-brokers for instance, among whom was Mr. Samuel Gurney. Only four out of those seventeen witnesses were in favour of the Act as it stood; and who were the four dissentients? The Gentleman who was Governor of the Bank of England at the time the Act was passed, Lord Overstone, and the Governor and Deputy Governor of the Bank in 1848. His hon. Friend the Member for Whitehaven (Mr. Hildyard) had expressed a hope that the Committee would be fairly composed. If it was a fair Committee, he (Mr. Cayley) could only say that he believed it would be the first fair Committee that had ever been appointed to consider a subject of this nature. During his experience he had seen a good many packed Committees, and he knew how much adroitness was applied to their constitution. Great discretion was used in making a Committee appear perfectly fair; but good care was taken that there should be such elements in the Committee as would suffice to turn the scale in favour of particular views. He hoped, however, that the Chancellor of the Exchequer would endeavour in this instance to nominate a really fair Committee, for it would be the duty of that Committee to investigate some points of the utmost importance to the country. It was surely a matter of great importance to ascertain the reason why the commercial body was so perpetually harassed by constant changes in the rate of discount. One of the great *desiderata* in a medium of exchange was, that it should be as nearly as possible of uniform value. As it was of essential consequence to commerce that the yard wand should be always of the same length, so it was important that the legal tender should, as far as possible, maintain a uniform value; but it was impossible under the present system to maintain that uniformity. Reference had been made to “the little shilling” and “the little sixpence.” What he (Mr. Cayley) objected to mainly was having a little shilling to-day and a large one to-morrow. What was wanted was a legal tender of steady value. They had in this country frequent commercial catastrophes and periodical pros-

trations of the mercantile interest, and it was taken for granted that they were natural results. He believed, however, that they were entirely the consequences of legislation. If the amount of gold in the Bank under the Act of 1844 was excessively large, as it was in 1852, when it amounted to something like £20,000,000, the Directors, in order to employ their reserve of notes, were obliged to go into the discount-market and compete with the discounting houses, and it was obvious that such operations of the Bank—the greatest money lender in the country—must produce a very great effect upon the rate of discount. When the amount of bullion increased, the Bank went into the discount-market and lowered their rates. The billbrokers and other bankers were consequently obliged to lower their rates, which were occasionally so much depressed that in one year since 1844 the rate of discount fell to 1 per cent. When the rate of discount was so low, holders of money, in order to gain additional profit, were induced to run unusual risks, and a reckless system of speculation was engendered. All the money which was taken at the low rate of discount was used more or less in the employment of labour; wages rose, consumption increased, and consequently prices were also raised, rendering this country the best market in the world for imports; but exports diminished in proportion. In other words, when prices rose here it was a good market for the foreign seller but a bad one for the foreign buyer. If they wished to have the financial history of the country since the peace, in a few words it might be told thus,—that on five or six different occasions prosperity drove gold abroad, and ruin brought it back. The only mode of getting back the gold was to lower prices in this country by raising the rate of interest, diminishing the period for which discount was allowed, and rendering it virtually impracticable for the general public to obtain possession of bank-notes. The consequence was that goods were forced into the market for sale at ruinous prices. These ruinous prices brought in the foreign buyer with his gold. Thus was bullion restored. This recurrence of periodical convulsions in trade and commerce was not natural, but a consequence of our artificial system. The public, seeing that such convulsions usually followed a drain of bullion, watched with painful anxiety the working of the screw by the Bank

Mr. Cayley

of England; were full of apprehensions when it occurred, and no one could be surprised that they were so. There were probably, at all times, at least £200,000,000 of bills outstanding, all legally convertible into bank-notes or gold. What, then, must be the apprehension in the commercial mind when it saw the reserve of the Bank—the practical source for effecting this conversion—reduced to £3,000,000 or even £2,000,000? Could it be wondered at that panic was the consequence, or that the public sought relief from such a state of things? He hoped, therefore, there would be a fair inquiry, with a view, if possible, to the discovery of a remedy for the evils of the present system.

THE CHANCELLOR OF THE EXCHEQUER: I will not trouble the House with any remarks in reply to the various questions which have been raised in the course of the evening, but will confine myself to one or two observations with respect to the Committee which I have proposed. I must say I was under the impression that it was the general wish of the House that there should be an inquiry. By the Act of 1844 the privileges of the Bank of England could not be interfered with for a period of ten years: viz., till the end of 1855. The Act declares that it shall be lawful, after notice given in this House at any time after 1855, to take steps with a view to putting an end to the privileges of the Bank of England. The beginning of last year was therefore the first time the question of these privileges could be raised, and a Motion was made in this House on the subject before Easter. I then stated it as my opinion that a time of war, when the country was placed in extraordinary and exceptionable circumstances, was not a convenient period for entering into the consideration of the question. The House was divided on the Motion, when a majority concurred in the views which I had expressed. Later in the Session a question was raised as to the appointment of a Committee of Inquiry; I then stated that if it was the wish of any Member to propose a Committee, and if he brought forward a Motion to that effect, I would have no objection to his doing so, though I thought it too late in the Session to be of much practical importance. No Motion was made; and on the last day of the Session I stated, in reply to a question, that I could not say whether or not it was the intention of the Government to propose a

Committee when Parliament again met. Whereupon an hon. Member (Mr. Tite) gave notice that he would himself move for a Committee. I was, therefore, under the impression that if I had moved for leave to bring in a Bill on this subject without any inquiry, another Motion would have been made for a Committee, to which I could not have stated any objection; and therefore I have thought it proper to take the course which I have now done. I will only remind the House that in 1810 there sat the celebrated Committee on Bullion, presided over by Horner; in 1819 the Committee on Cash Payments, presided over by Peel; in 1832 the Committee on the Bank Charter, presided over by Lord Althorp; besides a Committee on commercial distress in 1848, presided over by my right hon. Friend (Sir C. Wood). I have only to say that, though my own opinions on this question are to a great extent made up, it has appeared to me to be a fair matter for inquiry by a Committee of this House. I think there are grave objections to the Committees, as has been suggested; but I shall have no objection to omit from the Motion the words relating to Joint-stock Banks, and limit the inquiry to the Bank Act of 1844.

Motion agreed to.

Select Committee appointed, "to inquire into the operation of the Bank Act of 1844 (7 & 8 Vict. c. 32), and of the Bank Acts for Ireland and Scotland of 1845 (8 & 9 Vict. c. 37 and 38).

PASSING TOLLS.

COMMITTEE. LEAVE. FIRST READING.

Order for Committee read; Acts relating to Shipping read; to be considered in Committee.

House in Committee.

MR. LOWE rose to move, That the Chairman be directed to move the House that leave be given to bring in a Bill for the abolition of Passing Tolls. When he introduced the Local Dues Bill last year, though there were a great many strong observations directed against the Bill and against himself, he did not think that any of them were applied to the abolition of the Passing Tolls, which formed a part of that Bill. The Government therefore had thought it desirable to separate this question, which was one of great interest to those connected with shipping, from the more disputable topics with which it was involved last year, and to introduce it in a distinct measure with a view

to their abolition. He might explain that the places which had the privilege of levying passing tolls were four—Dover, Whitby, Ramsgate, and Bridlington. The tolls were imposed under the idea that the harbours of those places were established as harbours of refuge for shipping generally, and were intended to defray their expenses as harbours of refuge. It turned out, however, when examination took place, that but one out of these four harbours was fit for a harbour of refuge. Three were dry at low water and had only a few feet at high water; and even the fourth, Ramsgate, had only eight feet of water at low water. It therefore resulted that they could not be harbours of refuge for shipping of the largest class, and it was therefore felt to be a great grievance that the shipping interest should be called on to pay annually a sum of more than £33,000 for these tolls. On Bridlington and Whitby there was a debt of £60,000. In the case of Dover there was what was called the inner harbour; but the Admiralty were constructing a large harbour for ships which would now be almost exclusively used. The tolls levied on passing this inner harbour were £12,000 a year, though it was now of very little avail, and when the new harbour was built would be of hardly any use at all. There was upon it a debt of £85,000, which was partly charged on these passing tolls. What the Government proposed was that the passing tolls should be abolished, and that the harbour of Dover, with all its liabilities and debts, should be taken over by the Admiralty; so that the shipping would be relieved from the existing charges, and the creditors would have the security of the Admiralty, instead of the £12,000 a year which he had mentioned. The passing toll of Bridlington was levied on coals only, although the object for which it was charged was intended for the benefit of all shipping. The harbour was dry at low water, and was ill-situated in all respects as a harbour of refuge. The amount collected was somewhere about £2,800 a year, and there was debt to the amount of £28,000. The Act under which the tolls were levied expired in 1868, and what he proposed was that the Government should pay off the debt of £28,000, and that the tolls should cease at once. Whitby was almost in the same situation as Bridlington. The passing tolls amounted to £4,111 a year, were levied entirely on coals, and were encumbered with a debt of £32,000. It was proposed to pay out of the public

funds the debt of £32,000, and to abolish altogether the tax of £4,111 per annum, which was levied on the coal ships coming out of the old port of Newcastle, including Shields and Sunderland. The case of Ramsgate was a little more complicated, and therefore his statement with respect to it must be more minute. The harbour was situated close to the anchorage of the Downs. In 1748 there was a great tempest, and many ships found refuge in the then Ramsgate harbour. In consequence of the relief to shipping then experienced certain merchants of London petitioned Parliament to make a harbour of refuge at Ramsgate. The petition was granted; the village of Ramsgate—for at that time it was no more than a village—gave up to the Government its harbour and some ground adjacent to it, which was then yielding a rental of about £3 per annum; and upon that ground had been expended from that day to this something like £2,000,000. He could not say that that was a very provident expenditure, because the harbour was difficult of entrance, there were only eight feet of water at low tide, and being removed from the track which vessels generally followed it was not useful for ships going on their course, but rather as a place to relieve the anchorage of the Downs of the smaller kind of vessels, and so prevent accidents. It was, however, requisite that it should be kept up; and the Government was now expending a large sum of money in the repair of the harbour, and, as far as he could judge at the present moment, £21,000 would still be required. The passing tolls levied at Ramsgate, principally on shipping which derived no sort of benefit from the harbour, amount to £14,000 a year. There was no debt. What he proposed was that the £21,000 which would still be required to put the harbour in repair should be paid by the Government, and that the passing tolls should cease from the passing of the Act. It was estimated by the trustees—for the harbour had hitherto been in the hands of certain merchants of London, who acted as trustees—that the expense of management had been about £10,000 a year. It was proposed to put an end to this trust, and to vest the harbour and the property adjacent, on which £2,000,000 had been expended, in Her Majesty, placing them under the care of the Board of Trade. It was estimated that that Board, having facilities for it which the trustees had not, could manage the harbour for £7,500 a

year. To make up that sum there were the following items:—the property vested in the present trustees, consisting of houses, docks, and land, and producing £4,400 per annum; a duty of 3d. per ton, which it was proposed to impose on ships using the harbour not for the purpose of refuge, and which it was estimated would amount to something like £500 a year; a proposed tax of 3d. on each passenger landed at the quay, of which the probable yield was estimated at £600; 5 per cent upon salvage brought into the harbour, or £500 a year more; in all £6,000 per annum. A further sum of nearly £2,000 a year was derived from a tax levied by the town commissioners on all coals imported into Ramsgate. It was proposed to transfer that tax to the harbour fund, thus raising the income to a little more than £7,500 a year, or sufficient to cover the expenditure. He was afraid, however, that they could not rely upon the coal-tax as available to the extent stated, because there was a close competition between the railway and sea carriage, and he believed the railway was rather gaining on its antagonist; so that the amount produced by the tax was likely to suffer some diminution. Nor was he altogether sure of the estimates with respect to the other sources of income; in fact, there was reason to fear that some payment from the Consolidated Fund would be required to meet the expenditure. He had mentioned these facts because he was aware that a complaint would be made on behalf of Ramsgate that the Government proposed to inflict a great hardship on that town. It would be said that the harbour of refuge was made for Government purposes, and not for the purposes of the town, and that therefore the Government ought to pay all the expenses. It would also be said that Ramsgate gave its harbour and ground adjacent, and had therefore contributed its share towards the harbour of refuge. He had already stated the value (£3 per annum) of the land given by Ramsgate; and while he admitted that the harbour was made for the benefit, not of Ramsgate, but of the shipping at the Downs, it was also true that the harbour and the enormous expenditure of £2,000,000 had made the town what it was, and, what was more, had made the sands which formed the greatest attraction of the place. It was therefore only reasonable that Ramsgate, having received so much advantage, should share in a mo-

derate degree in bearing the burden of the harbour. He did not mean to say that it ought to bear the larger portion, nor would it. The sum of £4,500 in round numbers would be furnished by the harbour estate, and something considerable—he did not know how much—by the Consolidated Fund. Seeing that the passing toll on ships had already contributed £2,000,000 to the harbour, that £21,000 more would be required for repairs, and that a large annual sum would in future be drawn from the same source to meet expenditure, he thought it would not be reasonable that Ramsgate should continue to levy for its own municipal purposes a tax upon coals, especially on those used in the dredging machines which kept the harbour open. Such, then, was the proposal of the Government. It included the abolition of the passing tolls, the payment of the debt out of the Consolidated Fund, and the relief of shipping from the burden of something like £33,000 per annum.

Mr. DEEDES said, he admitted that the idea of abolishing the passing tolls was so agreeable to the country at large that he should find it extremely difficult, if not impossible, to convince the Committee that it ought not to be entertained. He would not undertake so hopeless a task, but merely wished to state that the proposal now made by the Vice President of the Board of Trade appeared to place Dover and Ramsgate in a different position from the Bill of last year. The Bill of last Session was to be referred to a Select Committee, and the parties affected were to be heard before an impartial tribunal. Now, however, it was proposed to deal with them in a very summary manner, and no opportunity was to be afforded to them of stating their case fully and fairly. With respect to Dover he differed from the right hon. Gentleman in thinking that the inner harbour was now of comparatively little importance. He believed it could be shown on the best engineering authority that it was of the greatest possible use, and would continue to be so. As for Ramsgate, he was not prepared to admit that it was right or fair that the people of that town should be taxed in respect of their consumption of coals to keep up a harbour of refuge for the benefit of the shipping at the Downs. But all he asked on their part was that their case might be fairly investigated by the House.

Mr. RICE said, he did not wish or intend to offer any opposition to the intro-

duction or the progress of this Bill. The time had arrived when the question of these passing tolls ought to be settled; and, as far as Dover was concerned, he regarded the proposal of the Vice President of the Board of Trade, assuming it to be the same as that of last year, as a fair and equitable arrangement.

Mr. VANCE said, he had an analogous claim to make on behalf of Dublin. There was a sum of 6*d.* charged on vessels going into the port of Dublin, and 2*s.* 6*d.* for the entrance of each vessel passing into Kingstown harbour. That harbour was completed, and the people of Dublin said that these tolls should no longer be charged. The Commissioners appointed by Her Majesty strongly recommended that these tolls should be abolished, and he therefore hoped that a clause would be inserted in the Bill for that purpose.

Mr. M'CANN urged that, if the harbours which had been enumerated by the right hon. Gentleman were to receive any benefit from the Consolidated Fund, the harbours of Ireland should not be forgotten.

Mr. LINDSAY thanked his right hon. Friend for having introduced the Bill thus early in the Session, because it was high time that passing tolls should be abolished. As an instance of the oppressive nature of this tax, he stated that the single port of Sunderland paid £1,300 a year to Whitby harbour, and that ships from the north of England which were bound to the Baltic, and did not pass Whitby at all, were compelled to pay it.

Mr. JAMES MACGREGOR asked what was intended to be done with respect to Sandwich harbour? A great injury had been inflicted upon that harbour by the construction of Ramsgate harbour, and as that was anticipated beforehand, the Act for the construction of Ramsgate harbour which passed in 1747 contained a clause ordering the Commissioners of Ramsgate harbour to pay £200 per annum in addition to a clause authorising them to pay £10,000 to the Commissioners of Sandwich harbour, and the payment of £200 per annum had been made from 1847 to the present time. In 1847 an Act passed authorising the Commissioners of Sandwich harbour to raise £4,000 for the purposes of the harbour, on the security of the annuity for its repayment. He wished to know whether the annuity would be continued.

Mr. LOWE said that Sandwich harbour

was not in any respect a harbour of refuge, and that it was therefore not entitled to any portion of the passing tolls. He apprehended that the rate levied at Dublin was not strictly in the nature of a passing toll.

VISCOUNT GALWAY said, that he had no particular concern in this matter himself, nor had he been able to gather much of the nature of the Bill, owing to the rapid delivery of the right hon. Gentleman who had introduced it. He would recommend hon. Members, however, to take care of their own interests, because the right hon. Gentleman had publicly stated last year that he had no respect for parchment titles.

MR. BRAMLEY-MOORE was of opinion that the passing tolls which it was proposed to abolish were no hardship upon the shipowner, seeing that they were paid by the consignee, and that they eventually fell upon the consumer.

MR. INGHAM took a different view, and urged that now, when the competition between the railway and shipping interests was so great, every tax which operated to the prejudice of the latter should be removed.

MR. JAMES MACGREGOR complained of the gross injustice which the right hon. Gentleman proposed to inflict upon his constituents. No one ever supposed for a moment that Sandwich was a harbour of refuge; but it had been injured by the construction of Ramsgate harbour, and under the authority of an Act of Parliament which sanctioned the mortgage of the annuity of £200 to raise £4,000. Money had been borrowed and was now due to the public—the security for this money the right hon. Gentleman proposed to withdraw. The right hon. Gentleman now told them that passing tolls would cease, and that the £200 a year was to cease also; but he had not told them that he pounced upon a large sum of money now in the hands of the commissioners of Ramsgate, which they held subject to the equitable claim of Sandwich harbour. He was confident that Parliament would not allow such an injustice to be perpetrated.

MR. LOWE said, that the subject referred to by the hon. Gentleman would be more appropriately discussed at a subsequent stage of the Bill. There was, however, one observation which had been made by a noble Lord opposite (Viscount Galway), which appeared to have been intended to be offensive to himself, to which he wished to refer; for if he were to be cen-

sured let it be for what he had, and not for what he had not said. He had not, as the noble Lord had represented, spoken slightly of titles derived from parchments; but, in the speech to which the noble Lord had referred, what he had said was that persons who derived a title by an Act of Parliament, meaning the Act of 1835, had no occasion to go to parchment for a title. He believed the expression “musty parchments” was complained of; but all that he had meant was that persons who had a claim under an Act of Parliament had no occasion for parchment titles.

VISCOUNT GALWAY had not intended his observation to be offensive to the right hon. Gentleman; but, holding the position which the right hon. Gentleman held, it was especially incumbent on him, in introducing matters of importance to the House, to be very guarded in the expressions he made use of. He could only say that titles on parchment, whether musty or of only fifty years’ date, would be viewed with consideration as long as law prevailed in this country.

Resolved, That the Chairman be directed to move the House, That leave be given to bring in a Bill for the abolition of Passing Tolls.

The House resumed. Resolution *reported*, and Bill *ordered* to be brought in by Mr. FITZROY, Mr. LOWE, and Viscount PALMERSTON.

Bill brought in, and read 1^o.

The House adjourned at Twelve o’clock till Monday next.

HOUSE OF LORDS,

Monday, February 9, 1857.

MINUTE.] PUBLIC BILL.—1^a Vexatious Litigation Prevention.

THE INCUMBERED ESTATES COURT (IRELAND).

APPOINTMENT OF NEW COMMISSIONER.

LORD BELPER having presented a petition from Robert Hulton, of Putney Park, complaining of delays in the Incumbered Estates Court (Ireland), and praying for measures to remove the cause thereof;

THE LORD CHANCELLOR said, he would take that opportunity of stating that the Government had had their attention called very recently to the state of that Court. The Government had hoped that

two Commissioners might be sufficient to transact the business of the Court; but from representations recently made to them they had come to the conclusion that, whatever might be done eventually, there must be a successor appointed for the present to the office vacated by Baron Richards, in order to wind up the business of which he had charge when he retired from the Court.

VEXATIOUS LITIGATION PREVENTION BILL.

BILL PRESENTED. FIRST READING.

LORD BROUGHAM, in presenting a Bill for giving a remedy against frivolous and vexatious law proceedings, said, their Lordships would be well aware that he should again, as he had done repeatedly—and, he grieved to say, without any success—make another attempt to recommend to their adoption that which in other countries had been found so beneficial and so effectual in preventing unnecessary litigation—he meant the system of courts of reconciliation. He knew that on that subject he had the misfortune not to have entirely on his side his noble and learned Friend on the Woolsack. The Bill he was now about to introduce beside the provisions for the establishment of courts of reconciliation, such as he had twice before laid before the House, the enabling parties to go before the Judge without any legal advisers, state their case, and hear his opinion, it had now added a provision of great importance, on which he ventured to hope there would be no difference of opinion, as its absolute necessity could not for one moment be questioned—namely, to prevent, if that were possible, but at all events to mitigate, that most grievous abuse by which, as the law now stood, any person, not having a farthing in the world to pay in case he was defeated, might bring an action of the most frivolous and vexatious nature against any other person, and put him to the expense of £200 or £300; and by which, in the event of a verdict being found for the defendant, its effect was entirely destroyed and the defendant left utterly remediless, by the plaintiff taking the benefit of the Insolvent Act. He found from inquiry of the learned Insolvent Commissioners, whom he had seen within the last twenty-four hours, that the course of the court there, under strict construction of the Act of Parliament, prevented them taking into consideration the offence of a plaintiff

in having brought a frivolous and vexatious action, and only left them at liberty to consider the opposite case of a frivolous and vexatious defence. His noble and learned Friend, the Lord Chief Justice, had he been at that moment in the House, would have recollected a case which happened in their early days in the Court of King's Bench. On that occasion a learned counsel, at the very head of his profession, who held a brief for the plaintiff, did what was called opening a nonsuit, for so it plainly proved. He made a statement containing a flagrant attack on the character of the defendant. When the moment arrived for calling his witnesses, and one had been examined, Lord Ellenborough asked if he could carry the case no further; whereupon he turned towards his junior and his attorney in a mock consultation, and then turning towards the Court, said he was afraid he could not carry the case further. Lord Ellenborough, the Judge, took occasion to remark on what he considered the culpable conduct of the learned counsel in lending himself to the plaintiff or his attorney who were trying an action with so disgraceful an object; but the plaintiff accomplished his object nevertheless, for it was not in the power of the Court to prevent that; the defendant's counsel was left without the opportunity of urging one word in defence of his client; the speech of the counsel for the plaintiff, containing the most bitter attack against a mercantile man's character, went forth throughout the country on the wings of the press, without the possibility of a remedy, for the report, which was held to be a perfectly fair one of what had taken place on the trial, came not within the operation of the law of libel, indeed it could not be prevented even by the restriction sometimes suffered to exist as to *ex parte* proceedings, for this was not such. Now, in the case referred to, the defendant not only had his character slandered, but probably obtained no costs for the plaintiff. The measure he was about to recommend proposed to remedy the evil which he had briefly described. In addition to the provisions for reconciliation, which he took from his rejected Bill of 1851—rejected by their Lordships—he had included clauses with the view of giving a remedy against actions of that description. Great care ought to be taken not to obstruct the access of the poor man to courts of justice, and therefore he gave a discretionary power to Judges

—to those of the County Courts as well as to those in the superior courts—upon hearing the parties—regard being had to the nature of the action and also to the circumstances of the plaintiff—to make, if they thought fit, an order staying proceedings until security were found for the costs. As the law now stood, such a power hardly existed. A man might be a bankrupt, and not worth a farthing, and, whether he brought his action for either his own benefit or that of his assignees, certifying when it is brought for his own benefit, the practice of the Court now was in no event to call upon him to find security. At present the practice was to stay proceedings only in the case of the plaintiff being abroad, or being about to quit the country. In general, Bills were presented to their Lordships without any statement of the purport, a first reading being always given as a matter of course by the courtesy of the House. But he had deviated repeatedly from this practice in presenting to their Lordships Bills for the amendment of the law, because it was highly expedient that their object should go forth to the profession and the public, in order to its being well considered by those whom it concerned before proceeding farther in their Lordships' House. He took this course on the present occasion. The proposed system of reconciliation, he was convinced, would have a most beneficial effect, if carried one step farther, in relieving the community from the great grievances which formed a large part of the subject matters of deliberation brought before the recent Mercantile Law Conference, over which he had had the honour to preside. There was no one subject on which that Conference—including as it did delegates from all the great towns of England and Scotland as well as those representing the metropolis—was more completely agreed than in complaining of the evils from which mercantile men were now suffering, than the lack of proper tribunals before which their causes might be speedily decided. Liverpool with 400,000 inhabitants and millions of capital in trade, and constant disputes arising out of the transactions, had no facility whatever in bringing such disputes to trial and settlement. Five circuits only in the year brought the Judges to that neighbourhood. But making the circuits of the Judges more frequent would not remedy all the evil; what was wanted was the establishment of local tribunals, in which mercantile or profes-

sional men should act as assessors to the Judge. If this local jurisdiction with such addition were given to the great towns, it would give that kind of satisfaction which those desired, who were the most anxious for the establishment of tribunals of commerce, such as were found beneficial in other countries. He did not call upon their Lordships to adopt the measures proposed by these great mercantile bodies who were represented at the Conference, even when all of them were agreed in the proposition. But on one thing their authority must needs be decisive, he might say decisive without appeal—he meant the existence of the evil. For they were those on whom the defects of the law pressed, those who experienced its mischiefs. His Lordship then *moved* that his Bill—a Bill to prevent vexatious litigation—he now read a first time.

Motion agreed to.

Bill read 1^a.

THE WAR WITH CHINA—REGISTRATION OF COLONIAL SHIPS—QUESTION.

THE TREATY OF PARIS—UNION OF THE PRINCIPALITIES—QUESTION.

LORD LYNDHURST: I wish to ask my noble Friend the Secretary of State for Foreign Affairs, whether he has any objection to lay upon the table of the House a copy of the colonial ordinance under which registers are granted to vessels by our authorities at Hong Kong; and I wish further to ask whether he will lay upon the table of the House a copy (if he has a copy) of the register which was actually granted to the ship *Arrow*? I have another question which I wish also to put to my noble Friend, of which I have given him notice, relating to a very different subject, and I am desirous of putting it at once in order to save him the trouble of rising a second time. My noble Friend has no doubt read an article which appeared in the *Moniteur* a few days ago, and (as I anticipate) has read it with some degree of surprise. I refer to an article which has certainly created a very strong impression on the Continent, and the more so as it appears that certain well-known individuals, Prince Stirbey, Bibesco, Soutza, and a young prince connected with the two Imperial families of Russia and France, whose name I do not know, are either now in Paris or have recently been there, and have not been altogether idle in that very intriguing city. The article to which I refer states that the Emperor from the

very first was desirous of procuring the union of the two Principalities; that every circumstance which has since occurred has confirmed him in that opinion; and it farther states that he anticipates that the other Powers who at present seem adverse to these views will ultimately adopt them. The writer also suggests, though he does not state it in very distinct terms, that the subject of the union of the two Principalities will be submitted to the consideration of the assemblies which are to meet under the firman of the Porte. I understand, however, my Lords, and I have understood it all along, that both Turkey and, I think, Austria have taken a different view of the subject, and are very reluctant to allow that question to come before the assemblies to which I have referred. Now, this is a question of very great importance; because the Principalities are the barriers to which Turkey looks as a defence in future against Austria on the one side, and Russia on the other; and if these Principalities are to be united in one empire, and a foreign prince is to be placed at the head of that kingdom, subject to the influence of other States, particularly that of Russia—if at one extremity of Turkey in Europe we are to see a kingdom influenced by Russia, and another kingdom at the other extremity, namely, the kingdom of Greece, influenced by the same Power—such a state of things may produce very great danger to Turkey, and would certainly excite great alarm on the part of the Turkish Government. The question I have to put to my noble Friend is this:—Whether it is intended that the assemblies which are to meet in the two Principalities under the firman of the Porte shall take into consideration and report upon the propriety of uniting the two Principalities; or whether that question is to be referred exclusively to the consideration of the Representatives of the great Powers at a future Conference to be held at Paris?

THE EARL OF CLARENDON: With respect to the first question that has been addressed to me by my noble and learned Friend, I have to say that there can be no objection to lay upon the table the colonial ordinances under which the registers are issued in China. I do not, however, apprehend that the register furnished to the *Arrow* can be produced, because I do not believe it has been the custom to send home copies of registers given to such vessels. They are given in great numbers, and it would obviously hardly be worth while to transmit them to this country. I

will, however, inquire; and if the formal register granted in the case of the *Arrow* be forthcoming, it shall be laid upon the table. With respect to the other question put to me by my noble and learned Friend, I certainly did read the article in the *Moniteur* referred to by him, and (as he supposes) read it with some surprise. My Lords, I will confine myself, on the present occasion, to answering the question of my noble and learned Friend. There is no bar put to the discussion of the question of the union of the Principalities, or of any other question arising out of the Treaty of Paris, by the firman which has been lately issued. That has been a faithful compliance with the intentions of the Conference of Paris. They declared—and this was accepted by the Turkish Plenipotentiaries—that the people of the Principalities should be free to discuss any subject connected with the form of government to be adopted there; consequently, my Lords, the firman can not restrict the *divans* assembled under it from entertaining the subject. But, at the same time, the assumption certainly was that no determination would be come to or recommendation made by these *divans* that would interfere with the suzerainty of the Porte, or compel it to exercise that power in any way which would compromise the safety and integrity of the Turkish Empire. At the present moment I shall refrain from entering into any discussion on the subject, or from saying how far I agree in the opinions expressed by my noble and learned Friend; I do so, because there was an understanding come to between the representatives of the great Powers at the Conference of Paris, that until the *divans* had met, until the people of the Principalities had been consulted, until the report of the Commissioners had been received, and the Conference had met to consider it, no one of those Powers would do anything to influence opinion in the Principalities, or elsewhere upon that particular question. I think, therefore, I am only fulfilling that engagement, so far as Her Majesty's Government is concerned, if at the present moment I abstain from discussing the subject.

THE EARL OF DERBY: I wish to recur to the first question put by my noble and learned Friend, relating to the Chinese papers, and to ask whether the noble Earl will have any objection to add to those papers some documents which appear of importance in elucidating the subsequent part of these transactions? The question

of the *Arrow* and of the reparation required for the seizure of that vessel forms one part of the difficulty in which we are now involved. In the course of the correspondence which has been published, however, the main difficulty seems to turn upon a point of a very different character, which I cannot help thinking the Superintendent at Canton has rather sought for a pretext to introduce as between the two countries. I refer to his demand for the free admission of British subjects into Canton. It is quite evident that that is made the real subject of contention, and upon that subject the information afforded in the published correspondence is somewhat unsatisfactory. Will the noble Earl lay upon the table a copy of the communications which passed between Sir John Bowring and the Chinese Government in 1854 and 1855, and which do not appear in the papers already printed; and also any instructions issued to the Superintendent by the Home Government since 1849 connected with the pressing of the English claim under the treaty to admission into Canton? There must have been some correspondence on that subject since 1849, and it is important, for ascertaining the merits of the question, and for deciding upon whom the responsibility rests, that we should see this correspondence.

THE EARL OF CLARENDON: There can be no objection to lay upon the table the papers referred to by the noble Earl, and I may say that there is no intention on the part of the Government to withhold the fullest information which can be given upon this subject. If I understand the noble Earl rightly, the papers he wishes to have comprise any instructions issued since 1849 as to the necessity of insisting upon the fulfilment of that portion of the treaty which stipulates for our entry into Canton. As I said before, there can be no objection to furnish these papers. It is unfair to attribute to Sir John Bowring the motives which the noble Earl has attributed to him; for, no doubt, the present quarrel arose exclusively out of the affair of the *Arrow*, although that quarrel has been at the same time rendered more general in consequence of the difficulties made in communicating with the Chinese authorities at Canton.

THE EARL OF DERBY: I think that at a future period I shall be able to show that obtaining admission into Canton has for a long time been a prominent object in the mind of Sir John Bowring, and that he

The Earl of Derby

has only waited for a favourable opportunity to effect that object.

LORD LYNTHURST said, that the noble Earl (the Earl of Clarendon) had on a previous occasion referred to the opinions of the law officers of the Crown, as to the validity of the registers to which reference has been made,—would he have any objection to lay those opinions on the table of the House?

THE EARL OF CLARENDON said, that the experience of the noble and learned Lord would undoubtedly tell him that it would be unprecedented to lay before their Lordships the opinions of the law officers of the Crown.

LORD BROUGHAM said, he was aware that such a course was not usual; but he had once and again, after a refusal to produce such papers, seen them laid on their Lordships' table.

LORD LYNTHURST admitted that it was not the ordinary course; but the noble Earl had placed himself out of the ordinary course by referring, in the course of discussion, to those opinions, and he hoped, therefore, that he would lay them before their Lordships.

EARL GREY conceived that there was a difference between a formal Report of the law officers of the Crown on which a colonial ordinance obtained the confirmation of Her Majesty, and an ordinary opinion expressed by them in discharge of their duties; and there might be strong reasons for the production of a Report on which a colonial ordinance was confirmed. He hoped that the noble Earl would include an extract from the despatch of 1847, to which he had referred on a previous occasion, prohibiting offensive measures against the Chinese without express orders from the Home Government.

THE EARL OF CLARENDON said, that that despatch would be produced, together with two or three other despatches upon which it was founded.

THE EARL OF ELLENBOROUGH said, that their Lordships already knew substantially what was the opinion of the law officers of the Crown, and he had little curiosity as to the precise words in which that opinion was conveyed. He did, however, feel great curiosity to see what were the precise terms of the case laid before them; because, in the letter to the Imperial Commissioner Yeh, Mr. Consul Parkes did not state the case truly according to the facts which appeared on the face of the papers laid before the House.

THE EARL OF CLARENDON said, that no particular case had been laid before the law officers of the Crown, but they had been placed in possession of all the information which the Government had upon the subject.

THE EARL OF DERBY asked whether the question of the validity of the Colonial Ordinance had been laid before them?

THE EARL OF CLARENDON replied in the negative. The question upon which their opinion had been sought was confined to the case of the *Arrow*.

THE EARL OF ELLENBOROUGH said, that there was one letter about which he felt considerable curiosity, and from which he hoped the noble Earl would lay a longer extract before their Lordships, if he did not produce it *in extenso*. It was the letter in which the noble Earl, in certain terms, expressed his approval of the conduct of the Consul, the Superintendent, and the Admiral. In the papers before the House there were only about half a dozen lines from that letter. The letter was one in which the noble Earl acknowledged the receipt of the despatch of Sir John Bowring, and he believed was on page 105. He did not expect the noble Earl to produce any instructions which he might have sent for future operations, but he thought that he might produce with safety all that part of the letter which referred to past transactions.

THE EARL OF CLARENDON said, he had no objection to produce any part of what he had written.

LORD LYNDHURST said, that unless the noble Earl produced the case, together with the opinions of the law officers of the Crown, he should attach very little weight to those opinions in any future discussion which might take place upon the subject.

DISTURBANCES IN LONGFORD.

10. 3.—RETURNS MOVED FOR.

THE EARL OF LEITRIM, referring to a continued state of disorder which had existed in the county of Longford, moved Addresses for the following Returns:—Copy of the reports made within the last six months by the police stationed in the county of Longford relative to considerable numbers of men marching at night in that county; Copy of a letter addressed by the Earl of Leitrim on the 20th of December, 1856, to Sir Duncan MacGregor, the Inspector General of Police in Ireland, requesting information with respect to the marching of men so reported, and the cor-

respondence in reply to that letter; Copy of the recommendation upon which Mr. Evers had been appointed to the commission of the peace in the county of Leitrim, a statement of his qualification, and the correspondence relative to his appointment; and Copy of a letter addressed by the Earl of Leitrim to the Earl of Carlisle, the Lord Lieutenant of Ireland, on the 18th of October, 1856, complaining of the conduct of Mr. Dennehy, stipendiary magistrate, and the subsequent correspondence with reference thereto. The noble Earl asked whether the Government proposed to take any and what measures for the protection of Her Majesty's peaceful subjects in Ireland from the violence and intimidation of lawless mobs?

EARL GRANVILLE said, the Government could not consent to grant the first and third of the Returns moved for by the noble Earl; but to the second and fourth there would be no objection. As to the measures to be adopted by the Irish Government, he could only express a hope that they would persevere in those measures which had been so successful in improving the condition and advancing the prosperity of Ireland; for, according to the unanimous reports of all, nothing could be more satisfactory than the prosperous and orderly state of that country.

THE EARL OF CLANCARTY remarked that the Lord Chancellor usually nominated magistrates on the recommendation of the lord lieutenant of the county, and if the usual course had been departed from in the case of Mr. Evers, he thought the noble Earl was justified in asking for some explanation.

THE LORD CHANCELLOR explained that all the appointments of magistrates were on the responsibility of the Lord Chancellor, whether a recommendation came from the lord lieutenant of the county or not.

First and third Motions *resolved* in the *Negative*; second and fourth *agreed to*.

COMMUNICATION WITH IRELAND— QUESTION.

VISCOUNT DUNGANNON asked the Postmaster General whether any arrangement had been come to by Her Majesty's Government relative to the steam-packet communication between Holyhead and Kingstown, what was the nature of such arrangement, and when likely to be carried into effect. He had brought the subject before the House on more than one occa-

sion in the last Session of Parliament, and at the close of the Session the noble Duke (the Duke of Argyll) had held out hope that some definite arrangement would be come to with the Dublin Steam Packet Company. But he (Viscount Dungannon) was subsequently informed that these negotiations had been broken off in consequence of the noble Duke insisting on the journey from Euston-square to Dublin being made in eleven hours, irrespective of the state of the wind or of the weather. He understood that an agreement had been recently signed, by which the steam-packet company were to build a larger class of vessels for the traffic from Holyhead to Dublin. At present the accommodation was by no means satisfactory; neither was the speed. He hoped the noble Duke would be able to give a satisfactory answer on the subject, as it was his (Viscount Dungannon's) intention to bring the matter to an issue in the course of this Session.

THE DUKE OF ARGYLL said, he was glad of an opportunity of explaining the position of the question as far as the Post Office was concerned. The noble Viscount had referred exclusively to the accommodation of passengers; but, however important passenger accommodation might be, that was not exactly the question for the consideration of the Post Office. It was his (the Duke of Argyll's) duty to guard the interests of the public of this country and Ireland as respected the transmission of the mails. The noble Marquess (the Marquess of Clanricarde) had suggested, last Session, that the question was not a postal question; but all he (the Duke of Argyll) could say was, that if the noble Marquess could devise any scheme for the purpose of increasing the passenger accommodation without impairing the service of the Post Office, he should only be too happy to adopt it. The noble Marquess, however, would find, that though Parliament had made it a point to facilitate the intercourse between England and Ireland by encouraging the passenger traffic, the main ground for large grants of the public money was always the transmission of the mails. In 1853 the Committee of the House of Commons which sat on the subject had treated the question throughout as a question of postal accommodation, the passenger accommodation being treated as secondary. The result of the inquiries of the Committee was, that, after examining many persons connected with the steam-packet companies in England and Ireland, and some of the

Viscount Dungannon

most competent officers connected with the great English railway companies, they arrived at the conclusion that the communication from this side—that was, from London to Dublin—might be easily reduced to about eleven hours; and if the noble Viscount would peruse the evidence he would agree with him (the Duke of Argyll) that the Committee were fully justified in coming to that conclusion. Amongst the witnesses was Captain Huish, the manager of the London and North-Western Railway, who had spent considerable time in Ireland, making inquiries upon the subject, and who put in a detailed plan that the united companies were prepared to act upon for completing the communication between London and Dublin, not in eleven hours, but in ten hours and forty-one minutes. Soon after the Committee sat, negotiations were opened between the companies concerned and the Government. But in order to explain the difficulties that had arisen, he must first explain the existing arrangements. At the present moment there were now two mails daily from London to Dublin, one leaving at 5.0 in the afternoon, and the other within four hours after—at 8.45. Of course the interval between the two mails would appear to be an unnecessarily short one, and it was perhaps natural to suppose that almost any arrangement which would provide one morning and one night mail would be an improvement both for postal and passenger communication. Accordingly all the plans which had been suggested, and which were founded upon the report of the Committee, had involved this consequence, that the present 5.0 mail should be abandoned, but the 8.45 p.m. mail retained, and that for the 5.0 mail a new morning mail should be substituted to reach Dublin the same night. But observe the consequences which would result to the Post Office from the adoption of such a scheme. At present the 5.0 mail from London carried the letters to Dublin sufficiently early for the next morning's delivery and transmission into the Irish provinces by the morning mails, and if they gave up that mail they would have to insist upon it that its functions should be performed by the 8.45 mail. They could not do without it. The postal service of Ireland would not only receive no acceleration, but be immensely damaged by the plan unless those conditions were fulfilled. On the other hand, if a morning mail were established, it must reach Dublin in sufficient time for

the evening delivery and the transmission of the letters to the provinces by the evening mails. These were conditions which were essential for the efficiency of the postal service between this country and Ireland; but the companies had not hitherto assented to a plan by which these conditions should be fulfilled, and it was a fact that if, from any circumstances, the mails were thrown out, the people of Belfast, of Galway, and other distant parts of Ireland would not only receive no advantage from the system, but be materially injured; in short, that the commercial advices from Liverpool and the West of England—say, for Belfast—would be thrown out from twelve to twenty hours. This being so, he (the Duke of Argyll) thought he was acting not only in the interest of the department in London, but in the interest of the Irish people themselves and of the commercial public in the great cities of Ireland, when he insisted that the conditions of the postal service should be such as to secure a regularity of communication as good, at least, as that which at present existed. He could assure their Lordships that there was no blame attributable to the Post Office here, although he had been informed that the Irish people were under the impression that, but for the Post Office, some great national good would be conferred, and that conditions were insisted upon which were unreasonable and unnecessary, and having reference solely to the departmental convenience of the Post Office in London. He wished to explain, however, that in insisting upon the conditions referred to, the Post Office was really guarding the interests of the Irish public themselves, and not by any means exclusively the interests of the department in London. The duty imposed upon him was to point out the conditions which were deemed to be essential for preserving the efficiency of the Irish mail communication, and also to see that those conditions were complied with. As to the class of steam vessels employed, and the rate at which they performed the passage across St. George's Channel—by the evidence given before the Committee it appeared that during a period of three years the *Banshee* had performed the passage in tolerably smooth water at the rate of eighteen miles an hour, and that her average speed was $16\frac{3}{4}$ miles an hour. If larger and more powerful vessels were employed, perhaps the passage by sea might be accomplished in as short a time as three

hours and a quarter. In conclusion, he begged to assure noble Lords connected with Ireland that he was as anxious as they to have such conditions complied with as would secure alike a better postal service and a better passenger communication between the two countries.

THE MARQUESS OF CLANRICARDE said, that the passenger communication between England and Ireland was at the present moment disgraceful, though he believed the House of Commons would not grudge a liberal sum in order to place it upon a decent footing. He viewed with some alarm, however, these propositions for attaining such enormous rates of speed. In binding down the proprietors of steam boats to perform the passage at a high rate of speed it was necessary to bear in mind that such things as fogs and thick weather had to be encountered; and if they were compelled to drive the steamers at the rate of eighteen miles an hour, they would not be able to stop them within a mile or three-quarters of a mile from the moment of reversing the engines. Thus they would risk life and property to a fearful extent by insisting on a speed being maintained to perform that which was certainly a wonderful Post-office service. Of course, it was only with the postal service that his noble Friend had to deal; but the efficiency and safety of the passenger communication were matters which did not the less demand the care and attention of the Government of which the noble Duke was a member.

VISCOUNT DUNGANNON expressed himself satisfied with the answer of the noble Duke, as well as with the turn the debate upon the subject had taken; but he still hoped some measure would be adopted for affording considerably increased convenience to the passenger traffic between this country and Ireland.

THE CHARITY COMMISSION— QUESTION.

EARL POWIS wished to ask the Lord Privy Seal what course it was intended to take as to the committal of Bills confirming schemes of the Charity Commissioners? The subject was one of considerable importance, as there was no doubt that within two or three years some cases connected with charities would be brought before Parliament, and the course adopted in future by the Charity Commissioners would be very much guided by that adopted by Parliament. In consequence of the

changes which had taken place in modern society, it was necessary to modify the constitution of many charitable institutions, to suit them to the requirements of the times (especially such as were lay-ecclesiastical foundations), without deviating any more than was absolutely necessary from the wishes of the founders, and it was necessary that the Commissioners employed to devise schemes for carrying that object into effect should have a clear course of action open before them. He would himself suggest that they should be all referred to some one Select Committee.

THE EARL OF HARROWBY said, that the noble Earl's suggestion was a very good one, but he thought it would hardly meet the evil. He thought, himself, it might be desirable for the schemes of the Commissioners to be laid upon the tables of both Houses of Parliament before they were adopted; but that the matter was one which should not be dealt with without mature consideration.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 9, 1857.

MINUTES.] PUBLIC BILLS.—1° Burial of the Dead within the City and Liberties of London; Reformatory Schools; Transportation and Penal Servitude; Commons Inclosure.

CHURCH RATES—QUESTION.

SIR JOHN PAKINGTON said, he wished to inquire of the right hon. Baronet the Secretary for the Home Department, whether it was the intention of the Government to introduce a Bill of their own this year upon the subject of church rates; and if not, whether they meant to take the course which they had last year adopted, in simply moving Amendments upon the Bill of the hon. Member for the Tower Hamlets?

SIR GEORGE GREY said, he could not answer the latter question of the right hon. Gentleman until the measure of the hon. Member for the Tower Hamlets came before the House. In reply to the former, he had to state, that if the prospect of having sufficient time to deal with the matter had presented itself, he should have been prepared upon the part of the Government to introduce a Bill in relation to church rates founded upon the principle of the Amendments which he had moved last Session, and to which the right hon. Ba-

Earl Powis

ronet had just referred. In consequence, however, of the great amount of business which was likely to come under the consideration of the House, he should not introduce any such measure during the present Session.

PUBLIC BUSINESS—THE BUDGET.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I promised my right hon. Friend the Member for Manchester (Mr. M. Gibson), that I would to-day state the course which the Government proposed to take with respect to the consideration of the Estimates, and the making the annual financial statement. My right hon. Friend the First Lord of the Admiralty will, I believe, lay upon the table of the House to-morrow the Navy Estimates, and they will be distributed among hon. Members in a complete printed form on Wednesday. I believe the Army Estimates also will be laid upon the table of the House on that day, and that upon Thursday or Friday morning—if not a complete form—at all events an abstract of the principal items will be placed in the hands of hon. Members generally. Now, I collected from what passed on a previous evening, that it was the wish of the House that the annual financial statement should be made before these Estimates had been taken into consideration, and under the circumstances I should propose to fix Friday next for making that statement.

INCUMBERED ESTATES COURT (IRELAND)—QUESTION.

COLONEL GREVILLE said, he would beg to ask the right hon. Gentleman the Chief Secretary for Ireland whether any Report had been received by the Government as to the state of business in the Incumbered Estates Court, and whether it was the intention of the Government to make any increase in its Judicial Staff to assist in the despatch of public business?

MR. HORSMAN said, the Government had received very strong representations from the two Commissioners who now presided in the Incumbered Estates Court, as to the very great inconvenience which arose from the attempt to carry on the business of the Court with only two Judges. When the subject had been under discussion last Session, his (Mr. Horsman's) noble Friend at the head of the Government, in compliance with the wish which had been expressed upon both sides of the House, had consented that Baron Richards should no-

longer sit as one of the Commissioners, and that the experiment of leaving the business of the Court to be transacted by his two Colleagues should be made. That experiment had been made—certainly but for a brief period—but the time was of sufficient duration to show that the evils resulting from it had imperilled the very existence of the Court. The Government had, therefore, come to the determination to appoint a third Commissioner, and, if necessary, so to strengthen the staff of the Court as to wipe off the great amount of arrears which at present existed.

CRIMINAL LUNATICS—QUESTION.

MR. FLOYER said, he would beg to ask the Secretary of State for the Home Department whether it was his intention to take any steps, during the present Session of Parliament, to make adequate provision for the maintenance and care of Criminal Lunatics?

SIR GEORGE GREY said, that steps had already been taken with that view, in accordance with the intimation which had been last year given by the Government upon the subject. Inquiry had been instituted with respect to a site for a building in which criminal lunatics might be lodged, and the expense which would be attendant upon the erection and support of such an establishment; but the investigation into those matters had not yet been completed. He hoped, however, the Report would be ready before the close of the Session.

QUEEN'S COLLEGES (IRELAND)—

Business and QUESTION.

MR. GROGAN said, he wished to inquire of the right hon. Gentleman the Chief Secretary for Ireland why the Reports of the Presidents of the Queen's Colleges in Cork, Belfast, and Galway, for the years 1854, 1855, and 1856, had not been laid before Parliament, pursuant to the provisions of the Act 8 & 9 Vict., cap. 66?

MR. HORSMAN, in reply, said, that the Reports for those years had already been received from the Colleges of Galway and Belfast. The President of the College of Cork had informed him that morning that his Report also would be ready in the course of three or four days. The reason why those Reports had not been presented annually was owing to the difference which prevailed between the Act of Parliament and the Statutes of the Colleges themselves. The Act of Parliament called

upon the President to make the Report, while the College Statutes stated that it should be made by the President and fellows. Some dispute had arisen in 1854 as to whether the President or President and fellows should make the Report, and the consequence had been, that for two years none had been made. His attention, however, having been called to the subject, he had immediately called upon the President to make the report in each case.

RAILWAY ACCIDENTS—QUESTION.

MR. BENTINCK said, he would beg to ask the right hon. Gentleman the Vice-President of the Board of Trade whether it was the intention of the Government to introduce during the present Session any Bill for the more effectual prevention of Accidents on Railways?

MR. LOWE said, he thought it might be agreeable to the House that he should, before answering the question of the hon. Gentleman, read some figures from a document which he held in his hand in reference to railway accidents. From that document he found that the number of passengers by railroad had been in the year 1852 89,000,000; that the number killed was ten, and the number injured 372. In 1853 the number of passengers had been 102,000,000; the number killed sixteen, and the number injured 280. In 1854 the number of passengers had been 114,000,000; the number killed twelve, and the number injured 331. In 1855 the number of passengers had been 118,000,000; the number killed, ten; injured, 311; while in 1856—as nearly as the estimate could be made—the number of passengers had been 125,000,000; the number of killed, 8; and the number injured, 282. It being evident from that statement that the number of killed and injured was diminishing in proportion to the increased number of travellers, Her Majesty's Government saw no necessity for introducing a Bill upon the subject.

THE WAR WITH PERSIA—QUESTION.

MR. LAYARD said, he wished to put the following question to the right hon. Gentleman the President of the Board of Control, in the absence of the First Lord of the Treasury:—Whether Feroukh Khan, the Persian Ambassador to the Emperor of the French, is now negotiating with Lord Cowley under the authority of the same full powers which he possessed when at Constantinople; and when it is

the intention of the Government to place the Papers connected with the present War with Persia on the table of the House?

MR. VERNON SMITH: Sir, Her Majesty's Government have every reason to believe that the powers possessed by Feroukh Khan, in his mission to Paris, are the same which he possessed when at Constantinople, but the circumstances are somewhat different. When Feroukh Khan arrived at Constantinople, he said, that he required further instructions from his Government before he could enter into a final arrangement, and that he must therefore correspond with the Court of Teheran. He left Constantinople for Paris, charged with a special mission there, and since his arrival at Paris I understand he has received definite instructions on all points. Negotiations are now pending, which I trust will arrive at an amicable conclusion. My noble Friend at the head of the Government stated the other night that, as negotiations are pending, he thought it would be better not to produce the papers on this subject, although the original intention was to produce them. That objection still continues, and I hope that the forbearance of the House will be exercised both with regard to the papers and to any discussion of this subject. If, however, any selection from the papers can be made which may show the causes of the war without interfering with the negotiations, there will be no objection to their publication.

MR. LAYARD said, he would avail himself of the first opportunity afforded by the rules of the House to move that some of the papers be laid upon the table.

MR. GLADSTONE: There are two papers, Sir, on which I consider it is material the House should be informed, and which fall, I think, within the right hon. Gentleman's, the President of the Board of Control, definition. One is the copy of any orders from Her Majesty's Government under which the expedition sailed for the Persian Gulf, and the second the copy of the correspondence between the Directors of the East India Company and the Government as to the mode in which the charges of the war are to be borne.

SIR HENRY WILLOUGHBY said, he wished to know whether there would be any objection to include a copy of the Treaty of Herat made in 1853?

MR. VERNON SMITH: There can be no objection to that, and it is intended to include it in the selection.

Mr. Layard

WESTMINSTER BRIDGE AND THE NEW GOVERNMENT OFFICES—QUESTION.

MR. LOCKE said, he rose to ask a question, of which he had given notice, relative to the condition of Westminster Bridge and the intentions of the Government thereupon. He would first remind the House that authority had been given for the construction of a new bridge, that contracts had been entered into, and a large sum had been expended. It was then supposed that the new bridge was not safe. The works were stopped, and a Committee was appointed to consider the subject. They made a Report, but the works were still stopped. What he now wished to know was, whether the bridge was to be proceeded with upon the old or new plan, and whether it was the intention of the Government to proceed upon any plan without referring it to a Committee of that House.

SIR B. HALL said, he had observed that his hon. Friend the Member for Lambeth had given notice of his intention to ask a similar question, and he hoped to be able to give a satisfactory answer to both of these two questions. His hon. Friend (Mr. Locke) had stated very truly that the works of the New Westminster Bridge had been stopped last year for reasons which had been presented to the House in a Parliamentary paper containing a report from Messrs. Rendel and Simpson, the engineers. A Select Committee was appointed "to inquire into the proceedings which have been taken in relation to the New Westminster Bridge, and to consider the present state of that structure, and the course which should be adopted in relation thereto." The Select Committee reported on the 23rd of July; but previous to the presentation of their Report, another Committee had been sitting upon public offices, and they intimated that it would be desirable that certain improvements should be made upon the ground lying between Downing Street and Westminster Hall. The Select Committee on Westminster Bridge, in their Report, referred to that Report of the Committee on public offices, and came to the following Resolution:—

"Your Committee are of opinion that, subject to the consideration of professional advice to be obtained by the First Commissioner of Works as to the security of the old bridge, the further progress of the works of the New Westminster Bridge should remain suspended until the Government have had an opportunity of considering and deciding on the advice to be offered to Parliament

upon this last subject, when the site of the new bridge might be reconsidered in connection with any general plan of alteration and improvement of the neighbourhood, as well as the all-important subject of the headway under the bridge."

In consequence of that recommendation, the works of the new bridge were still suspended; but he had seen Mr. Page, the engineer, that day, who reported that, notwithstanding the suspension of the works, they were not endangered, and that the state of the old bridge was precisely the same as last year. After the Session, he received the sanction of the Government to draw up a specification for the improvements required in Downing Street, and these specifications contemplated a new War Office and a new Foreign Office in Downing Street; and he also received the sanction of the Government for other specifications, for a design showing by a block plan the best mode of concentrating the Government offices, on a site bounded by Downing Street, George Street, Richmond Terrace, and St. James's Palace, and for laying out that ground. In order to carry out the desire of the Westminster Bridge Committee, he inserted the following paragraph in the specifications:—

"The design is also to represent any improvements which the author may suggest in the principal approaches to the New Palace at Westminster, as well as in the communications with the Surrey side of the river Thames, especially with reference to the situation of the new Westminster Bridge, the ultimate position of which must be considered in connection with this design."

So great had been the desire of architects, engineers, and surveyors to obtain copies of the specifications that no less than 1,791 had been sent out, of that number 1,371 had been sent in reply to written or personal applications and to foreign ministers resident in London, besides 170 copies distributed through the Foreign Office, and 100 copies sent to Lord Cowley in Paris. As he should receive these designs next month, he proposed that they should be publicly exhibited in Westminster Hall after the Easter recess. The House and the public would then have an opportunity of learning the views of surveyors and engineers as to the best mode of laying out that ground, and as to the most fitting site of the new Westminster Bridge. He had therefore thought it inexpedient to ask the Government to come to any determination at present with regard to the site of the bridge until the public and the House of Commons had had an

opportunity of considering the designs of the most eminent engineers of the day. There was another subject of importance to which the Committee on Westminster Bridge had thus alluded in their Report—

"The changes that have taken place in the bed of the river and in the flow and ebbing of the tides of late years ought to have due consideration before determining the mode of construction and the headway under the bridge. The witnesses examined before your Committee differed somewhat in opinion as to the amount of any probable future change in these respects."

He thought it desirable that there should be another survey of the river Thames. There had been no survey of the river since the survey of Mr. Telford in 1826, but he had laid upon the table that evening a Report from Captain Burstall, pointing out the state of the Thames in 1826, when it was surveyed by Mr. Telford, and what it was in 1856. When hon. Members had had an opportunity of seeing what was the state of the river near the various bridges, especially near Westminster Bridge, and had examined the various designs to which he had referred, they would be better able than they were at present to make up their minds as to whether Westminster Bridge should continue where it now stood, or should be removed. If they decided that it should not be removed they would then have to say whether the bridge now being constructed should be proceeded with.

MR. W. WILLIAMS said, he wished to know whether the right hon. Baronet himself was disposed to recommend any change in the site of the bridge. He asked that question because he believed that any recommendation coming from the right hon. Baronet would stand a very considerable chance of being adopted.

SIR BENJAMIN HALL said, that design would certainly be sent in by the most eminent engineers in this kingdom, and, in all probability, by the most eminent engineers in foreign countries, in reference to the question which would be the best site for the bridge; and he therefore thought it would be very imprudent and very improper on his part to attempt to anticipate the nature of those designs.

INCUMBERED ESTATES COURT (IRELAND)—QUESTION.

MR. MACARTNEY said, he would beg to ask the right hon. and learned Attorney General for Ireland at what period of time it was communicated to the Chief Commissioner of the Incumbered Estates

Court in Ireland that his duties were to cease previous to the 1st of November last; and to the other Commissioners, that they were to undertake and dispose of all matters hitherto in said Chief Commissioner's Court from the time of his retirement?

MR. J. D. FITZGERALD said, that on the 8th of last October the Lord Lieutenant had made a communication to the Lord Chancellor for Ireland to the effect that the time had arrived at which Mr. Baron Richards ought to be released from his onerous duties in the Incumbered Estates Court, and three days afterwards the Lord Chancellor made known to Mr. Baron Richards the Resolution to which Her Majesty's Government had come upon the subject. He (Mr. J. D. FitzGerald) was not aware at what time Mr. Baron Richards who had then been the Chief Commissioner of the Court had communicated to his brother Commissioners the change which was about to take place; but that such change was to be carried into effect had become notorious so early as the month of July last. Mr. Baron Richards had been appointed by Royal warrant, and could only be removed by a similar instrument. The warrant revoking his appointment had been issued on the 1st of December, and had been communicated to the Court on the 4th of the same month.

ARCTIC EXPEDITION—QUESTION.

MR. ROEBUCK said, he wished to repeat a question which on Friday last he put to the First Lord of the Admiralty, namely, whether the Government had any intention of sending out an expedition to the Arctic Seas in search of the persons who were lost in the expedition which went out some years ago under the command of Sir John Franklin; and if so, whether it would be upon the plan which had been suggested to the Admiralty of sending a small screw steamer and a land expedition to the Great Fish River, and whether it was intended to despatch it as early as the 1st of March?

SIR CHARLES WOOD said, that the Committee which had inquired into the Army, Navy, and Ordnance Estimates had made a recommendation—a recommendation in which he himself entirely concurred—that no fresh expedition in search of Sir John Franklin and his companions should be sent out by the Government before they had submitted to the House of Commons an estimate of the cost of such an undertaking. The Government had not, how-

ever, yet proposed any such estimate, and had not even determined on proposing it, and of course they had taken no steps for forming such an expedition.

SUPPLY.

Report of the Committee of Supply brought up.

SIR HENRY WILLOUGHBY said, he wished to know whether the Chancellor of the Exchequer had any objection to lay at once before the House a Return of the Income and Expenditure of the country for the first three quarters of the present financial year, which would not end until the 31st of March next? It appeared to him that the information which must be contained in such a Return would be found extremely useful throughout the discussions that would take place immediately on the financial condition of the country?

THE CHANCELLOR OF THE EXCHEQUER said, that in the statement which it would shortly be his duty to lay before the House he would mention not only the Expenditure and Revenue of the country during the three-quarters of the financial year which had just expired, but also the Expenditure and Revenue for any portion of the current quarter that might have elapsed; while he would at the same time submit an Estimate of the Expenditure and Revenue of all that remained of the same quarter. He saw no objection to the adoption of the recommendation of the hon. Baronet, and that he was prepared to carry it into effect.

Resolution—"That a Supply be granted to Her Majesty" reported and agreed to, *Nemine Contradicente*.

TRANSPORTATION AND PENAL

SERVITUDE BILL.

LEAVE. FIRST READING.

SIR GEORGE GREY: Sir, I rise, in pursuance of the notice I have given, to move for leave to bring in a Bill to amend the Act of 16 & 17 *Vict. c. 99*, entitled "An Act to substitute in certain cases other punishment in lieu of transportation." I am well aware of the deep interest felt in this subject throughout the country, and I therefore think it my duty to avail myself of the earliest opportunity of submitting to the House the views entertained by the Government respecting it, and of stating the course they think it expedient to adopt. In considering this question, as I have done very carefully, during the recess, I have derived great and valuable assistance from the reports of

the two Committees of last Session, which contained a vast amount of evidence and information carefully collected from all sources. One of those Committees was appointed by this House to inquire into the operation of the Act of 1853, and was presided over by my right hon. Friend the Chancellor of the Duchy of Lancaster (Mr. Baines). The other was a Committee of the House of Lords, and was appointed for the same purpose. The two Committees followed different lines of inquiry, and, in so doing, they acted, as I think, very properly and usefully. They examined a great number of witnesses whose opinions are entitled to great consideration, and after having collected a vast mass of valuable and important evidence, they made recommendations to the respective Houses of Parliament, which the Government felt were entitled to very great weight. Before, however, I consider the resolutions and recommendations of either of these Committees, I think it desirable that I should shortly recall to the recollection of the House the nature of the provisions of the Act which I propose to amend. The circumstances under which the Act was passed are too fresh in the recollection of hon. Members to render it necessary for me to dwell on them at any length. It will be recollected that transportation as a secondary punishment was long in use in this country. After being resorted to for a great many years as the highest secondary punishment, it had become almost impossible to carry it into effect, owing to the closing of those avenues of transportation which had been open to this country in New South Wales and Van Diemen's Land, in consequence of the feeling which had sprung up on the subject in those colonies, though in the earlier stages of their existence, transportation had been carried on with advantage to both of them. Indeed, there is every reason to believe that the great and growing prosperity of those large colonial communities was in a great measure owing to the introduction of convicts into them in their earlier stages of existence. Those convicts supplied an amount of labour which, with the capital introduced into the colonies, laid the foundations of a greatness which it would otherwise have been found impossible to have attained; but, as in course of time the colonies received a very large number of free settlers—as the stream of emigrants flowed in from this country—as wealth and capital

increased, and as free labour found its way into and was capable of supplying this new and profitable market, and of rendering capital available in the cultivation of the land, it became, first of all, a subject of doubt and dispute in the colonies themselves whether it was desirable that transportation to them should be continued; and ultimately there grew up a very general, strong, and decided feeling, first in New South Wales and afterwards in Van Diemen's Land, that it was inexpedient that convicts should be transported any longer to either of those colonies. And the Government forming a just if not a necessary decision, under these circumstances determined that transportation should be altogether discontinued, first of all in New South Wales and afterwards in Van Diemen's Land. Such was the state of things when, in 1853, my noble Friend, now at the head of the Government, who was the Secretary of State for the Home Department, submitted to Parliament the Bill adapted to meet the exigencies of the time, which received the assent of Parliament, is the Act which I now propose to ask permission of the House to amend. The provisions of the Act are shortly these:—After reciting that, by reason of the difficulty of transporting offenders beyond the seas, it had become expedient to substitute some other punishment in lieu of transportation; it abolished sentences of transportation for less than fourteen years, and substituted in its stead certain terms of penal servitude. While it retained in the Statute-book the sentence of transportation for fourteen years and upwards, it did not require that the Judges should pass that sentence in all cases in which it would have been passed before that Act had become law; but it gave the Judges a discretion in those cases to substitute for transportation a certain term of penal servitude. The Act provided that instead of seven years of transportation there should be substituted four years of penal servitude; instead of more than seven years and not more than ten years' transportation, there should be substituted from four to six years of penal servitude; instead of more than ten years and not more than fifteen years of transportation, there should be substituted from six to eight years' penal servitude; instead of transportation for terms exceeding fifteen years, there should be substituted from six to ten years of penal servitude; and it was only in case

of transportation for life that Parliament provided a co-extensive term of penal servitude—that is to say, for life also. The Act further contained an important provision, which was not to be found in it, I believe, when it was first submitted to Parliament, but which was engrafted on it during its passage through the House of Lords—I mean the provision embodying what is popularly termed the ticket-of-leave system. By that provision it was enacted that it should be lawful to grant to any convict under sentence of transportation of penal servitude a licence to be at large within the United Kingdom, or the Channel Islands, during any period of his sentence. I have now stated the main provisions of the Act of 1853. There are other parts of that Act which deal with matters comparatively unimportant, and to which it is not therefore necessary that I should refer. Before I proceed, however, I should like for one moment to state the principle on which, as I understand the case, shorter terms of penal servitude were substituted by the Act of 1853 for the longer periods of transportation to which offenders had previously been liable. Under the system of transportation as it had been carried on for several years, prisoners sentenced to transportation were in the first instance confined in separate imprisonment for a period varying from nine months to twelve months; they were then removed to some public works in this country or in Bermuda, or in Gibraltar; and after having undergone a term of associated labour on those public works they were removed, if there were no special reason against that step, to a settlement in a penal colony, either with a ticket of leave immediately on their arrival, or with a prospect of receiving it very shortly afterwards, the time being partly determined by the period to which their sentence extended. When it became impossible to continue the practice of transporting convicts after they had been subjected to from nine months to twelve months' imprisonment in this country, and after they had undergone a certain amount of associated labour on public works, it was considered that it would be unjust to condemn them to undergo in strict confinement in this country the full term of the original sentence of transportation. Such a punishment would be much more severe, inasmuch as during the latter years of the sentence of transportation they obtained a ticket of leave, and subsequently

a conditional pardon, merely binding them not to return to this country. The terms of penal servitude, therefore, fixed by the Act as substitutes for transportation, represented about that portion of the former sentence, which under the previous system had been undergone in actual confinement of the same character as penal servitude. Having shortly stated the provisions of the Act of 1853, and the circumstances under which it was passed, I will now proceed to describe what I conceive to be the effect of that Act, and in doing so I have this advantage over the Committee of the House of Commons which last sat on this subject, that I have the experience of some eight or nine months more than they had. The immediate effect of the Act was that which was intended by Parliament—namely, a very considerable reduction in the number of sentences of transportation. That was the special object for which the Act was passed. Whether or not, the effect was not greater than was at the time anticipated or intended, is a question I do not pretend to decide. Taking the three years before the passing of the Act—the years 1850-51-52—I find that the average annual number of sentences of transportation in England during those years was 2,649. I exclude from the calculation the year 1853, which was a mixed year, it having been the year in which the Act was passed. But taking the three years 1854-55-56, since the passing of the Act, I find that the average annual number of sentences of transportation in England during each of those years was 298; while the average number of convicts annually sentenced to penal servitude during those years was 2,102, making in England a total annual average of 2,400 persons sentenced to transportation and to penal servitude since the passing of the Act. The average annual number of persons who had undergone the two sentences during those years was therefore less by 249 than the number of those who had been sentenced to transportation during the three years preceding the year 1853. But it appears from the criminal tables that the number of sentences for the higher class of imprisonments has increased of late years, and it is therefore probable that the courts of law in the exercise of their discretion have resorted more frequently during those years than they had previously done to imprisonment as a substitute for the severest form of secondary punishment. With regard to Scotland

and Ireland there are no complete returns for all the years I have mentioned, and I will therefore take the year 1852, the last year before the Act of 1853, and compare it with the year 1855. In Scotland, in 1852, the sentences of transportation were 361, and in the year 1855 they were only 53. The sentences of penal servitude in that year were 174, making, with the sentences of transportation, a total of 227, showing a diminution of 134 sentences as compared with 1852. With regard to Ireland, I think I ought to exclude that country from the present calculation, the results there being of so remarkable and exceptional a character. I willingly, however, state the figures in the case of Ireland, because they show a rapid and extraordinary diminution of crime in that portion of the United Kingdom. In the year 1850 the number of sentences of transportation in Ireland was 1,849, in 1851 it had increased to 1,978, and in 1852, the year before the Act of 1853 passed, it had decreased to 1,411; but in the year 1855, which is the last for which I have got a full return, the number was only 33; in the previous year it was 39, and I should not be surprised if the return for 1856 showed a further diminution as compared with that of 1855. We might expect that a very large number of prisoners must have been sentenced to penal servitude in lieu of transportation, so as to make the number approximate to the 1,411 sentences of transportation in the year before the Act passed; but I find that in the year 1855 there were only 485 prisoners sentenced to penal servitude, making, with the 33 sentenced to transportation, a total of only 518, which shows a difference of nearly 900 sentences of this class when compared with the year 1852. This is so remarkable a difference that I think it is owing to causes independent of the Act of 1853, and I do not rely upon it as evidencing the effect of that Act. The main feature then produced by the Act of 1853 is the decrease in the number of sentences of transportation. But in England and Scotland there has been, corresponding with the decrease in the number of sentences of transportation, a very large number, as might have been expected, sentenced to penal servitude. The average annual number of sentences of penal servitude in England and Scotland since the Act of 1853 was passed is 2,300, and of those nearly three-fourths were for four years' penal servitude in lieu of seven years'

transportation. But it must be borne in mind that simultaneously with this reduction in the number of sentences of transportation there has been an increase in the average character of the crime for which these sentences were passed. The number of prisoners sentenced to transportation during last year in England was 263, and in Scotland 53. All of these were sentenced for fourteen years at the least, and some of them were for life. These sentences were passed for very grave offences, on prisoners who had been repeatedly convicted. I will now, Sir, go back to the year 1853 and advert to the large number of convicts sentenced to transportation who were then in this country, undergoing the first portion of their punishment, and with regard to the greater part of whom it had become impossible to carry the sentence which had been passed upon them into effect. The number of convicts under sentences of transportation in England and Scotland when the Act of 1853 was passed was 9,850. Regulations were made at the time of the passing of the Act with regard to the disposal of these prisoners. They had had expectations held out to them, first of all, when they were placed in separate confinement, and afterwards when sent to Portland or Portsmouth, or any of the other places in which convicts are employed on public works, that if they conducted themselves well, according to certain tests of good conduct laid down by the authorities, and which are alone available in a prison, they would, after a certain time, be sent to some penal colony with tickets of leave, or, with the expectation of receiving a qualified discharge within a short period after their arrival in the colony. Those expectations, however, in consequence of the causes I have referred to, could no longer be fulfilled, and it therefore became necessary to consider what should be done with them. It would have been clearly unjust to have made them undergo the whole period of the sentence which had been passed upon them with an entirely different intention, and contrary to the announcement which had been made to them. It was assumed, therefore, that the only course which could be adopted with respect to the majority of such convicts as had undergone a certain period of strict confinement and imprisonment was to give them their freedom in this country; and it was to meet their case that the provision had been inserted in the Act by which,

instead of giving to these persons an unqualified discharge, as was the case under the previous system in regard to prisoners who could not be transported, and as was the case some years ago as to all prisoners sentenced to seven years' transportation, who were generally discharged after undergoing one-half of their sentence, a licence was to be given to the prisoner to be at large during good conduct, which licence was liable to be revoked at any time during the continuance of the term for which he was originally sentenced, provided he relapsed into criminal courses. The minimum term fixed by these regulations for the discharge with tickets of leave of men sentenced to seven years' transportation was three years, and of those sentenced to ten years was four years. I say the minimum term because it was distinctly understood that if a prisoner did not conduct himself well, whether in separate confinement or at the public works, he should have no claim to a discharge at the end of the three or the four years, but might be detained for a longer period. It is a remarkable fact, however, and one which shows how very imperfect is the test of good conduct as a condition of the release of the convict, that the vast majority of the prisoners discharged with tickets of leave under those regulations—and I believe the regulations have been honestly acted on by the prison authorities—have been discharged at the minimum term. But the test of good conduct in prison is necessarily imperfect. The mere fact of a man's good conduct when he is removed from the ordinary temptations of life, placed in an unnatural position, and required to conform to prison rules, to be industrious in the occupation assigned to him, and to be respectful to his superiors, affords no proof of actual improvement of character or of moral reformation; for it may be that, as soon as he is released from the restraints placed upon him while in prison, and returns to the scenes of his former temptations, he will associate with his former companions, and soon make it evident that he has undergone no change of character, and that he is still unrestrained by any moral principle from returning to a career of crime. I do not mean to say that the prison discipline never produces any good effect. I believe it is possible, I hope it is probable, and even that it often actually happens, that the habits of regularity, cleanliness, and decorum acquired in the prison, exercise a

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salutary influence on the convict's subsequent life; but until he is again subjected to temptation there is no means of determining whether his good conduct in prison was not the result of the compulsion imposed upon him, or even of his desire to obtain his freedom as soon as possible, with a view to enable him to return to his former life of crime. I wish merely to show the necessarily imperfect nature of the good-conduct test in prison, and I have no desire to depreciate the value of the endeavours very properly used for the reformation of prisoners. I have already stated that the number of convicts under sentence of transportation when the Act of 1853 passed was 9,850. Of that number 1,050 have been actually transported to Western Australia, of the remaining 8,800 not less than 7,002 have been discharged on licences up to the present time; about 1,200 have been sent to Bermuda and Gibraltar; and the total number of those who remain in this country under sentences of transportation, and who, in case of their good conduct, will receive tickets of leave in the course of the next two or three years, does not amount to 500. But I must add that the 1,200 at Bermuda and Gibraltar must come back to England and be discharged here. The number of licences which have been revoked for misconduct up to the same time is 466; but to this must be added the number of licence holders who have been reconvicted and sentenced to terms of imprisonment which exceed the margin of their original sentences, and the revocation of whose licences could therefore have no effect. The number of these is 583. In addition to these there are 95 who have been reported for misconduct, and with regard to whom proceedings are still pending. Taking these numbers altogether, we have a total of 1,144 who have been convicted of or charged with crime, or about 16 per cent. upon the whole number of persons to whom licences have been granted. Now, there has been a good deal of discussion as to the principle upon which these revocations have been directed. There have been cases in which the licences have been revoked without actual proof of guilt upon the part of the convict holding the ticket of leave, further than the information of the police or others that he was leading a dishonest life, and was the associate of thieves. The number so revoked without actual conviction is forty-one. But as a

general rule, it has been deemed expedient to act with caution in these revocations, and not to send a man back to several years of his original sentence, where no charge on oath could be preferred against him before a magistrate, and where he had not the opportunity of meeting that charge as he would have had upon a trial. In many cases where reports have been made that a man holding a licence is suspected of leading a dishonest life, although he has not been detected in any overt act, the police authorities have been instructed to warn him, to tell him that their eye was upon him, and point out the consequences of his continuing such a course of life. To revoke the licences of men on the mere assertion of the police that they were the associates of thieves, would be to put a most dangerous power in the hands of the officers, without a sufficient safeguard against its abuse. Even in some cases of summary conviction, where the offence has been extremely trivial, the licence has not been revoked, because it was thought to be a disproportionate punishment to remit a man back to prison for three, four, or it may be five years, for the commission of an offence for which a very short confinement would be ample punishment. But, generally speaking, in cases of conviction for any crime whatever, at assizes or sessions or by summary jurisdiction, the licence has been revoked. I adverted, Sir, just now to the principle on which a shorter term of penal servitude was substituted for the longer one of transportation, and, looking at that principle, and considering that persons sentenced to penal servitude had no such hopes extended to them as I have represented as having been held out to those who were in this country under sentence of transportation at the time of the passing of the Act of 1853, it has been determined that, as a general rule, no tickets of leave should be granted to such persons, but that they should be required to serve the full period of their sentences. No such licences have been granted to persons sentenced to penal servitude, except under special and exceptional circumstances, and these have amounted in number to but fifty-three. To have habitually granted these licences to such persons would have been to defeat the intention of the law, and to act in opposition to the views and intention of the Judges by whom the sentences were passed. In one instance a gentleman for whom we all have great respect, the Recorder of Birmingham, Mr.

Hill, without the slightest communication with the Government, but looking at the Act of Parliament and the debates which took place upon it, conceived the opinion that it was the intention of Parliament that two-thirds of the sentence of penal servitude should be remitted as the reward of good conduct in prison. I received from some prisoners who had been sentenced by him, petitions complaining of the severity of the sentences which had been passed upon them. These I referred, as usual, to Mr. Hill, from whom, in reply, I received a letter, stating that he never anticipated that these sentences would be fully carried into effect in all cases, and that he understood that, if the prisoners behaved well, a large portion of their sentences would be remitted; and that, if he had acted under an error, he should in these and in a great many other cases feel it his duty to submit recommendations for the mitigation of the sentences. I asked him what mitigation he thought necessary to reduce the sentence to that which, had he believed it would be fully carried out, he should have passed upon the prisoners? In reply I received from him a list of prisoners, two-thirds of whose sentences he recommended should be remitted. Under these circumstances I felt bound to commute the sentences, not by the grant of tickets of leave, but by reducing them to the term which the Recorder told me he should have inflicted, had he known that they would be fully carried into effect. Mr. Hill is a gentleman who is entitled to great respect, and whose benevolent efforts for the reformation of prisoners cannot be spoken of too highly. But he had in this instance acted without authority and under a misconception, which was not shared by the Judges generally. It is extraordinary how much information prisoners, even in our best managed gaols, obtain of what is going on out of doors; for, immediately after this I received numerous memorials from prisoners, all saying that the Judges who sentenced them had told them that if they behaved well in prison a large part of the punishment would be remitted. These memorials I referred to the Judges—by which term I mean chairmen of quarter sessions and Recorders, as well as the Judges of assize, including those in Scotland—and I remember no case in which a Judge informed me that he had passed a sentence with the expectation that it

would not be carried into effect, or had given any intimation to a prisoner that he would be entitled to claim the remission of any portion of his sentence if he behaved well. Indeed, with reference to Scotland, the Lord Justice Clerk wrote to me very fully, expressing his opinion against the remission of any portion of the sentence, and informing me that he was authorised to state that the Judges of the superior courts of Scotland had passed no sentence of penal servitude except with the expectation that it would be fully carried into effect, as they understood to be the intention of Parliament. I only mention this to show that there is a wide difference in the application of the principle of granting tickets of leave to prisoners under sentence of transportation, and those sentenced to penal servitude. Then, again, I have seen it stated that a rule had been adopted by the Home Office which defeated the intention of Parliament, by issuing tickets of leave only to prisoners who were under sentence of transportation in 1853, excluding all subsequently sentenced to that penalty. No greater mistake could be made. There was not any such rule or regulation, nor was any such necessary. The House will see that as all sentences since 1853 have been for a term not less than fourteen years, and as, in all such cases, a certain amount of preliminary punishment in this country has to be undergone by the prisoner, the time has not yet arrived when, according to the regulations, any of this class of prisoners could be entitled to a ticket of leave. It is obvious, therefore, that the ticket-of-leave system, which has given rise to a great deal of what I must term exaggerated alarm, would, if things remain as they are, gradually become almost extinct, or, at all events, have a scarcely perceptible effect, because the prisoners under sentence in 1853 will have been discharged, and there will be but few others to claim the indulgence. It is true that there will be many persons for some time to come holding tickets of leave; but if, leaving those out of consideration, we merely take into account the small number of tickets of leave, hereafter to be granted to persons now sentenced to transportation, it would constitute such a trifling proportion of the criminal class of the country that it would be almost imperceptible. Still that, I admit, is no answer to the questions, "What shall we do with our criminals?" and "What is the best

kind of secondary punishments to apply to them?" Nor can it be expected to allay the apprehensions—to a certain extent well founded, although I think greatly exaggerated—which have been excited with regard to the retention in this country of prisoners who have been convicted of serious crimes, and who under the former system were sent abroad. The ticket of leave has little or nothing to do with the question, because whether a prisoner is discharged with a ticket of leave in 1856, or whether at the expiration of a sentence which cannot be prolonged by law he is discharged in 1857 or 1858, the effect is the same—he must on the expiration of his sentence be discharged in this country; and, instead of finding himself in a new community, with ample opportunities for obtaining honest employment, and with little temptation to evil, he is thrown back among his old associates, and even if disposed to avoid them, he has the greatest difficulty, perhaps, in getting employment, from the feeling, which is entitled to respect, entertained against persons who have been convicted of crime, where they meet with numberless competitors in the labour-market. These dangers may no doubt be over-rated, yet unquestionably they are of great magnitude; and it is most desirable as far as possible to provide against them, in the interest both of the country at large and of the criminals themselves. This was very forcibly pointed out by Mr. Baron Bramwell in his recent address to the grand jury of Essex, in which the learned judge remarked, without expressing any opinion whether tickets of leave are good or bad, that the real question is what is to become of the criminal after he is discharged? I have said that I think the alarm on this subject exaggerated; and, in tracing the effects of the Act of 1853, I ought, perhaps, to say why I am of that opinion. Much of what has been written in the newspapers about the danger arising from ticket-of-leave men being at large in this country is applicable, not exclusively to the holders of tickets of leave, but to persons who have either been in prison or have undergone sentences of transportation and returned to this country after their legal discharge. That class no doubt forms a large portion of our criminal population; it did so before 1853, it has done so since then, and I am afraid it must continue to do so. Nobody who looks at the reports of the trials at our sessions and assizes can fail to observe that in a

great number of cases the prisoners are not charged for the first time, but have been convicted of repeated crimes, and are habitual offenders. I obtained a return the other day of the number of ticket-of-leave holders convicted at the assizes held in twenty-four counties in December last. At those assizes 625 prisoners in all were tried, only twenty-nine of whom, or less than 5 per cent, are returned as holders of tickets of leave. I do not say it is not to be regretted that there should be even that number. What I maintain is that these figures do not justify the great apprehensions felt as to the extent of crime committed by ticket-of-leave men. But what is the general state of crime as disclosed by the returns for the last two years? At the close of the debate on the Address the other night, the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) spoke of a frightful increase in pauperism and crime, but I did not then deem it necessary to comment on his observations, because I felt that I should have a fitting opportunity to state the facts of the case on the present occasion. Criminal tables, prepared by Mr. Redgrave, were laid before Parliament on the first day of the Session, containing a very careful comparison and analysis of the crime in this country in the years 1854 and 1855. I need not refer to that comparison, because it is in the hands of Members. But what was the state of crime in 1856 as compared with 1855? The year 1856 was the year in which so much alarm had arisen as to the effects of the ticket-of-leave system. It must be remembered, too, that in that year the militia were disbanded, and the regular army considerably reduced; and, although the majority of the soldiers who served the country abroad were doubtless well-conducted men, yet, when a large body of persons from the ranks of the army were thrown again into civil life, as the commanding officers on making the reductions of regiments were always instructed to discharge the men of bad character, you could not be surprised if that reduction were followed by some addition to crime, wholly irrespective of the discharge of prisoners with tickets of leave. Now, doubtless there has been a considerable increase in a certain class of crimes, especially in those attended with violence. In 1855, the passing of the Criminal Justice Act extended the summary jurisdiction of justices of the peace, and the consequence was an increase in the number of sum-

mary convictions concurrently with a decrease in the cases tried at the assizes and sessions. In the latter part of 1855 and in 1856, the Criminal Justice Act was in force. The following tables give the summary convictions and other commitments for trial in 1856, contrasted with those for the previous year:—England and Wales—Number of persons committed on summary convictions in 1856, 77,667; number of persons committed for trial at assizes and sessions in 1856, 19,433;—total, 97,100; number of persons committed on summary convictions in 1855, 77,041; number of persons committed for trial at assizes and sessions in 1855, 25,972;—total, 103,013. Comparison of the commitments in 1856 and 1855:—Summary convictions, 0·8 per cent increase; commitments for trial, 25·1 per cent decrease;—total, 6·1 per cent decrease. Thus, while there was but a small fractional increase in the number of summary convictions in 1856 compared with 1855, there was a very remarkable decrease, amounting to no less than 25 per cent in the class of cases constituting the commitments for trial at the assizes and sessions. That is a state of things which I think does not justify all the alarm which has prevailed in the country in regard to the progress of crime. Burglary and other violent offences are comprised in this general aggregate, and in those crimes, as I have said, it is undoubtedly true that there has been an increase; but it is also worthy of note that the crime of robbery, including, as it does, garotting, which is only one of the various modes resorted to for effecting robbery, has slightly decreased in 1856 as compared with 1855. If the right hon. Member for Manchester were present I should call his attention to the fact, that the late chief constable of that city recently informed me that within the last three months there has been a remarkable diminution of crime in Manchester. As the general condition of the people of this country is so closely connected with the state of crime, and as the right hon. Gentleman (Mr. Gibson) coupled pauperism and crime together, perhaps I may also be permitted to observe that the decrease of crime which I have mentioned is in some degree no doubt attributable to a cause which has always a powerful effect on our criminal statistics—namely, the condition of the people. I hold in my hand a copy of a return, which will be laid on the table by the

President of the Poor Law Board, showing the number of persons in receipt of parochial relief in England and Wales on the 1st of January, 1857, as compared with those in receipt of such relief on the 1st of January, 1856. This return comprises forty counties of England and all Wales, and I find that in seven counties only is there any increase in pauperism, and in some cases that increase is hardly perceptible. In all the other counties there has been a decrease. In Lancashire the diminution is 11 per cent; the same in Nottingham; and there has been a large decrease in Middlesex and the East and the West Ridings of Yorkshire. In fact, in those counties where the population is most dense there has been a decrease in pauperism, and I believe also a large decrease in crime,—at least, of that class of crime which is mostly affected by the condition of the people. I may remark that when the general condition of the people is good, when employment is plentiful, and food is cheap, then crimes against property such as those which come under the head of larceny diminish, but crimes of violence often increase, arising, as they do, from causes quite irrespective of the difficulties and privations of the poorer classes. Having, Sir, said so much as to facts, let me now refer to the state of the law. Sentences of transportation for fourteen years or upwards may be passed, or, at the discretion of the court, penal servitude may be substituted in lieu of the higher penalty; but below periods of fourteen years, only sentences of penal servitude can be pronounced. Sentences of penal servitude must be carried out at home, or in those colonies of the Crown where the convicts can be employed upon public works, as at Gibraltar and Bermuda, and every prisoner sent to those places must be brought home again to this country either in anticipation of the expiration of his sentence, or when he has fully completed its term; for, even were it otherwise possible to do so, there are political reasons against liberating convicts in those colonies. Now, of the 350 persons annually sentenced in Great Britain to transportation, after deducting women, with regard to whom there are now no means of carrying out such a sentence, and also deducting the sick, the old, and those with worn-out constitutions, of whom there are many to be found among the criminal classes, there will probably be not more than 250 annually who, under the present state of the law, could be transported from

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the country, and even that number may decrease by the exercise of the discretion that is vested in the Judges, of passing sentences of penal servitude for the higher class of offences instead of transportation. I will now refer to the opinions of the Committee which sat last year upon this subject. The Committee of the House of Commons entered chiefly into that branch of the subject which related to the administration of the law in this country, and the value of transportation as a secondary punishment. It received much valuable and useful evidence, and made some important recommendations. The Committee of the House of Lords took another course, and, although they examined Colonel Jebb as to the administration of the law in this country, they examined no other witness upon that point, but directed their inquiries into the possibility of continuing and extending transportation in Western Australia, and of finding other places where it could be carried into effect. There was, however, a remarkable concurrence of opinion between the two Committees as to the benefit to be derived from a continuance of the system of transportation to as great an extent as the Government could find means to apply it. The Committee of the House of Commons say—

“That the punishment of transportation is more effectual and deterring, and better adapted for the ultimate reformation of convicts, and more beneficial to this country than any other secondary punishment for serious crimes which has yet been tried. That the Committee therefore recommend the continuation of the sentence of transportation, so far as Her Majesty’s dominions may afford safe and proper facilities for that purpose.”

The Committee of the House of Lords said—

“That, in the opinion of the Committee, a continuance of the system of transportation to some colony or colonies, with such improvements as experience has suggested, or may suggest, would be highly desirable, provided that the system can be carried on with advantage to the colony, and with satisfaction to the colonists.”

The two Committees have concurred in the opinion, which I believe is shared by a majority of this House, that whether we consider the interests of the convicts themselves or the interests of the country, it is most desirable that before the expiration of the sentences of offenders who have been guilty of grave crimes they should be removed to another part of the world, where they would be freed from the temptations to a renewal of vicious courses, which they must be exposed to here, and where there

would be greater opportunity for commencing a new and honest life. In saying this, however, I cannot shut my eyes to the difficulties which have lately arisen in the accomplishment of this object; and here let me say that, in any opinion which I may express upon this subject, either now or hereafter, I beg it may be understood that the Government has not the remotest intention of departing from the spirit or letter of the arrangement which has been made, and I think wisely, that as regards New South Wales and Van Diemen's Land transportation to those colonies should be wholly discontinued. I hope it will not be imagined by any one that we have any intention of renewing a contest with any colony on the subject of transportation. The Committee which sat last year have expressed themselves very clearly upon that point. The Committee of the House of Commons qualified their recommendations by adding, "so far as Her Majesty's dominions may afford safe and proper facilities for that purpose." The House of Lords had not less distinctly qualified their recommendation by the addition of the words "provided the system can be carried on with advantage to the colony and with satisfaction to the colonists." I hope, therefore, there will be no misapprehension upon this subject, or any idea that we are about to force convicts upon unwilling colonies. I may here observe that among the many suggestions which have been made from time to time there have been several for the establishment of great penal depôts at various places, such as Holyhead and elsewhere, where convicts during the period of their sentences could be usefully employed upon public works; but those who made such suggestions are not aware of what is the real difficulty in the question. There is no difficulty in disposing of convicts during the stages of separate imprisonment or of associated labour upon public works; in fact, I am obliged to refuse the requirements of the Board of Admiralty for convicts to work at Portland, Portsmouth, Chatham, Bermuda, and Gibraltar, simply because there are not convicts enough for the public works upon which they may be usefully employed. The difficulty consists, not in finding places where they may be beneficially employed, while undergoing strictly penal imprisonment, but in finding places whither they may go after the completion of this part of their sentences with some hope and prospect of reformation. It is

the duty of the Government to avail itself of all the facilities which exist for that object, and I may venture to say it is the duty of Parliament to assist us in removing any obstacles which may stand in our way. What then are the facilities which exist at the present moment for transportation? They are these:—Western Australia is the only colony which receives convicts under sentence of transportation. The House must bear in mind that I have shown that in future years 250 is the largest number of convicts which we can calculate upon being able to send abroad while the law remains as it is at present, owing to the small number of sentences of transportation which are now pronounced, and it must also bear in mind that those 250 have all been either repeatedly convicted or convicted of offences of serious description. What are the facilities for their disposal? The Committee of the House of Lords took much valuable evidence respecting Western Australia. They examined witnesses who had been long resident in the colony, and, what was more important, who were about to return to the colony. Those witnesses comprised Captain Fitzgerald, the late governor, Captain Henderson, of the Royal Engineers, and Messrs. Brown, Moore, Hume, and other gentlemen of property and influence in the colony, and what was the character of their evidence? They showed a desire on the part of the colonists for a larger number of convicts than are now sent there, while the extent of the colony was very large, and that it was almost entirely separated from the other Australian colonies. It is described as a vast gaol, with only three ports from which convicts could effect their escape, while there would be no difficulty of guarding against escapes from those ports. The climate is stated to be good and suitable for agricultural pursuits; the country presents numerous tracts suitable for corn; there is an excellent breed of horses, which are exported largely to India, being considered superior to other Australian horses; there is an abundance of fine timber, and the land is suitable for the growth of the vine, which already is cultivated to a large extent. I believe that in Western Australia very considerable grants of land were long ago made to private individuals, who thought that land constituted wealth, whereas without labour land is perfectly valueless. Now that convict labour is available these persons are able to turn the land to some ac-

count, and there is a general opinion expressed by these witnesses that even under the present system, without adopting certain changes suggested by the House of Lords, from 800 to 1,000 convicts a year might be received and usefully employed in Western Australia, and that probably more might be sent if measures were taken inviting capital and labour to the colony. In addition to this evidence given before the Committee, representations have been made by a deputation of gentlemen connected with the colony to the Secretary of State; that Western Australia possesses peculiar advantages for the reception of convicts, and that both proprietors and residents concur in the desire to have convicts sent. [Sir JOHN PAKINGTON: Have no representations been sent home the other way?] The only representation the other way, of which I am aware, was a petition, which came last year while the Committee was sitting, which complained not that convicts were sent from this country, but that a certain number recently sent were not selected with as much care as formerly. They consisted of the worst class of criminals, some of whom committed very serious crimes in the colony, and the colonists deprecated the sending out such a class for the future. The Lords' Committee advert to that complaint, and recommend a return to the principle of selection, in order to send to Western Australia that class of convicts which will be most useful to the colony. This demand by Western Australia for convict labour is one which in the present state of the law the Government is unable to meet. Here is a colony asking for from 600 to 800 or 1,000 convicts a year, and the Government have not more than 250 who can be sent, and that number comprises criminals of the class against which exception was taken in the petition to which I have referred. Under these circumstances the question arose in the course of last year whether, under the 6th section of the Act of 1853 persons sentenced to penal servitude could be sent to Western Australia. The terms of the Act appear to be very large:—

“Every person who under this Act shall be sentenced or ordered to be kept in penal servitude may, during the term of the sentence or order, be confined in any such prison or place of confinement in any part of the United Kingdom, or in any river, port, or harbour of the United Kingdom, in which persons under sentence or order of transportation may now by law be confined, or in any other prison in the United Kingdom, or in any part of Her Majesty's dominions beyond the

seas, or in any port or harbour thereof, as one of Her Majesty's Principal Secretaries of State may from time to time direct; and such person may during such term be kept to hard labour and otherwise dealt with in all respects as persons sentenced to transportation may now by law be dealt with while so confined.”

The question was referred to the law officers of the Crown, and, after carefully considering it, they arrived at the conclusion that it was not competent for the Government to avail themselves of Western Australia as a place where the sentence of penal servitude could be carried into effect; that if convicts were sent there they would not be subject to the colonial laws and ordinances, their labour could not be assigned to the governor of the colony, and they could not have the qualified liberty of a ticket of leave in the colony. Transportation would lose all its value, and it would be only sending convicts out to bring them back again before the expiration of their sentences at a great expense, without any advantage to the colony. That, Sir, being the state of the case at this moment, I will now call the attention of the House to the Resolution passed by the Committees of last year. The Commons' Committee, in their seventh Resolution, recommended that the sentences of penal servitude should be lengthened to terms identical with the terms of transportation for which they were substituted, and the Committee of the House of Lords resolved that the provisions of the Act of 16 *Vict.* c. 99, the Act by which the sentences of transportation when commuted for shorter periods of penal servitude should be revised. They did not specify with what object they should be revised, but I apprehend they, like the House of Commons, thought that the sentences of penal servitude should be lengthened, and made identical with the former sentences of transportation. The House of Commons state a ground for their recommendation—namely, to give effect to a previous Resolution, that every punishment should include a fixed period of imprisonment with hard labour, and a further period capable of being abridged by the good conduct of the convict himself; and they suggest that the present term of penal servitude should, as a general rule, be inflicted, but that there should be super-added, over and above the present term, a certain term, subject to mitigation, being the difference between the present period of penal servitude and the former period of transportation for which it was substituted.

They further recommend an intermediate sentence of penal servitude. When sentences of seven years' transportation were passed there was a discretion in the Judge, which now remains in cases of four years' penal servitude, to substitute a sentence of imprisonment alone—usually two years' imprisonment, instead of transportation or penal servitude. In recommending the increase of the sentence of penal servitude to seven years the Committee recommend, in their 9th Resolution, that the discretion of the Judge shall be enlarged, and that he shall be enabled to inflict a period of penal servitude longer than the imprisonment, but shorter than the transportation would have been under the old law. Having made these observations, I come now, Sir, to the proposals which I have to make on the part of the Government, as appearing to them to be the most expedient, after full consideration of the subject. We propose in the Bill which I shall ask leave to introduce to give effect to the 7th Resolution of the Committee of the House of Commons recommending that sentences of penal servitude shall be lengthened so as to be made identical with the sentences of transportation for which they were substituted. We also propose to give effect to the 9th Resolution, giving discretion to the Judge to pass an intermediate sentence between the ordinary term of imprisonment and the term of seven years' penal servitude. The first clause of the Bill will repeal the provisions of the Act of 1853, by which the shorter sentences of penal servitude were substituted for the longer sentences of transportation, and will render persons who may formerly have been sentenced to transportation liable to be kept in penal servitude for the same duration as the term of transportation for which they were liable before the Act passed. There will then be a proviso giving the discretion to the Judge to pass an intermediate sentence of penal servitude, as I have already explained to the House. This, however, will not enable us to cure the evil complained of, and to avail ourselves of existing or future facilities for removing from this country persons convicted of serious offences. The Bill, therefore, will contain a provision removing the obstacles which prevent the infliction of penal servitude in any colony which may be open for the reception of convicts. The effect of this alteration will be that the sentence of penal servitude, although not necessarily involving the removal of the convict from

this country, will render the convict liable to such removal, and will in that case subject him to the same regulations to which convicts sentenced to transportation are now subject. I propose to make this power generally applicable to all sentences of penal servitude, because it is difficult to draw the line, and to say what persons shall be removed from this country and who shall not. I do not, however, anticipate that this power will be exercised with regard to the greater portion of prisoners sentenced for short periods, and I do not think that it will be practicable to remove from this country convicts sentenced to very short terms. But it might be usefully exercised with reference to sentences of not less than six or seven years. I do not make even this proposal with the intention that they should be sent to the colony before a portion of their sentences has been undergone in penal servitude. But after this has been undergone, they could be sent to the colony, there to receive after a time a ticket of leave. This proposal would give that power of selection which the Committee of the House of Lords think essential to transportation to Western Australia, and which they recommend the Government to have recourse to. In making that selection, it would be necessary to consider in connection with their crime and their sentence other circumstances of which the Judge could know nothing at the time of the trial—the physical strength and character of the convicts. To send convicts to the colonies who are unfitted for labour by physical weakness, age, ill-health, and other circumstances, would be simply to impose a burden on the colonies. This would be a course which experience warns us against, while a proper selection would remove the objections which the colonists of Western Australia entertain to the class of criminals from which they have recently been supplied. This power will enable the Government to send at once a sufficient quantity of convicts to Western Australia, and to avail themselves of any additional facilities for the disposal of convicts without further alteration of the criminal law. An obvious objection may be made to the proposal on the ground of the uncertainty of punishment in the sentence of penal servitude, and it may be said that a convict will not know whether he will find himself in this country or in a distant colony on the expiration of his sentence. But that objection has always applied to sentences of transportation, many

of which were not carried into effect. At one time no convict sentenced to seven years' transportation was really sent out of the country. The Judge may have depicted the horrors of separation from family and friends and being sent to a distant colony, and the convict often went from the bar expecting that such would be his fate. But in three or four years it frequently happened that the convict found himself again in his native village among his family and friends. In many cases, especially of short sentences, it was impossible to carry the sentence of transportation into effect, and there was always great uncertainty whether it would be carried into effect or not. [Sir J. PAKINGTON : These sentences were put an end to on that account.] No doubt that was the case—under the old system it was certainly impossible to carry a large number of the sentences of transportation into effect, either from the physical incapacity of the convicts, or from other causes, and the right hon. Gentleman cannot put his finger upon a single year in which a large number of convicts under sentence of transportation were not retained permanently in this country. It is on the other hand to be remarked that the sentences of penal servitude can always be carried into effect whether the convicts undergo their sentences at home or abroad—it is a mere accident whether it be carried out in this country or in a colony ; whereas in a sentence of transportation the very essence of the punishment is deportation. But a further objection may be made, that if it were left to the discretion of the Government to send convicts sentenced to penal servitude to a distant colony, there would be an anomaly in retaining sentences of transportation for fourteen years and upwards. At present these sentences, though legal, need not be passed at all, and the Judges may pass sentences of penal servitude for the same offences. I admit that if the plan I have proposed is adopted there would be no good reason for retaining sentences of transportation. Why should the Judges have a discretion which they have not the means of properly exercising ? The Judge has no knowledge whether the sentence can be carried into effect or not. A man stands before him, and he has no safe guide to enable him to exercise a sound discretion in awarding the one punishment in preference to the other, nor does he know whether the prisoner is a fit person for the labour of a colony. I propose,

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therefore, to abolish the sentence of transportation altogether, and to substitute the sentence of penal servitude for it. I now come to the fifth resolution of the House of Commons, which recommends that sentences should not be fully carried into effect in cases where the conduct of a prisoner entitles him to a partial remission. I have been pressed by the directors of prisons to extend the ticket-of-leave system to convicts under sentence of penal servitude. I would not do so, for the reasons before stated, and by the course I have taken I have prevented Parliament being fettered in the consideration of this question. No prisoner under sentence of penal servitude, except in a few special cases, has had any expectations held out to him of a remission of any portion of his punishment, and Parliament is, therefore, at liberty to deal with this class of convicts as it thinks best. I admit, however, that the resolution of the Committee is founded upon the evidence of witnesses of great weight. These witnesses, including some Judges, expressed their opinion that it is desirable to give the stimulus of hope to prisoners, and that the most effectual way of doing this is by offering them a remission of a portion of their sentence as a reward for good conduct. In that principle I, in a great degree, concur, though, as I think, it has been carried too far as to convicts under sentence of transportation, by the remission exceeding one-half of the original sentence. There were, however, peculiar circumstances in 1853 which may have made this necessary. I think it will be desirable that the principle of this recommendation should be acted upon. No doubt, it is the best way of maintaining prison discipline. Hope is a more influential motive than the fear of punishment, and if the sentences are for lengthened periods, a portion of the term might be remitted, as recommended by the Committee. Prisoners to be sent abroad under sentence of penal servitude would, as in the case of transportation, undergo in this country some months of separate imprisonment, followed by a term of labour on public works, varying according to circumstances ; and then such of them as could be advantageously sent to Western Australia or any other settlement, would be sent there, with the expectation of receiving a ticket of leave shortly after their arrival. Captain Henderson has expressed a strong opinion, in which I concur, that the greatest value may be expected from

the training which the convict receives in England, but he recommends that a part of the strictly penal sentence should be passed in the colony to which he is sent. The real difficulty is as to those who are left at home. There are some persons who commit crimes of such atrocity that they are unfit to be at large, or are guilty of such gross misconduct in prison, that they come under the denomination of incorrigible. This class have no claim to any indulgence, and ought not to be either discharged here or to be inflicted upon a colony. They almost belong to the class of criminal lunatics, who have committed some great crime, for which they are confined for life, not as a punishment for an offence for which they are not responsible, but to secure society against the consequences of their being at large. With regard to the other and far more numerous class of criminals, no doubt the more we can send abroad the better, but some must be kept at home. After a certain time, a portion of their sentences might be remitted, if they are well conducted. But two questions arise in connection with such a remission—first, what should be its amount; secondly, what should be its terms and conditions? It ought, no doubt, to be considerably less in amount than has been fixed in the case of convicts under sentence of transportation. A great deal of the outcry which has been raised against the system of discharging prisoners with licences has been caused by the large remissions of sentences which have taken place; great irritation has been produced in many neighbourhoods by seeing a man who had been sentenced to perhaps ten years' transportation return at the expiration of four years; and some of the Judges have evinced a certain degree of annoyance at being obliged to try prisoners for new offences upon whom they had already passed sentences which, if they had been carried into effect, would have prevented them from committing other crimes. I do not think that any term can be absolutely fixed as an unbending rule, but one-fourth, or, at the utmost, one-third of the sentence only ought to be remitted. [Sir J. PAKINGTON: Will that be fixed as the minimum period?] It is not possible to fix by law any minimum period. A Judge sometimes comes to the Secretary of State, and states that circumstances have come to his knowledge since the conviction of a criminal which induce him to think that he has passed too severe a sentence, although

they do not amount to proof of the man's innocence. In such cases justice requires that the Secretary of State should make the sentence what it would have been if the Judge had been in full possession of all the facts at the time of passing it. Although the regulations as to remission cannot, therefore, be prescribed by Act of Parliament, they may be made the subject of some general rule which should be communicated to all Judges and persons holding judicial situations, in order that when they are passing sentence they may have a full knowledge of the amount of punishment which the prisoner will in any case have to undergo. Then comes the question of the terms upon which the remission ought to be granted, whether it should be conditional or absolute. On this question the Committee express no decided opinion. They state that the ticket-of-leave system had been in operation for too short a time to enable them to form a clear opinion respecting it, and they only passed a resolution recognising the justice of its principle, although they negatived a resolution that it should be acted upon in all criminal cases. The Committee, I think, were right in expressing no decided opinion as to the merits of the system upon the facts before them, and I still share the doubt which they feel; but I propose to retain the power of granting these conditional discharges, as it may often be very usefully exercised. In many cases it is expedient that the discharge should be conditional, and especially in cases where, on the recommendation of the medical officers of a prison, convicts are discharged on the score of ill-health. But the system has its disadvantages as well as its advantages. It is, to a certain extent, no doubt, a restraint upon the prisoner discharged, and a check on his conduct which may afford some security. But there is an erroneous impression that a ticket of leave is a certificate of good character, and that those men only obtain it who can prove that they are reformed. There was never a more fallacious idea. It is very desirable that the illusion should be dispelled that the holder of a ticket of leave is ascertained to be less likely to relapse into crime than any other discharged criminal. The imperfection of the test of conduct while a man is in prison renders this impossible. On the other hand, ticket-of-leave holders, as a class, have been the subject of much prejudice, and the cause of much alarm, and they have found great difficulty in obtaining any

honest employment in this country. The ticket of leave, moreover, operates as a restraint on their going out of the country to seek employment elsewhere. It is only a protection to the holder of it while in this country. To meet this objection, it has been proposed to extend its operation, but this is inconsistent with the power of revocation. The revocation implies remission to the former punishment. If a ticket-of-leave holder is committed to prison for a new offence he is taken back after the expiration of his term of imprisonment to undergo the remainder of his first sentence in the prison from which he had been discharged; but if he went abroad, to France or America, how could the Crown exercise the power of revocation? It is true that no obstacle is placed in the way of their going abroad, and many of them have enlisted in the army and made good soldiers, but the Government could not encourage them to break the conditions of their discharge by going abroad. Then it has been said that the operation of the ticket of leave might be so extended as to allow the holders of it to proceed to the colonies: but that again would not be consistent with the power of revocation. The power of revocation could only be exercised by the colonial authorities, by virtue of colonial acts, which require the concurrence of the colonial legislature, and even if the power existed it would be impossible to send men from the antipodes to Portland or Dartmoor to undergo the remainder of their sentences. While on this point, however, I concur in the opinion expressed by the Committee, I do not propose to make any alteration in the power at present possessed by the Government, because it is a useful power to retain, although I think it ought to be exercised sparingly. There is one important consideration with regard to Western Australia which must not be overlooked—I refer to the inequality of the sexes. A large influx of male convicts could not go on for many years, and it was stated before the Lords' Committee that the colony could not receive 800 or 1,000 convicts a year for several years without the adoption of some means of increasing the number of female immigrants. Hitherto the colony has refused to receive female convicts, and not unreasonably, considering their general character. But the Director of Prisons in Ireland states in his evidence that the class of Irish female convicts is essentially different from the same class in England, and that they are not generally

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persons of immoral life, using that term in its ordinary sense. That officer also explains the nature of the measures taken under his direction for the reformation of these women, and certainly the results he states afford ground for hope and expectation that many of these women would make very useful settlers, in a convict colony. So in England, at an establishment lately formed under the charge of Colonel Jebb, to which the best conducted female prisoners are draughted from Brixton Prison, the greatest pains are taken to effect their reformation. The attention of the Governor of Western Australia has been called to these facts by the Secretary for the Colonies, and I hope that the difficulty which stood in the way of female convicts being transported to that colony, will to a certain degree be overcome. This part of the subject has engaged the careful attention of the Government. There are one or two other resolutions of the Committee to which I will advert before concluding. The 10th resolution of the Commons' Committee recommended that the hulk system should be finally abandoned. For some time past that system has been in course of abandonment, and the only hulks now used are for invalid prisoners, and means are being taken for providing a prison on shore to which those prisoners may be removed. When that is effected, the total abolition of the hulk system, which is liable to serious objection, will have been effected. There is another Resolution of the Committee to which I wish to refer, and the policy of which I, with all respect, rather doubt. The sixteenth Resolution states,—"That every convict on his release with a ticket of leave, ought to be reported to the police of the town or district to which he is sent." If one could always place implicit confidence in the discretion of the police that might be done, but I certainly should be sorry to call the attention of the police in every case to men released with a ticket of leave, for that might have the effect of increasing the difficulty of those among them who are well disposed in obtaining honest employment. With respect to London the case is somewhat different. I have had reports from the inspectors of police of the character and course of life of men with tickets of leave residing within their districts, and I do not think that under their instructions, which I believe they honestly act up to, any obstacles are placed by them in the way of ticket-of-

leave men obtaining an honest livelihood. I am aware that a meeting took place a short time ago, over which a noble Earl (Lord Carnarvon) presided, at which some ticket-of-leave men made complaints of the conduct of the police, in interfering with their endeavours to obtain honest employment. Such conduct, if the charge were true, was unwarrantable; and all I can say is, that if any policeman acted in the way described, he acted contrary to his instructions. I have directed the Commissioner of Police to obtain if possible the names of the men who made these charges, with the view of investigating their allegations, and the constables impeached will be punished if those allegations should prove to be true. Arrangements have also been made for the payment of the gratuities received by convicts three months after their discharge, if in London, through the superintendents of police. I believe there are no other points to which I need refer. The Bill I now ask leave to introduce is ready to be presented to the House, and it embodies the result of the deliberations of the Government on a subject of great difficulty and importance. When the Bill is in the hands of hon. Members, they will then perceive more clearly the nature of its provisions than they have probably been able to do from my explanation. With respect to the second reading I am anxious to consult the convenience of the House. It is desirable that the Bill should not be long delayed, because sentences are being passed every day, and it would be desirable that the alteration of the law, if approved, should be made soon. I shall at present name this day fortnight for the second reading; but if business of more importance should arise I will endeavour to name some other day which shall meet the convenience of the House. The right hon. Gentleman concluded by moving for leave to introduce a Bill to amend the Act of the sixteenth and seventeenth years of Her Majesty, to substitute in certain cases other punishments in lieu of transportation.

SIR JOHN PAKINGTON: I think, Sir, it must be the general feeling of both sides of the House that the right hon. Gentleman has acted with a due regard to the state of public feeling on this question, in taking this early opportunity of bringing this important subject before us; and I, for one, beg to tender him my thanks for the able manner in which he has stated the views of the Government. The right

hon. Gentleman has alluded to the feeling of "exaggerated" alarm in the country with regard to tickets of leave. There can be no doubt as to the existence of that feeling; but I should be rather disposed to call it a misdirected feeling than an exaggerated one. No doubt, considering the state of crime which has prevailed during the last few months, it is but natural that a great feeling of alarm should exist in the public mind; but I think alarm should have been directed rather to the state of the law—to the new plan by which criminals are set at liberty—than to the system of ticket of leave, which applies to an entirely different class of prisoners. Although, before entering upon any serious criticism of the proposal of the right hon. Gentleman, I think it better that we should wait for the Bill, there are, nevertheless, one or two points raised by his observations. This subject, Sir, consists of two distinct parts. Firstly, as to what is the state of the law with regard to secondary punishments; and, secondly—which is scarcely less important—as to the manner in which that law ought to be administered and carried out. I will first advert to a portion of the subject which I think has created as much uneasiness as the system of tickets of leave itself. I mean that impression which widely prevails that Her Majesty's Government have been prone, indiscriminately, to advise the Crown with regard to the exercise of the prerogative of mercy, so that sentences passed by the law have not been inflicted on the criminal. I believe that this feeling, like the other, is an exaggerated feeling; but I confess, at the same time, I do not think it is without foundation. But in calling the attention of the House to some instances of this kind, I beg to say that I have no intention of making any personal charge against the right hon. Gentleman; I am alluding to a practice which I believe has for some time prevailed rather than to any impropriety on the part of the right hon. Gentleman in the exercise of his high duties. The right hon. Gentleman alluded to the opinions expressed at the last assizes by some of the Judges, and no doubt intended to refer to a charge of Judge Willes at Warwick assizes. [Sir G. GREY: The learned Judge afterwards explained that those observations were made under a mistake.] I hear that Mr. Justice Willes has expressed his regret that observations which he recently made in a charge were made in ignorance of the facts. I

must, however, allude to another case—that of a man named Wild, who having been convicted of highway robbery, and sentenced to fifteen months' imprisonment—a sentence remarkable for its lenity—was set at liberty at the end of nine months by the exercise of the Royal prerogative—on the recommendation, of course, of the right hon. Gentleman. I have had some correspondence on the subject with the right hon. Gentleman, who communicated to me the recommendations on which he acted, and I am bound to say that, if any recommendations could have justified the exercise of the prerogative of mercy, in that case these recommendations would have afforded a justification. They were recommendations from the most respectable men whose benevolence had led them to do an act which I cannot approve; for I do not think that in this particular case any recommendation from any quarter should have induced the Government to set this man at liberty. I will now, however, advert to some very curious papers which have accidentally come into my possession, and bearing in a most important manner upon the subject we are now discussing. I hold in my hand no less than fifteen letters written by a convict now under sentence of penal servitude for four years, and addressed to his mother and sisters, near neighbours of mine. In order to show the impression on the public mind, that sentence passed will not be carried out, I will give the House the substance of those communications. Some time ago, the mother (a most respectable person) of this ticket-of-leave man, and who lived in my neighbourhood, called on me to say, that her son was sentenced to four years' penal servitude in January, 1855, and that as he had passed nearly two years of his sentence it would be necessary to get the recommendations of some respectable gentlemen, in order that he might be set at liberty. [Sir G. GREY: Where was he convicted? At Birmingham?] No; not at Birmingham. The right hon. Gentleman must not seek to draw consolation from the address of Mr. Recorder Hill. The sentence was passed at the Worcestershire assizes. Well, Sir, the mother brought me the letters. It appears that the man went through the usual process. He was sentenced to four years' penal servitude, was a short time in the county prison, was then removed to Preston gaol to go through the period of separate confinement, and, finally, was sent to Portland. By the way, I am in

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doubt whether I shall be doing more good or more harm by stating the substance of these communications; but I think I shall do more good. This man writes, in the first instance, to "all his friends in Preston." Then from Preston he writes, saying, "He likes that gaol better than Worcester," and then, on the 5th June, 1855, some four or five months after he had been undergoing the most highly penal servitude, he writes to say that "he is clad well, and is happier than he has been for years; has as much as he can eat, and has a good bed; has no particular class of work, and does just as much of it as he likes;" and he speaks of the nice green walks he has to walk upon. [Sir GEORGE GREY: Is that at Portland?] No; at Preston. And this is the "highly-penal" portion of the sentence too. [Sir GEORGE GREY: Perhaps it is all a myth.] I do not think the right hon. Gentleman is justified in saying that the statement is all a myth. Perhaps he thinks the letters I hold in my hand are myths. [Sir GEORGE GREY: I beg to apologise for the word.] In June, this man, in writing to his mother, said that the chaplain had told him that he would get his discharge next year if his conduct were good and if he would desire his friends to obtain a testimonial in his favour; but the right hon. Gentleman tells us that the sentences should be carried out in full. This statement of the man might be a myth and a misrepresentation, were it not that the letters are all sent with the cognisance of the officers of the gaol, and it cannot be supposed that they would have permitted a prisoner to be under an apprehension as to the possibility of his release before the term of his sentence had expired if they believed that no such possibility existed. [Sir GEORGE GREY: Prisoners' letters are sealed but they are not corrected by the authorities of the gaol.] They are attested by one of the best chaplains in the country—Mr. Clay. In September the same man writes a letter to the same effect—that he is doing better than before, and a great deal better than if he were in the militia. In March he writes from Portland stating that he is well and happy, has plenty of good food, and is getting stout; and he adds, "This is a heavenly place; it is in the first class, and we get 2s. 3d. a week, besides other benefits." There are several letters to the same effect. In June, 1856, he states that he is in a shoemakers' shop, and "has the privilege of speaking with thirty

men, all in the same rooms ;” and in October, 1856, he “ fully expects to be home in the course of the next twelve months.” Now, sir, as we are entering upon a revision of our system of secondary punishments, I cannot conceive statements more worthy of our attention than these. Now that we are to retain a portion of our worst convicts, and our Colonies are not to be an outlet for them, I think it is of the utmost importance to consider whether the punishment ought to be of such a nature as to allow such letters as these to be written—letters stating that the writers are in a state of enjoyment, instead of feeling the consequences of their wrongdoing. How can the right hon. Gentleman expect the law to inspire dread, if a system more penal than these letters show to exist be not carried out into practice? With regard to the plan the right hon. Gentleman has submitted to-night, perhaps it will be better to wait for the second reading of the Bill ; but as a Member of the Committee which sat last year, I cannot refrain from expressing my satisfaction that he has seen fit to adopt their recommendations to the very great extent he has done. There are two points upon which I have dwelt for years in connection with this subject. I have always felt it to be a great defect in our criminal code in having no intermediate punishment between two years’ imprisonment and seven years’ transportation, or its equivalent. I rejoice that the right hon. Gentleman is proposing to meet this defect. The periods of penal servitude enacted by the Act of 1853 are nothing like an equivalent for the term of transportation, and I am exceedingly glad that he purposes, in accordance with the recommendation of the Committee, to enlarge the term of penal servitude. The letters from which I have quoted show how little is thought of four years’ penal servitude as compared with seven years’ transportation. In the case of the man I have referred to, while undergoing his sentence of penal servitude, he was always in the neighbourhood of his friends ;—he continually asks his mother to come down and see him ; and he had facilities for correspondence with them, and was continually saying that after a comparatively short period he should rejoin them. But, under the system of transportation, there was an absolute and necessary separation from friends for seven years at least ; and, indeed, as no criminals whose sentences had expired were brought back to this country

—a practice which was very unjust to the convicts—a sentence of seven years’ transportation practically operated as one of banishment for life ; for unless the man could himself provide the means he could never return to this country. But another part of the plan I regard with considerable doubt. It is that which deals with the recommendation that the sentence of transportation shall be altogether done away with ; and a man who is sentenced to penal servitude is left in uncertainty whether he will remain in England or be sent abroad. I trust the right hon. Gentleman will, in some degree, re-consider that part of the plan ; otherwise it appears to me that what we want to get rid of on this subject, uncertainty, is left untouched. I ask him, is transportation, so far as it is retained, to be regarded as the severest punishment for the wicked, or as a boon for the well-conducted? The question seems to be left open by the explanation of the right hon. Gentleman. I trust it may be made clear that transportation is to be regarded as the severest secondary punishment ; but I inferred from what had fallen from the right hon. Gentleman that, with the object of consulting the feelings of the colonists, he would for the future select well-conducted men to be sent abroad. The right hon. Gentleman says that transportation is an uncertain punishment ; but I think he is hardly justified in comparing the uncertainty of the old system of transportation with that which has recently prevailed. The uncertainty which formerly existed was merely that of illness. It arose from the fact that convicts who were ill or infirm were not sent abroad. It is true that some years ago, persons sentenced to seven years’ transportation, were sent to the hulks instead of abroad ; but that has long been discontinued, and it was for many years understood that a sentence for transportation was always carried into effect. Except during that suspension, which took place in consequence of the crowded state of Van Diemen’s Land, the sentence of transportation has always been carried out. I also think the statement of the right hon. Gentleman, with regard to the comparison of crime in 1855 and 1856, calculated to mislead. He said that in 1855 there were 77,000 cases of summary conviction, and 25,000 offences of a more serious character at assizes and sessions. That in 1856 there were 77,600 cases of summary conviction, and only 19,000 convictions for

more serious offences. I think the public would draw an erroneous inference from the former figures. I believe the diminution from 25,000 to 19,000 of the graver cases of crime to be accurately described, but that the cause is to be sought in the Criminal Justice Act of 1855, under which a large portion of the prisoners were dealt with summarily. I do not know that I have any further observations to offer. I believe the statement of the right hon. Gentleman will be received with great satisfaction; and I am sure there will be but one feeling of satisfaction that he has so early called the attention of Parliament to the subject. For my own part I have no objection to the day the right hon. Gentleman has named for the second reading, and I am sure both sides of the House are anxious so to deal with the Bill as to make it generally acceptable.

MR. COLLIER said, both the Secretary of State and the right hon. Gentleman opposite had placed the question on its true footing:—the real question before the House was, what were they to do with their dangerous convicts—with that class of criminals whom their ancestors disposed of summarily by hanging, whom we had been in the habit of transporting, but whom, inasmuch as public opinion at home was against hanging, in the colonies was against transportation, there was a difficulty in disposing of? In considering this question, they must not lose sight of two things: first, what they were desirous of doing in the abstract; next, what they were capable of doing, and some confusion sometimes arose through Gentlemen considering the first question without reference to the second. In the first place, the question arose what was to be done with the worst class of criminals, including those (of whom there were several) who ought to have been hanged but had not—being convicted of manslaughter instead of murder, because the juries who tried them had an objection to capital punishment—men who had attempted murder once or oftener, but who had accidentally failed—men who had been convicted over and over again of robberies with violence and desperate offences—men of hardened irreclaimable characters, living in permanent hostility against society to which they were as inimical as dangerous lunatics. It seemed to him there was but one thing to do with regard to that class of criminals, and that was permanently to seclude them from society for the whole of their lives. This

must be done upon the principle that the interests of the public were paramount to those of the criminal, a principle of which it had of late years been rather the fashion to lose sight; and that the protection of society from the violence of the criminal and the deterring others by the example of his punishment was of more importance than were any considerations of his liberty, his convenience, or even of the chance, if there were a chance, of his reformation. If then, it was conceded that dangerous criminals must be excluded from society, the question next arose—should that be done at home or abroad? The right hon. Baronet (Sir J. Pakington) thought that this class should be transported. Now, there were two senses in which the word transportation was often used without discriminating between them, and yet they were widely different, for in the one sense it was admitted on all hands to have succeeded, but in the other it was equally admitted to have failed. In the one sense, transportation meant the conveyance of criminals to colonies where the free settlers largely preponderated, where there was a demand for labour, and where the colonists were willing to employ convicts; in such settlements convicts could be indulged with comparative liberty, and might look forward to the ultimate acquisition of property and an honourable *status* in the settlement. That kind of transportation obviously required conditions which it was not always in the power of the Government to supply. The other kind of transportation contemplated the establishment of purely penal settlements—such as Norfolk Island; and it was that kind of transportation which was admitted to have signally failed. The mother country had no right to transport, in the first sense, the hardened criminals of whom he was speaking. They had no more right to turn persons of that class loose in the colonies than they had at home. Such persons were enemies of all society, and ought not to be suffered to prey on society anywhere. That being conceded, the only question that remained was, would you keep criminals of that class in prisons at home or in prisons abroad—for a purely penal colony was, to all intents and purposes, a prison abroad. He (Mr. Collier) thought that the latter alternative was the wiser of the two, and that all arguments were in favour of keeping our dangerous criminals at home. In the first place, by that course they would save the expense of sending them

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out. In the next, they might have a better class of officers at home than they could have abroad. Again, the Home Office would be able to exercise a stricter surveillance over a convict establishment at home than would be possible if it was placed at a distance. In fact it was utterly impossible that such atrocities could take place in this country as had been perpetrated in Norfolk Island. Lastly there were means of usefully employing the labour of convicts at home which were wanting abroad, of which labour we should reap the benefit. There were, for instance, vast tracts of land on Dartmoor which might be reclaimed, and there were harbours of refuge and many other important public works for which convict labour was needed. Now it might be said that imprisonment for life was too severe a sentence to inflict; but imprisonment for life did not necessarily imply solitary confinement or even detention within the walls of a gaol. What he meant by perpetual imprisonment was merely safe custody. He would not even altogether exclude hope; for he had no doubt that it would be found quite possible, after a certain term of good conduct, to allow a prisoner many indulgences which would not militate against his safe detention; indeed it might deserve consideration, whether establishments might not be set up for that purpose. But, at all events, confinement for life here was not worse than confinement for life abroad. On this point abundant evidence had been given before the Committee in favour of Dartmoor rather than of Norfolk Island. Besides, he could not suppose that the people of this country would be so unreasonable as to object to imprisonment for life at home while they were perfectly willing to allow it abroad, where it could not be carried out under circumstances so favourable to the prisoner. A great difficulty then arose as to how we were to deal with the class next in guilt, which we had been in the habit of transporting, but which we could not confine for life. It had indeed been proposed by the Recorder of Birmingham (Mr. Hill), and by several other persons, that a criminal should be kept in confinement until he had given distinct evidence of his reformation; and that if necessary he should be detained for life. Now he (Mr. Collier) did not think that that plan could be carried out; for who were the parties to be satisfied with respect to the criminal's reformation?

Were they to be the visiting justices? Was it to be the chaplain? He (Mr. Collier) did not think the public would be willing to leave a question of such moment as a man's liberty or perpetual confinement in the hands of the chaplain; he could quite conceive a chaplain not being satisfied with a convict's theological sentiments, and on that ground thinking him unfit to be let loose on society. Indeed, that either chaplains or justices should practically have the power of determining whether or not a man should be detained in perpetual imprisonment would not be tolerated by the country for a moment. It seemed to him (Mr. Collier) therefore, that the best thing they could do was that which was involved in the proposal of the right hon. Baronet—namely, to transport as many of these less desperate offenders as they could find colonies willing to receive them; and to subject the rest to longer terms of penal servitude—terms which it might be hoped would break up those criminal cliques and coteries of which they had formed members. It had been recommended by Sir Archibald Alison and other witnesses examined before the Committee, to found one or two semi-penal colonies to receive this class; that was, that four or five free emigrants to every convict should be sent out in order to give employment to our criminals. But such a plan was open to more than one serious objection. It would be attended with extreme expense; and the new colonies would be of such a purely artificial and Governmental character without any natural root in the soil that they could never be expected to flourish. What then was to be done with those whom you could not transport? Some people asked were they to be turned loose upon society? He answered they must some time or other be so turned loose—whether kept to penal servitude at home, or sent to a penal settlement abroad. The reason why transported offenders had not hitherto returned to this country was, they had been absorbed into the free colonial population; but if they were sent to mere penal establishments, depend upon it they would find their way back again to St. Giles's on the expiration of their sentences. On the other hand, they might hope that if they gradually and conditionally extended to convicts at home the privilege of freedom, they might learn to use it without abusing it. If they did not, and offended again, why then they must imprison them for the rest of their lives. The right hon. Baronet

(Sir J. Pakington) objected to the proposal of the Government, on account of the uncertainty which would still remain in the sentence, as to whether or not it would be followed by transportation. No doubt there would; but the uncertainty resulted not from legislation but from the very nature of things, and therefore could not be obviated. If they left it (as they ought to leave it) to the Home Office to select which of the convicts should be sent abroad, the Judge could only sentence the prisoner before him to penal servitude, and it must be left to the Secretary of State, who was best informed of the wants and feelings of the colonies, and of their power from time to time to absorb a given number or a given class of convicts, to say whether the man should or should not pass the time in a prison at home. He (Mr. Collier) would not on the present occasion dwell on the important question whether anything could be done by the Government for the criminal when his sentence had expired. He thought not; for he thought that all that must be left to private individuals. Nor would he do more than allude to the promise of the right hon. Gentleman to bring in a measure for the reformation of juvenile offenders. He thought it a wise and sound measure to connect the reformation of the young with measures of greater severity to adults; and on the whole he considered the plan of the right hon. Gentleman a very important step towards the improvement of the administration of criminal justice.

SIR JOHN RAMSDEN said: Sir, I have listened with great attention to this debate, and especially to the speech of the right hon. Baronet opposite (Sir J. Pakington), as I was anxious to learn whether the amendments to our penal system proposed by the Government, were considered by those among us who are best informed upon the subject, to be well suited to the present emergency, or whether in their opinion there was room and opportunity for a still larger measure. My own attention has been somewhat painfully drawn to the subject we are now discussing, as the district in which I live has been, perhaps, more than any other in England, afflicted and alarmed by crimes clearly traceable to released convicts. I have, therefore, looked forward with much interest to that Amendment of the law which the Government announced their intention of proposing to us this evening.

The notice of the right hon. Baronet

Mr. Collier

the Secretary of State for the Home Department referred only to the Act of the 16 & 17 *Vict.*, of which the provisions apply only to penal servitude; but the right hon. Baronet's speech has taken, as the House must have heard with satisfaction, a much wider range, and, by opening up the whole question of secondary punishment, has given rise to a very useful discussion, in which I only presume for a few moments to take part, as the materials for information upon the subject, not only from the inquiries and Reports of Committees of both Houses of Parliament, but from other sources of information available to us all, are so ample as to give the least experienced among us no excuse for being uninformed or uninterested upon it.

As far as I could catch the intention of the Government from the speech of the right hon. Baronet, they mean to base their proposed Amendments of the law upon two of the most important recommendations, or rather, I should say, resolutions of the Committee of last Session, which was a Government Committee, presided over by the Chancellor of the Duchy of Lancaster, and in which the right hon. Baronet the Member for Droitwich took a prominent part. The Government Amendments, as I understand them, embody the first and seventh Resolutions of that Committee. The first, or to speak more correctly, the first and second Resolutions of that Committee, taken together, recommending a return to transportation so far as it may be available as a means of punishment, and the seventh Resolution recommending that the sentences of penal servitude prescribed by the Act of 1853, should be changed and lengthened so as to be identical with the terms of transportation for which they are respectively substituted. Now, if we had heard any safe or efficacious scheme propounded in the speeches we have listened to in this House, or in the multitude of suggestions out of it, either for reclaiming adult criminals or for giving complete security to society against them when released unreclaimed, we might be dissatisfied with the Government for now proposing to us an imperfect measure; but, while the punishment of criminals is comparatively an easy matter, the best mode of dealing with criminals whose term of punishment has expired, and who are to be thrown back upon society unrestricted and unreclaimed, is a problem, unhappily, as yet unsolved in England. That transportation as a

punishment is, on the whole, the most beneficial to this country, as stated by the Committee of last year, is now pretty generally admitted, though I cannot help thinking, if I may venture to express such an opinion, that the Committee state its advantages rather too strongly, when they say that it has both a deterring and a reformatory effect. The evidence before us, taken as a whole, appears rather to show that transportation as a punishment is not dreaded by the criminal class; that, while it has great terrors for the accidental offender, who is surrounded by the ties of home and kindred, the habitual criminal looks upon it rather as a sentence of mere exile than as a condemnation to a state of penal slavery. To such an extent, indeed, was this apparent, even at a period when the condition of our convicts was one of the greatest endurance and hardship, that Sir George Arthur, as Governor of Van Diemen's Land, deploring before the Committee of 1837 the ignorance and insensibility of the criminal class in this country to the severities of transportation, actually proposed that measures should be taken by the Government in England, by the publication of tracts with appropriate sketches, for showing to the eye the degraded state of the convict working in chains, in order, as he observes, that the very worst of the criminal class might be made sensible of what transportation really is. Neither, I fear, can transportation be recommended as a reformatory punishment; for in New South Wales and Van Diemen's Land, we had it in evidence before the same Committee—and no witness testified to this point more strongly than the Attorney General of Van Diemen's Land—that the expiring and ticket-of-leave men were the very worst class in that colony—those of whose frequency and enormity of offence every witness spoke in the strongest terms. But although the purifying effects of transportation, as regards the convict, may easily be exaggerated, it is difficult to exaggerate its advantages to the mother country, as a means of eliminating from our society one of its most dangerous elements. The Government now propose to return to transportation, as far as the temper and circumstances of the colonies will admit; but they adopt the principle, which I think is a sound and just principle, that convicts shall not again be forced upon colonies unwilling to receive them. This of course much narrows the field available to us for transportation; indeed,

the right hon. Baronet has at present told us of no other colony but Western Australia that has expressed its willingness to receive convict labour, and Western Australia can absorb but a small proportion of those whom we desire to transport. How far the circumstances of other colonies and their demand for labour may widen the field for our convicts has, as I gather from the speech of the right hon. Baronet, yet to be ascertained. But so far as it goes, this determination of the Government, as an amendment of our penal system, must, I think, meet with general approval. But the other question remains as to that larger section of our criminals who can not be transported, and who, when the term of their imprisonment is over, must be set free in England. The right hon. Baronet proposes that the terms of imprisonment should be lengthened, so as to correspond with the former terms of transportation. This will undoubtedly be a very great improvement; but I trust that it will be completed by an enactment that the full sentence shall really be carried out, and that in future any relaxation of the terms of punishment shall be the exception and not, as under the present law, the rule. It is agreed by all authorities that the efficacy of a punishment depends less on its severity than on its certainty; and it is a perfect mockery of a court of justice that the Judge should solemnly pronounce a sentence, and that the criminal should hear it pronounced, when both the one and the other know that more is said than is ever intended to be carried into effect. No doubt the stimulus of hope acts beneficially on the sufferer; but it was well laid down by Lord Brougham, in the Lords' Report of 1847, that, in the work of reformation, time is the great moral agent; and, although we cannot and ought not to presume to say when or how the penitential feeling may set in, yet we may be pardoned for distrusting sudden reformations—more especially in a gaol, where, as those most conversant with criminals tell us, and as the right hon. Baronet has observed, there is no opportunity or motive for committing offences, but ample opportunity and motive, of which the oldest and cleverest offender is aptest to avail himself, of being obsequious to the governor, respectful to the gaoler, and most reverential to the chaplain, in the hope of regaining that liberty which he may employ in the perpetration of one of those mysterious and daring crimes by which we

are occasionally startled and alarmed. But, while we are changing the terms of imprisonment, I cannot but think we ought to consider whether some further change ought not to be made in the condition and treatment of the prisoner. It is obvious that the condition of the criminal in prison, in his food, in his labour, and in his separation from his fellows, should be such as to make a poor hard-working labourer with the most scanty earnings and the severest privations, but with the enjoyment of liberty, an object of envy to him, and that when released from prison his recollections of prison life should be such as to make a possible return to it an object of dread and almost of consternation. And I shall be glad to hear that it was the intention of the Government to give effect in every gaol in the country to the separate system. It is the only system by which we can insure that, if the convict is not improved by the punishment inflicted, he shall not, at any rate, leave prison a worse man than when he entered it; and that association with vice shall not ripen the accidental offender into the hardened criminal. But, Sir, the real point for the Legislature to aim at is not so much punishment as prevention by reformation; and I must confess that every day's experience seems to prove to us that any adequate protection to society by the reformation of adult criminals is all but hopeless, and that it is only by arresting crime at an earlier age, by the instruction and reformation of youthful offenders, that any real and abiding good can be achieved. This, however, is a very large and a very interesting question, on which I should not now presume to enter, even if the right hon. Baronet (Sir G. Grey) had not announced his intention of bringing it under our notice by another Government measure this evening; and I will only, before sitting down, repeat my opinion that the right hon. Baronet, in again adopting transportation as a means of punishment as far as it may be possible to do so, in rendering the terms of imprisonment at home more extended and more certain, and in enlarging the system of juvenile reformatories, is proposing as much as we can at present expect to remedy the evils complained of, and in my humble judgment, for the introduction of this Bill, the Government are entitled both to our thanks and our support.

MR. ADDERLEY said, he could not allow the present opportunity to pass of

Sir John Ramsden

tendering to the right hon. Baronet (Sir G. Grey) his personal thanks for having so early in the Session brought forward this important subject. He was happy to say that, so far as he understood the right hon. Baronet, there was not one sentence of his speech in which he did not cordially concur, and which he would not be prepared most cordially to support. If he felt any dissatisfaction it was rather that the measure did not go far enough than with the provisions of the measure itself. With regard to tickets of leave, he hoped that the doubt that still seemed to weigh on the right hon. Baronet's mind as to the policy of abolishing them would be removed, and that we should ere long get quit of that which was a most useless as well as a most misunderstood provision. The right hon. Baronet had brought before them the *pros* and *cons* of this question, and said it was a most difficult one to decide upon; but he thought there could be little doubt that the good which flowed from the system was small compared with its disadvantages; and that one of the most prominent of them was the barrier it placed in the way of the convicts obtaining employment. Tickets of leave had become a bugbear in the eyes of the country. So much had been said about them, and so much terror was associated with them, that their use, if they had any, had become impracticable, and even were there no other objections to them, this would be enough to render their abolition necessary. There was another point about which the right hon. Baronet seemed to have some hesitation, and that was the Resolution of the Commons' Committee of last year, which recommended that a part of every sentence should be fixed, and that another part should be elastic according to the conduct of the prisoner. The principle which the Committee recommended was that in a sentence for seven years, for example, four years should be fixed and certain, and that the three years might be diminished according to the industry and good conduct of the prisoner. The right hon. Gentleman seemed to think it was impossible to make a portion of the sentence fixed and certain, as that would limit the prerogative of Her Majesty; but the recommendation was not meant to operate against the ground on which the Royal prerogative of pardon was exercised. The diminution of the punishment was intended to rest on the prisoner's own conduct, but the exercise of the prerogative depended, generally

speaking, on some new facts affecting the convicting evidence, and made known to the Home Secretary through the Judge subsequently to the trial: so that the ordinary and only legitimate exercise of the Queen's prerogative would not in any way be interfered with by making a portion of the sentence fixed, and irredeemable by the prisoner's own conduct. With these two exceptions he gave his unqualified approbation of the measure proposed by the right hon. Gentleman. As to the transportation part of the scheme, he took something like a paternal interest in that matter, for a proposition having the same object in view, though not in every respect identical, was proposed by him, unsuccessfully, in the Committee of last year. He hoped that from the day this Bill was passed they would bid farewell to the penal sentence of transportation and that henceforward certainty was to be introduced into our criminal system. The great cause of uncertainty in regard to transportation was the impossibility of always, and in all cases, carrying out the sentence; and that must always be uncertain so long as we were at the will of the Colonies in that matter, and not much willingness being ever probable. Transportation was also uncertain in its effects upon the criminal, and was always most severe to the best men; its severity was felt in the inverse ratio of the criminality of the man. His understanding of the new arrangement was, that all such secondary sentences would now be to penal servitude, and when a prisoner had a sentence of penal servitude passed on him a certain period of imprisonment and severe labour would have to be undergone, and that when that period was over he would, as much as possible, be removed to another country; or, if not, that he would be let out on ticket of leave in this country or regularly discharged when the period of servitude was concluded. That was an intelligible sentence; but what hopes had the right hon. Baronet of being able to carry out even the post-penal deportation included in his plan for the ultimate disposal of prisoners? When he expressed his hope that there would be available means of so disposing of large numbers of convicts he (Mr. Adderley) wanted that he had told them where. He was afraid that for some time to come Western Australia would be the only place to which we could send even liberated convicts, and that colony, he feared, was little capable of receiving the number that we

had to dispose of. The great difficulty was to find out the means of carrying out the deportation part of the entire sentence, and that difficulty was to be attributed to the conduct of the Minister who made the first attempt to force transportation on unwilling colonies. The attempt was made seven or eight years ago to force convicts on the Cape. It was resisted. Other colonies took up the quarrel, and now it was a matter of pride and irritated feeling with them all not to receive, on any terms, our convicts. He hoped, however, it would go forth that the right hon. Gentleman had no wish to force our criminal population on any unconsenting colony, though he confessed it would have been matter of greater satisfaction to him if the right hon. Gentleman had stated more explicitly in what quarter his hopes and expectations of their being received lay. He was convinced that if they offered fair reciprocity to the colonists, and asked them, as fellow-subjects, to enter into arrangements which were mutually advantageous to the mother country and the Colonies, opportunities would be found, when new colonies were established, of employing a large number of convicts in the first formation of roads and harbours, and upon other public works. Although the other night he expressed a strong opinion adverse to the availability of the Hudson's Bay territory, yet for this purpose it was not improbable that it might absorb some convict labour, that is, in opening up new country for settlement. He wished to press upon the attention of the House the fact, that this country was more backward than, perhaps, any nation on the Continent in using the private assistance of benevolent individuals with the view of meeting difficulties of this nature. The advantages that had attended the efforts of the Discharged Prisoners' Aid Society at Birmingham, which had now been in existence for nearly twelve months, satisfied him that much might be accomplished by private benevolence in the disposal and re-employment of convicts. That society was chiefly formed by the chaplain and officers of the gaol, who constituted a sort of register-office, by means of which manufacturers, who were willing to do so, were enabled to take into their employment convicts who were discharged from prison. The great difficulty such emigrants encountered in obtaining employment arose from their being without character; but this difficulty was met by the society, which acted as their friend and

referee, and sometimes gave surety for their conduct; and one of the richest men in the neighbourhood of Birmingham, who had taken one of these discharged prisoners into his household, with the consent of his other servants, had not found his confidence misplaced. He (Mr. Adderley) believed that if benevolent societies with similar objects were established in this country they would be the means—as had long been the case in France and Prussia—of affording employment to numbers of discharged prisoners at home. He hoped the right hon. Baronet (Sir G. Grey) intended to follow up this Bill by a further extension of secondary punishments, and that penal servitude would not be established as the only punishment of that description. He (Mr. Adderley) trusted that no absurd sentimentality would be allowed to prevent the much more extensive adoption of corporal punishment in fitting cases, which, owing to the abuse of it, had come to be too much disused. There was a large class of criminals who had become so degraded as to be insensible to any higher motive than the fear of pain. That class was now allowed to pass practically without punishment, and the consequence was that they were constantly committing offences which led to their recommittal to prison. He thought the abandonment of degrading punishments had been carried too far. He conceived that the wretch named Harrison, who had been recently convicted, might very properly have been subjected to the most degrading punishment, and that even had he been pilloried he would only have had his deserts. He thought also that many crimes which were now visited with secondary punishment ought to be again made capital. In his opinion, robbery attended with such violence as to endanger the life of the person attacked ought to be treated as a capital offence, and the crime of garotting should be placed within the same category, for it was to all intents and purposes of the nature of murder. He concurred also in the suggestion of the hon. and learned Member for Plymouth (Mr. Collier) that incorrigible criminals ought to be punished by permanent exclusion from society.

MR. LABOUCHERE said, that the proposal of his right hon. Friend had been so favourably received by almost every speaker, and there had been such a general desire that the principal discussion should take place on the second reading, when they would be better acquainted with

the Bill, that he did not feel it necessary to trespass on the House for any lengthened time. But he could not help expressing his satisfaction—not his surprise, for he had not expected that it would be otherwise—that no speaker was at all disposed to view this question exclusively as it respected the interests of this country, as apart and separate from those of the Colonies. We were indeed bound to take a large and comprehensive view of the general interests of the entire British Empire—not to consider merely what might be convenient and agreeable to ourselves with regard to our own home population, but to take into consideration the past history and the present interests and feelings of our colonial empire. He had never believed that it would be otherwise. During the recess communications had reached him that alarm, and serious panic had been excited in some portions of our colonial empire by particular expressions which had fallen from some hon. Members last year on the subject of transportation, and from the crime which existed in this country. But he was perfectly certain that when Parliament met the Colonies would soon discover that there was no desire on the part of that House to deal with them otherwise than with that attention that was due to their interests and importance. Undoubtedly this question of transportation was to be considered with reference partly to this country and partly to our colonial empire. As regarded this country, it could not be disputed that there was the greatest advantage in being able to resort, in a considerable degree, to a system of transportation as secondary punishment for certain classes of criminals. It might be matter of dispute—it had been matter of great difference of opinion amongst those who had most considered the subject—how far transportation was or was not a deterring punishment to our criminal population. He believed that it acted very unequally. There were some, no doubt, to whom, to be sent out of the country, was an object of great terror, and to them it might be a deterring punishment; but he believed that there was a large and increasing class to whom transportation would be anything but a punishment. It was curious to see the contradictory opinions which had been given before the Committee, of this and the other House of Parliament, by persons well qualified to speak on the subject. There were some, and among them some Judges of

the land, who were of opinion that transportation was in a high degree a deterring punishment; on the other hand, chaplains and governors of gaols, and persons who knew the habits of the criminal community, were strongly of opinion that transportation as a deterring punishment was fast losing its force. So far back as 1832, when Colonel Davies' Committee sat, there was an intimation that transportation was beginning to lose its terrors, as deterring from crime, and that something else must be looked to. Sir W. Molesworth's Committee, which sat later, expressed that opinion much more strongly. Remembering that within the last twenty years not less than 500,000 persons had gone as voluntary emigrants to the shores of Australia, he could not believe that in that class of persons, from whom those emigrants had proceeded, there could exist the same dread of transportation that had existed twenty years ago, when it was hardly possible, either by persuasion or bribes, to induce any portion of our agricultural population to leave the country. Still, it could not be questioned that, as a means of disposing of a large class of our criminal population, of reforming them, and giving them a far more favourable chance of improvement than they could possibly have at home, transportation, as an adjunct of a system of secondary punishment, was most valuable; and ought, by every means in our power, so far as was consistent with the rights and justice due to our colonial empire, to be preserved. The Government had considered the question during the recess with all the attention which its importance deserved, and had come to the conclusion which had now been stated by his right hon. Friend the Home Secretary, that, while they continued the system they could not recommend that convicts should be transported to any part of the British dominions, except that already open to their reception—the colony of Western Australia. There had been a great deal of discussion out of doors on the subject during the recess, by writers and correspondents who were well-informed and had paid great attention to the subject, and the consequence was that the Members of the Legislature approached the question with their minds far better informed than they would otherwise have done. The correspondence that had taken place between men of great knowledge and experience as to the expediency of transporting convicts to certain places

showed that however, at first sight, those places might appear adapted to the purpose, there were great objections to them. In speaking of Western Australia as the only place, he did not mean that the Government would preclude themselves from taking advantage of openings that might arise in any other part of the world; but at that moment they were not warranted in holding out the prospect that any other colony would receive convicts. The places recommended in the Lords' Report were Vancouver's Island, the Gulf of Carpentaria, and Western Australia. To begin with Vancouver's Island—it was placed very near to California and the United States of America; there was a large population of Indians on the Island itself and close to its shores; and considering its immense distance from this country, and the great expense of transporting convicts there, all must see that it would be most unwise in the Government to propose to found a convict establishment there. With regard to the Gulf of Carpentaria, no doubt the House would be disposed to maintain inviolate the pledge given to our Australian colonies—not to inflict convicts upon them without their free consent, and would maintain that pledge, not only in the letter, but in the spirit. They would not only not send convicts to the colonies themselves, but not to any place which would give easy access to those colonies. From the imperfect information we possessed about the Gulf of Carpentaria, he was far from satisfied that the climate was fitted for a convict settlement—the very last accounts from that place spoke most unfavourably of the climate. There was another objection still stronger. The House would not be disposed to place convicts in any situation where they could filter through into neighbouring colonies. Now it was upon the sheep-walks and pastures that the prosperity of the colonies in that part of Australia must depend. The sheep-walks in Moreton Bay were extensive: already they were within 600 miles of the Gulf of Carpentaria, and, if the settlement of the Gulf of Carpentaria were to prosper at all, it must be by means of its sheep-walks, and there was consequently a probability of the convict population of the latter place finding their way to a free colony of New South Wales, to which we were pledged not to send them. Then there were the Falkland Islands, the advantages of which had been so strongly commended. Now with respect to the Falkland Islands,

Captain Sullivan, the Commissioner who had been sent out to report on their eligibility, told the Committee of the House of Lords that they were admirably adapted for a convict settlement with one drawback—that after the convicts were liberated there was no probability that private employers would be found to take them into their service to any extent. He considered that fact as absolutely fatal to the Falkland Islands as a convict settlement; and he strongly protested against the principle on which some persons recommended the Falkland Islands as a convict settlement—that the convicts would somehow or other filter away, and not be heard of any more. That might be true of a mere handful, but any considerable number of convicts would become an absolute pest to the whole neighbourhood, and the adjacent colonies would not endure it for a moment. This was evident from what occurred at Bermuda. Occasionally convicts were pardoned there, and had as good a right to go where they liked as any Member of that House. Some had attempted to go to the United States. And what was the conduct of the United States? The States had immediately passed the most stringent laws, to the effect that if a vessel arrived at any port of the United States with a single pardoned convict on board, that vessel should be subject to the heaviest penalties, should be turned back again, and not allowed to break bulk. This had actually taken place in the State of New York. He mentioned this to show that it was not such an easy thing to establish convict settlements in some out-of-the-way part of the world, and to let the convicts go when they were pardoned, as some persons supposed. The state of feeling in the world on those subjects was much altered, and the means of free communication in the world had been very much increased. Even our own colonies had passed laws to the same effect. The colony of Victoria had passed a law of a very stringent, and in some respects a very exceptionable character, which prevented pardoned men from other colonies from coming to that colony. The United States had done the same thing with regard to Bermuda. If we sent convicts there we must keep them there, for other places would not have them. He (Mr. Labouchere) was therefore justified in saying that the Government could not come to that House and propose the establishment of a convict settlement in either of the two places recommended by the House

Mr. Labouchere

of Lords. There remained Western Australia, at the present moment the only British settlement open for the reception of convicts; which we had never yet been able to use to the degree that was originally intended, and for which the free inhabitants of the colony were anxious it should be used. It would be a very mistaken policy to go and incur great expense in other parts of the world, at all events until we had exhausted the means which this colony was willing and able to afford. It presented some very peculiar advantages as a place of reception for convicts. The soil, though very fertile, was more adapted for agriculture than for sheep pasture. The sheep-walks were not so extensive there as in other parts of Australia, and the population were consequently more kept together. This was a great means of preventing the escape of convicts; there was hardly an instance of an escape since it had been a convict colony. It had also this advantage—a very great one with reference to the other colonies of Australia. There was hardly any communication by sea from Western Australia to the other colonies. There was very little coasting trade; the trade, such as it was, was almost entirely with British India and with England. There were considerable resources that might be developed by the convicts sent there; but, generally speaking, Western Australia did not furnish much to the other colonies; and the navigation was extremely long and dangerous round the cape at the south-western corner of Australia. The colony was very rich in timber; indeed a very great timber trade was springing up there. The Admiralty had just concluded a contract for timber from Western Australia; and he trusted that this trade might induce the investment of capital there, and be the means of employing men. At the same time, however, that he was fully justified in making these representations to the House, he must take care not to state them in too ample terms. It was only to a certain extent, and for a limited time, that they could look to the introduction of convicts into that colony; and the measure must be introduced with the greatest caution, vigilance, and circumspection on the part of the Government if Western Australia was to continue to receive convicts. It would be the duty of the Government to do everything in their power to surmount the difficulties that existed. One of the principal was that which had

been truly adverted to by the right hon. Gentleman opposite (Sir John Pakington) the necessity of taking care to keep up something like an equality between the sexes. The attention of the Government had been anxiously directed to that subject; he was in communication with the Emigration Commissioners, and hoped to be able to find a remedy for that which had hitherto been a serious evil in our convict colonies. One measure which he had felt it his duty to take, in accordance with the recommendation of the Lords' Committee, was to give facilities to convicts to send for their wives and children, also to send out destitute young women of good character to the colony. It would also be necessary to encourage, as far as they could, the emigration to that colony of free emigrants, between whom and the convicts it was of the utmost importance that the due proportion should be kept up. Under these circumstances they might hope that the colony would prosper. It was indeed far from being in a decaying condition. In 1849 the population was 5,564—all free, no convicts having been then sent there. In 1855 the population had doubled: it was 10,630, and a convict population of 2,175. In 1849 the revenue was £9,566; in 1855, £34,451. The exports, in 1849, were £28,554; in 1855, £105,350. The imports were in 1849, £26,150; in 1855, £46,304. The House would perceive that this colony, under judicious management, might be the means of relieving us of our convict population for some time to come. It had doubtless been an expensive colony; but all penal colonies were necessarily so; and the House must make up its mind to that if it wished transportation to be carried out with effect. But it had not been so expensive as penal colonies in former days. Transportation to this colony commenced in 1850; since that time 4,194 convicts had been sent there; and the whole expense of sending and maintaining them there had been £406,000. Looking back to the settlement of New South Wales, he found that in the first twelve years only 4,564 male convicts were sent out, at an expense of above a million of money, or more than double the cost of the convicts sent to Western Australia. The expense of Western Australia was therefore not so extravagant as some hon. Gentlemen had been led to suppose. And if we were to have transportation anywhere, to any penal settlement, we must make up our minds to

pay for it. He must express his satisfaction at the fair and candid spirit in which the proposal of the Government had been met by the House. As far as principles were concerned, there did not seem to be any great diversity of sentiment. Above all, he rejoiced, that while Members were anxious to find a remedy for any evils in the penal code of this country, they were not unmindful of their permanent obligation to the British Colonies, and were determined to do nothing, either in letter or spirit, to violate those pledges which they had repeatedly given, not to interfere with the expressed wishes of the Colonies on this subject, not to send convicts to any colony which was not willing to receive them, and even not to place convicts in any penal settlement, the proximity of which could give any just cause of alarm to any colony which had expressed its unwillingness to receive them.

MR. BENTINCK said, he could assure the right hon. Baronet that he had listened with the closest attention to the able and lucid speech he had made when introducing his measure to the House. But, making every allowance for the great difficulties with which the right hon. Baronet had to deal, he (Mr. Bentinck) was bound to say he was not yet convinced that the method proposed was one holding out the best means of dealing with this subject. He could not help thinking that the means sought for might be better attained by establishing penal settlements nearer home, and by utilising the labour of convicts. The great objects to be secured were—first, to protect society by the prevention of crime; secondly, to reform, as far as possible, the criminal; thirdly, to deal with the subject with a due regard to economy. The right hon. Baronet himself had furnished him (Mr. Bentinck) with a very strong argument in favour of the view which he took upon the question. He (Sir G. Grey) had spoken of the difficulties of finding a fitting penal settlement being already very great, and likely to increase; and that view of the subject was confirmed by the observations of the hon. Gentleman who had just addressed the House. The colony now proposed for the reception of convicts was not likely to be available for the purpose for more than a few years. Under these circumstances, did it not become the Government and the House at once to take the real difficulty in hand, and to endeavour to devise a system that should be permanent? Such a system would have this

advantage also, it would secure to this country all the advantage to be derived from the labour of the prisoners. The right hon. Baronet the Secretary of State for the Home Department had told them that the labour of those persons would be extremely beneficial to the colony. But surely, if that were so, it might be made equally beneficial to the mother country. This was an important economical view of the question—this country ought not to lose the value—if he might so term it—of the convict labour. The right hon. Baronet had said, that transportation did not increase the vicious habits of the convicts. Now, if they were to believe some of the accounts which reached them from the penal settlements, nothing could be worse than some of the consequences which had resulted from having a large number of convicts brought together. But, however, this might be, he (Mr. Bentinck) could not help thinking, that by a proper management of the convicts in this country, which would bring them more under the eye of the Home Government, there would be a much greater chance of effectual prevention of crime than could be hoped for, so long as these convicts were kept in a penal settlement at a great distance from England. One of the objections made to keeping prisoners at home was the alleged difficulty of finding suitable employment for any but the stronger part of them. But surely this objection applied equally to any colonial penal settlement. It did not apply to one on a large scale near home, because by proper and judicious arrangements, work might be provided for every class of convicts, including even women, and the labour of all might be turned to profitable account. It had been observed that it was quite impossible to judge whether the repentance of prisoners were sincere, or merely assumed as the expedient of a clever fellow to obtain a speedy discharge from prison. He thought that one of the causes which led to sham repentance was the uncertainty that now existed as to the duration of the punishment which would attend detection and conviction, and he was of opinion that it would be an improvement in the administration of criminal law if the Secretary of State was deprived of the power of remitting any portion of the sentence passed on a prisoner except in cases where it had become manifest that there had been a miscarriage of justice. The right hon. Baronet the Secretary of State for the Home Department, had

Mr. Bentinck

spoken of the hulks and had intimated that it was the intention of Government to do away with them. He (Mr. Bentinck) was not prepared to offer a decided opinion on the point; but he certainly should have thought that the hulks could be used most beneficially as receptacles for prisoners employed at coast works, as their use would save the expense which would otherwise be gone to in erecting buildings for lodging those men. The right hon. Gentleman the Secretary of State for the Colonies said, that the 4,000 convicts sent to Western Australia had cost £400,000.

MR. LABOUCHERE said, that the sum he mentioned included the expense of the present establishment, which had already been incurred, and would not be incurred again.

MR. BENTINCK believed it could be easily shown, that by proper management they might make the whole convict establishments pay themselves, if not absolutely profitable to the country; while, at the same time, they might protect society, and hold out a better prospect of the unfortunate inmates being reformed. He admitted that there was one difficulty, and one only, in the way of the adoption of his plan, and that arose from that maudlin sentiment which unfortunately existed in this country in favour of convicts. The distressed but honest labourer, who had a number of children to support, might, if he were not fortunate enough to live in the neighbourhood of some charitable individual of large means, go on struggling in misery year after year, unknown and uncared for, with little to fall back upon except parochial relief; but let him go into the nearest lane and commit a murder, and from that moment he was an object of sympathy with a large class of people in this country, who believed themselves to be actuated by the best motives. The moment a man proved himself to be a great miscreant, those excellent people endeavoured to invest him with all the attributes of a saint and a martyr. He (Mr. Bentinck), therefore, candidly admitted that this maudlin sentiment did afford an argument against keeping prisoners at home; but this difficulty, he thought, could be overcome by a determination on the part of the Government to carry out the sentence passed upon prisoners, and to do that in the manner best calculated for the safety of the community and the ultimate advantage of the criminals themselves.

MR. MONCKTON MILNES said, he was perfectly ready to join with the noble Lord the Member for London and the right hon. Gentleman the Member for the University of Oxford who had expressed their regret that the House had not been called together to discuss the war with Persia ; but, if the two right hon. Gentlemen the Secretaries for the Home Department and the Colonies, could only have made their speeches a few months ago it was impossible to estimate the immense amount of nonsense and discomfort which would have been spared the country. Of course the right hon. Baronet could not have written a letter to *The Times* ; but he might have got his constituents to invite him to a dinner, and such a speech then would have been far more valuable than many delivered under similar circumstances. He knew it was not the right time to discuss the details of this and the subsidiary measure which must go with it, but he hoped when they did discuss it they would show they were not affected by all the falsity and error which had for so long a period prevailed out of doors on the subject. He regretted that the temper and inclination of the House seemed to go along with the immediate and momentary temper of the country in the sense of greater severity and the establishment of the deterrent rather than the reformatory system of punishment. If there were any persons who expected to solve the problem by making our prisons uncomfortable—by thinning the gruel and diminishing the beef—they would find they had mistaken the way of acting even upon the criminal class of this country. He denied that there was any ground for believing that the increased activity of the reformatory and the decreased action of the deterrent principle of punishment had been attended with mischievous results. The population of England and Wales was increasing at the rate of 1,000 per day ; yet there was a diminution of convictions in 1855 of 4,000, and the right hon. Gentleman (Sir G. Grey) had shown that this diminution had continued in 1856. With what face, then, could hon. Members say that all our reformatory action had been a failure ? There were many causes, such as the cessation of transportation, the war and the high price of food, which might have led us to expect an increase of crime ; but there had been, on the contrary, a decrease of crime ; and hon. Members who declared that a just treatment of criminals had increased crime had

no facts to refer to in support of their views. The system of licences permitting convicts to be at large had failed in this country, but not from the causes mentioned. He should rather say it had failed because it required of the police a very difficult and delicate duty, which was quite new to them, and for which they were totally unfit. What was wanted was something analogous to the police *surveillance* of foreign countries, in which the police acted the part of watching the persons in question, but so discreetly as not to damage them in their usual habits of life. But the result of our system had been that every unhappy man who had received a ticket of leave, was, or believed that he had been, tracked from door to door by the police, so that he lived without any sense of security or comfort. But the failure of this system had nothing to do with the other question introduced by the right hon. Gentleman (Sir G. Grey)—namely, the diminution of punishment on account of good behaviour. This was no encouragement to crime, and if they did not allow something to good conduct and contrite behaviour they struck at the basis of all reformatory treatment. He hoped that the hon. Member for Sheffield (Mr. Hadfield) would not press his Motion for a Committee, but would allow the Bill which the right hon. Gentleman had indicated to be introduced and discussed at its second reading. A subject that required attention was the treatment of discharged prisoners. The benefit of the punishment of transportation was not so much in the deportation of the criminal during punishment as in the condition and *status* he acquired after he was discharged. That advantage we did not now possess, but it was one which we must attempt to recover or find a substitute for. We must assist these persons in their attempts to attain a rehabilitation in society, or we should find ourselves driven to great difficulties. The hon. Member for Staffordshire (Mr. Ad-derley) trusted much to voluntary effort ; but he (Mr. Milnes) regretted that in the wealthy and populous district of the West Riding only one petty juvenile reformatory had been established ; but there had been established in connection with the Wakefield House of Correction a prisoners' home, in which all prisoners upon their discharge were received for a certain time, where they were employed under certain strict rules of discipline in remunerative labour, and encouraged to find work and independence

outside its walls. He did not, therefore, think that voluntary means would be found sufficient to meet the difficulty. Some transition state was necessary, for a prisoner could not be turned out of prison destitute, and if a sum of money were given him it was spent in dissipation. He was convinced that if they did not make a bridge to facilitate the passage of a prisoner from the class of society they wished him to leave to that in which he would be able to recover a *status* in society, there would be very little advantage in their other measures, however good they might be in themselves. He would solemnly recommend those considerations to the attention of the House and the Government; and he would only further say that when he found that the measures which he and others proposed in that House ten years ago were now becoming subjects of serious consideration and discussion there he derived encouragement, and hoped that ten years more would not elapse before the principles he advocated, in connection with this question, were brought into actual operation.

MR. J. G. PHILLIMORE said, he rose for the purpose of expressing the great dread he felt lest the House should again have recourse to the punishment of transportation, for, if any one thing had been established by testimony of the most trustworthy and indisputable kind, it was that transportation was cruel in its nature, degrading to humanity, ineffectual for purposes of reformation, and vitiated every one brought under its influence. He dreaded that under a temporary pressure of public feeling the Government might be driven to the adoption of transportation as a secondary punishment; but he hoped they would act with firmness on the occasion, for, however desirable it might be to remove criminals to some place of a reformatory character after they had undergone sentence—in the propriety of which he agreed—he did protest against transportation being used as a secondary punishment. Under a proper system of secondary punishments nothing would be easier than for a criminal, after enduring his sentence, to be furnished with the means of emigration; but to send a body of criminals to a particular locality, in the hope that they would thereby be reformed, was simply an absurdity, and indicated great ignorance of human nature. Send them, if the House would, separately, and so give them a chance of recovering a lost character

and earning an honest livelihood; but to send them as a distinct body to one particular spot was only to furnish them with every possible motive for returning to a course of crime when the time for their liberation arrived. Nobody, he hoped, would ever seriously dream of restoring such a hell upon earth as Norfolk Island had been. Nor would anybody now contend that the worst class of our criminals ought to be inflicted on any of our Colonies. He would also urge upon the notice of the House that, in reference to the less criminal class of convicts, under pretext of sending them abroad for a short time, the Government would, in fact, inflict upon them, practically speaking, a sentence of perpetual exile. Another objection to a return to the system of transportation was that the disposition of the lower classes was rather to underrate its severity as a punishment. When men heard of the high rate of wages which prevailed in Australia, they were, as it were, allured to the commission of crime, in the expectation that they would be sent to a country where a rapid fortune might be made. It was not to deter people from crime, surely, that the House would transport them to a place where they would have all the advantages of a fine climate, a sufficiency of food, high wages, and whither, as the Secretary of the Colonies had said, respectable young women might be permitted to accompany them. With regard to the ticket-of-leave system, he trusted it was at an end; for, besides other evils connected with it, to cast upon the police of the country the duty of watching over suspected persons, whom they might have it in their power to ruin at any moment, was a thing wholly unknown to the laws and constitution of this country, and too grievous longer to be borne.

MR. NEWDEGATE said, he was not one of those who, like the Member for Pontefract (Mr. Milnes), thought that public opinion of this country ought to be treated with contempt. He thanked the Government for the consideration they had given the subject before the House, and submitted that if the House would only look at the marked increase of crime, accompanied by violence, they would find that the opinion of the Judges on this subject, was amply borne out as well as by the public feeling out of doors; he thanked the public press for the exertions it had made to embody and reflect the popular opinion on this grave question.

In 1853, when he protested against the Bill for the abolition of transportation, he found himself almost alone and unsupported. He must say, however, while rejoicing that this subject was now seriously engaging the attention of the Government, he lamented that the first three recommendations made by the Committee of that House by which this subject had been investigated had been totally overlooked or contravened by the measures which the Government sought to introduce. Those recommendations were, in effect, that transportation should be retained as a punishment under sentences passed by Judges on the Bench for all the graver category of offences, and he had heard no reason assigned why, when the Government were contemplating a new system of transportation, they should in the same measure embody a provision for destroying the punishment of transportation so far as it was at present retained. He could not understand why, while there was hope of a new penal colony being established, the House should be called on rashly to destroy the remnant of a punishment the tampering with which the whole country had cause to regret, and the restoration of which, under somewhat different conditions, was contemplated by the very measure now under consideration. He had heard means of punishment suggested, revolting, as he thought, to the kindly feeling of this country—such as the attempt to seclude men for life or for very long intervals of time. He could not believe, after the experience they had had of solitary confinement, that the House would ever sanction upon a larger scale, or under conditions of greater severity, a punishment from which the best feelings of humanity recoiled, which had proved both in this country and in the United States dangerous to the health and to the sanity of prisoners when unduly extended, and in what manner would they carry out a system of perpetual imprisonment? Was a corner of the island to be cut off and a penal colony formed in it? The Secretary of State would be besieged with applications for the remission of sentences of that kind if they were ever passed. The House ought not to be alarmed by the bugbear of Norfolk Island. The conditions under which that settlement had latterly existed were such that it could not succeed; that penal settlement had been overcrowded and subjected to other disadvantages, which rendered its success impossible.

What had been done before with success might be done again; and, remembering what had been the results of the establishment of penal settlements in America, in Australia, in Van Diemen's Land, he hoped they would not be deterred by the example of Norfolk Island from establishing penal settlements elsewhere. The public asked to be relieved from the presence of the most dangerous classes of criminals; and, as it would be impossible to carry into effect a system of perpetual imprisonment or of Austrian police in this country, they must look to the natural resources afforded them by extended empire. He trusted that they would not abolish the power of sentencing to transportation until they had exhausted every means of discovering a place to which the worst criminals might be transported, with a view to afford to the public that protection which they had a right to demand at the hands of the Legislature.

Mr. LIDDELL said, he was glad to hear that the punishment which was to be inflicted upon a criminal was to have the character of certainty; and if there was one portion of the speech of the right hon. Baronet the Secretary for the Home Department to which he had listened with greater regret than to another it was that by which, while reserving to the Government the power of transportation, the right hon. Baronet proposed to do away with the sentence of transportation altogether. He was glad, moreover, to find that two periods in the career of the criminal had been so distinctly recognised by the right hon. Baronet—namely, the period of punishment and the subsequent period of probation. He would confine the few observations he had to address to the House to the latter. He trusted that, in the future amended system of management, in the probationary period, care would be taken to distinguish as accurately as possible the causes which had led to crime, because there was a great distinction between the convict who became one from his corrupt and criminal nature, and the man who occupied the same position from having acted upon the impulse of the moment. He begged the indulgence of the House if he appeared to abuse the privileges of debate in directing their attention for a moment to the subject of cotton. It was an apparent digression, but they would presently see in what manner he connected it with the question before them. They had heard repeatedly of late complaints with respect to the supply of

cotton, and they were doubtless aware that five-sixths of all the cotton imported into this country came from the United States; but the capabilities of America to produce it were limited, and the Indian-grown cotton, it was well known, could only compete successfully with the American, when prices in the States were high, owing to a deficient crop. Very recently the supply of cotton had given rise to considerable discussion, and not long since some important light was thrown upon the subject by a communication made by a gentleman to the Liverpool Chamber of Commerce touching its cultivation in Demerara. That gentleman had shown that cotton in no way inferior to any of American growth could be produced in that country. They had also been told that in that part of our colonial possessions no less than 400 estates were no longer cultivated, owing to the scarcity of men for agricultural labour. Now, he wished to ask the Government whether there was any objection to entering into a contract with those planters who were in a state of ruin to supply them with a certain portion of convict labour for the cultivation of their lands? In Demerara, the planters were in a desperate position, and he did not think that, situated as they were, they would be very nice as to the character of labourer they employed — whether they would be disposed to give the preference to a Hill Coolie or a Chinaman over an English convict. With regard to Demerara, he was the more inclined to ask the question he had put to the Government, from the fact that a penal settlement existed there already. The British possession in Guiana contained an area of something less than 100,000 miles, and he thought they afforded an ample field for our convict population, and for their useful employment in the cultivation of so important a commercial article. He might certainly be told that the climate was insalubrious; but he would remind the Government that they did not hesitate to send their soldiers to either hemisphere; in the one to be decimated by yellow fever, in the other to perish under the jungle fevers and burning suns of India; and were they, he would ask, to be told that they must deal more leniently with men who had violated their country's laws than with those who had taken up arms in its defence? Such, he could not help thinking, would be most mistaken philanthropy, and he could not but repeat

Mr. Liddell

that the penal settlement to which he referred promised the highest advantages and conveniences for disposing of a certain number of convicts. The right hon. Baronet had, indeed, stated that there were great difficulties in the way of giving tickets of leave in the colonies, and that in the event of any misconduct on the part of the convict it was scarcely within the power of the Government again to subject him to penal treatment. That objection would, however, hardly apply to the case of a country in great want of labour, and where a penal establishment already existed, such as the colony to which he had just alluded. Something had been said about the treatment of our prisoners, but in his opinion they were treated very much too well. The diet of the convicts at Bermuda was better than that supplied to our troops, and at home things were little different—a case had recently come under his notice where a boy had run away from a reformatory because he knew he should get better treatment in the county prison. He respected the efforts which had been made by different benevolent persons to purge our prisons of obscenity and vice, and, to a great degree, of discomfort, but he thought the convicts deserved less sympathy than had been shown them from many quarters. Looking over a work of Colonel Jebb's that morning, he had been much struck with finding of what value convict labour was. That work showed that in some of the Government prisons of this country the labour of convicts had been usefully and profitably employed in public works. He should also observe, that there existed the most conclusive reasons for believing that due economy and good management did not prevail in many of our prisons. He found that in Millbank Penitentiary the gross cost of each prisoner in the year 1855-1856 had been £27 7s., and the net cost of each prisoner, deducting the value of his labour, had been £23 1s. 10d.; and that in Dartmoor prison the gross cost of each prisoner had been £32 2s. 2d., and the net cost £30 4s. 11d. But at Portsmouth the gross cost of each prisoner was £31 11s. 1d., and the net cost, allowing for the value of his labour, was only £4 16s. 10d.; and at Portland the gross cost of each prisoner was £28 15s. 9d., and the net cost only £2 17s. 7d. In the two latter prisons the convicts being employed in the construction of useful public works and labour connected with the dockyard. Those figures

went to show that a large saving might be made in the Millbank and the Dartmoor prisons if the labour of the convicts were turned to proper account. He hoped these matters would be borne in mind, and he trusted that some general information would be given by the Government with respect to convict arrangements in Demerara.

SIR G. GREY said, he wished to give an explanation respecting certain cases referred to by the right hon. Member for Droitwich (Sir J. Pakington). He repeated that the observations which Judge Willes had made in the case referred to he afterwards explained as having been made under a misapprehension of the facts. With respect to the case at Worcester, the right hon. Baronet had himself admitted that the recommendations were such as excused the exercise of mercy on the part of the responsible Minister, and he did not think that the House would be of opinion that in no case were circumstances to be taken into consideration after conviction for mitigation of punishment. A petition had been presented to him on behalf of the prisoner by a clergyman of the Church of England, and by persons who had employed him, stating that it was his first offence, and all the documents were sent to Chief Baron Pollock, who tried him, and who, he understood, concurred in the propriety of a mitigation of punishment. He could only for himself say, that he had done all in his power to check the impression among the prisoners that the ticket-of-leave system would be universally adopted in their favour.

MR. MILNER GIBSON said, he wished to say a few words in the way of personal explanation. He was not in the House when the right hon. Baronet delivered the speech introducing this Motion, but he had been informed that the right hon. Gentleman had attributed to him (Mr. M. Gibson) a statement to the effect that there had of late been a great increase of crime and pauperism in this country. But what he had really said was, that he thought the Government, in the Speech from the Throne, had given too favourable a view of the condition of the country, that their representation of that condition ought to have been more qualified, and that their allegations that the people generally were in a state of well-being and contentment was not a full and fair description of our actual position. He had added, that there prevailed

in the country a great amount of discontent arising out of the pressure of the public burdens, as well as a considerable amount of pauperism and crime. He still believed that statement was quite true; but he had not said that there had recently been any alarming increase of crime and pauperism.

Leave given.

Bill ordered to be brought in by Sir GEORGE GREY and Mr. MASSEY.

Bill read 1^o.

REFORMATORY SCHOOLS BILL.

LEAVE. FIRST READING.

SIR GEORGE GREY said, the other Bill which he should ask leave to introduce had for its object to facilitate the establishment of reformatory schools in England. The House was aware, that the reformatory schools recently established under the authority of the Act of Parliament depended for their support entirely upon voluntary contributions. The Secretary of State was at present authorised to pay a certain sum for the maintenance of children placed there instead of being sent to prison, and also had the power to enforce payment for their maintenance from the parents if he saw fit to do so. As, however, these institutions owed their support purely to voluntary efforts, no children could be sent there except with the consent of the managers. Now, great credit was due to those Gentlemen who had devoted their attention to the important subject of endeavouring to arrest crime at its source, and the Bill was not intended to interfere with their voluntary exertions. But reformatory institutions, although increasing, were still comparatively few in number, and were not sufficient for the wants of the country. Under these circumstances, it was pressed upon him last Session that it would be most desirable to introduce a Bill authorising counties and boroughs, out of the county and borough rate, or other funds at their disposal, to establish reformatories of this kind; and the object of the present Bill was to enable them to do so. The measure was a permissive one only. Counties and boroughs might, if they pleased, establish separate institutions of their own; or there were provisions under which they were empowered to unite for this purpose, and thus to establish by joint action a reformatory on a larger scale, and more complete in its arrangements than could be formed if they acted alone. This, how-

ever, would of course be quite optional. The provisions of the law under which children would be admitted to reformatories would remain the same as at present, except that, where these institutions would be supported out of the county or borough rate, it would no longer be optional on the part of the managers to refuse to receive children who might be sent there, unless of course they happened to be full. Justices were also empowered to aid schools by grants, either by sums in gross, or by periodical payments, subject to such arrangements as might be agreed upon between the managers and the justices as to the reception of children. The Bill contained a great many details, into which it was not at present necessary to enter; but the object, he repeated, was merely to enable the authorities of counties and boroughs to establish these reformatories subject to the provisions of the existing law.

MR. SCOTT wished to know whether the Bill extended to Scotland?

SIR GEORGE GREY replied in the negative. It would be necessary to introduce an entirely distinct measure for Scotland.

MR. DEEDES suggested that a clause should be introduced into the Bill, by which the power at present vested in the Secretary of State for the Home Department, of compelling a parent to contribute to the support of a child in a reformatory school, should be transferred to the Court which had sent the boy to the establishment. It was evident that the Court must be better acquainted than any public official with the merits of the case they had tried, and the nature of the responsibility which devolved on the parent.

SIR JOHN PAKINGTON expressed the great satisfaction with which he had heard the statement of the right hon. Gentleman respecting this Bill. He had long felt convinced that the reformatory system could not be so extensively applied as was necessary without some measure of this description, and, whatever might have been his objections to the measure which the right hon. Gentleman had first brought before the House this evening, he could certainly entertain none to the principle of the Bill just introduced. This was not the time to discuss the details, but he thought the suggestion of the hon. Member for East Kent (Mr. Deedes) might with propriety be adopted. There was no point upon which greater unanimity existed than

the necessity, as a matter of principle, of making parents contribute to the support of their children while in these reformatories, and he thought it would be much better that the discretion on this point should be lodged with the Court before which the case was tried, than with the Secretary of State.

MR. ALCOCK thought the House acted lavishly with regard to these institutions while it was very parsimonious on the subject of education, and contrasted the money annually spent upon 100 criminal children—namely, £1,800, with the sum of £65, which the State spent in providing education for 100 non-criminal children, that was to say, every child who received education at the expense of the State cost only 13s. a-year, while each criminal child cost £18. He thought, that one of the most effectual means of diminishing the number of juvenile criminals was to give a more generous support to the educational institutions of the country.

In reply to MR. ADDERLEY,

SIR GEORGE GREY said, that a great deal of money had been collected under the provisions of the Act of 1854 from those parents and step-parents who were able to contribute towards the support of their children in reformatory schools. Mr. Sidney Turner, whose appointment to the office of inspector of those schools was owing to the great attention which he had devoted to the reformation of juvenile criminals, had been instructed to make the best arrangements possible for enforcing that portion of the Act.

SIR STAFFORD NORTHCOTE said, that he thought it desirable that the Judge who sent a child to a reformatory should be empowered to say what amount should be paid by the parents; and he was sorry that that part of the Bill of 1854 had been struck out. He could have wished that the Bill of the right hon. Gentleman had attempted a consolidation of the law relating to reformatories; but perhaps that would come better next year, after the system of inspection had been in operation. He thought that the inspectors should make reports.

SIR GEORGE GREY: They are bound to do so.

Leave given.

Bill *ordered* to be brought in by SIR GEORGE GREY and MR. MASSEY.

Bill read 1^o.

The House adjourned at a quarter after Eleven o'clock.

Sir George Grey

HOUSE OF LORDS,

Tuesday, February 10, 1857.

MINUTES.] PUBLIC BILLS.—1st Schools (Scotland); Young Persons Instruction; Probates and Letters of Administration; Divorce and Matrimonial Causes.

AGRICULTURAL STATISTICS—

QUESTION.

LORD WYNFORD asked if it was the intention of the Government to bring in the same Bill as that of last Session on the subject of agricultural statistics; or any modification of that Bill? Great anxiety was felt throughout the country on the subject.

LORD STANLEY OF ALDERLEY said, that he regretted the failure of the Bill of last year; but during the recess he had taken the opinion of many people, and he did not think that there would be found that general concurrence on the subject, without which any Bill would be useless; it would, in fact, be distasteful to the feelings of a large portion of the public. It was not, therefore, his intention to propose any Bill on the subject during the present Session. If, at some future time, a Bill of this nature should be introduced, he should give it his support.

LORD FEVERSHAM said, that the objection was not to the Bill of last year, but to the manner in which it was to be carried into effect, it being intrusted to the hands of the poor law guardians.

LORD STANLEY OF ALDERLEY said, that he had stated at the time that if it was thought desirable in the other House to propose other machinery, he would consent to it.

LORD FEVERSHAM said, that the noble Lord last Session refused to adopt any other machinery.

LORD STANLEY OF ALDERLEY said, that he had considered the machinery of the Poor Law Board the best, but in fact no other machinery had been proposed.

VISCOUNT DUNGANNON said, that there would have been no objection to a Bill of a modified form. It was the character of the Bill in question which was really offensive to public feeling through the inquisitorial power which was proposed to be vested in the Poor Law Board. He thought that another Bill might be framed with more moderate terms.

LORD STANLEY OF ALDERLEY

said, the Bill had been agreed to by a Committee composed of various political opinions, and had commanded the consent of all who had given attention to the subject.

LORD FEVERSHAM said, it was evident that the Bill was by no means satisfactory to the country.

THE ECCLESIASTICAL COURTS.

THE LORD CHANCELLOR said: I have placed on the paper a notice that I should this evening call the attention of your Lordships to the jurisdiction of the Ecclesiastical Courts. The term "Ecclesiastical Courts," to those who are not familiar with the subject, would lead your Lordships to suppose that the matters with which I am going mainly to deal were matters of a spiritual or ecclesiastical nature. Had that been the case I should have felt diffident as to my competency to touch upon such a subject, which would present considerable if not overwhelming difficulties to a layman in addressing this House upon it, and I should have felt myself less fitted than a Member of the right rev. Bench to discharge this duty. In truth, however, although these courts pass, by the name of Ecclesiastical Courts, Ecclesiastical matters—that is to say, matters which are in their nature purely Ecclesiastical—form but a small portion of the business which they transact. By custom and by law, indeed, the matters which are referred to these courts have come to be considered Ecclesiastical owing to their connection with these courts; but, in truth, they are mostly of an entirely temporal character. We learn from antiquarians—from those who have looked into our early legal history—that in the remotest ages of our history the temporal and ecclesiastical jurisdiction were united in one court—the County Court—in which the Sheriff or Alderman presided, assisted by the Bishop; and that there all causes, civil as well as ecclesiastical, were disposed of by the joint authority of the two, the Bishop, it has been observed, giving the weight of dignity, while the temporal officer possessed the means of enforcing the decrees. But however this may be, from very early, even prior to what lawyers call the time of legal memory,—that is, the accession of Richard I.,—a distinction was established between Courts Temporal and Courts Ecclesiastical. The Courts Ecclesiastical were created to deal with questions having reference to the interests of the Church; but

in process of time it happened—whether by abuse, by accident, or by a mixture of both, I cannot say—that those Courts came to have jurisdiction over matters which cannot, except technically, be described as of an ecclesiastical character; and it is for the remedy of abuses connected with the jurisdiction thus acquired by these Courts in matters testamentary and matrimonial that I propose to introduce a measure. With regard to the first of these matters, the jurisdiction of Ecclesiastical Courts may be described as having thus originated:—There has been a doubt among learned persons whether in early times, even as regards personal estate, an individual had at his death the power of disposing of that property by will. But this appeared clear that he had not the power of disposing of more than a part of it, and, that being the case, the question naturally arose, to whom did the personal estate, not disposed of, go at the death of the possessor? In the earliest times the rule undoubtedly was that it went to the Crown, upon the supposition that the Crown would dispose of it *in pios usus*. The right to take this undisposed of personalty was from time to time granted by the Crown to different subjects, chiefly to the Bishops of the different dioceses, or to other ecclesiastical functionaries there; though not rarely it was placed in the hands of lords of manors and other persons of influence and property, with regard to those dying within the range of their authority. The result of this was that the right to this property became vested in a great number of persons, from which, there naturally resulted great confusion and considerable abuses. The first attempt to remedy these abuses was by a statute passed in the reign of Edward I. (sometimes described as the English Justinian), by which it was enacted that the Bishops, who, generally speaking, were the persons to whom these grants had been made, and who had in other cases acquired by some means the right originally vested in the Crown, should be bound to discharge out of the personal estate which came into their hands the debts of the deceased. So matters remained until half a century later, in the reign of Edward III., when a further advance was made by enacting that, instead of the property being distributed by the Bishop, the Bishop should grant “administration” of the property before distributed by him to the nearest relations of the deceased. This led to the appoint-

The Lord Chancellor

ment of an administrator, who, by the terms of the statute, was to have the same rights and duties as were possessed by an executor when the deceased had appointed one. As to the mode in which the administrator was to deal with the surplus, after the debts had been paid, this was a point unsettled by positive law for centuries; but by a statute of Charles II., called the Statute of Distribution, it was enacted that any surplus remaining over after the discharge of the debts should be distributed among the next of kin, the statute defining who are to be considered next of kin. And the law then enacted upon this subject continues with little alteration to this day. A man may now therefore dispose of all his personal property by will if he thinks fit; and if he does not dispose of it the Bishop grants letters of administration to some near relative, who pays the debts and distributes the surplus among the next of kin. I should observe that, the Bishops, being intrusted with the distribution of the surplus, it naturally followed that the same persons should have the right of pronouncing upon the genuineness of a will, which has *pro tanto* diminished the undisposed-of property, and these same Bishops therefore had the right of requiring that the fact of the existence of a will should be proved to them. They granted letters of probate: *probatum est*, that there is such a will. I have thus sketched out the history of the Testamentary Jurisdiction, and I think I need hardly say more to satisfy your Lordships that there is nothing essentially ecclesiastical in it, but that this is a subject of a purely temporal character just as much as the disposal of property under a deed or contract. Another important subject with which ecclesiastical courts deal in this country, not essentially ecclesiastic in its nature, is the subject of marriage and (in a qualified manner) of divorce. The right of deciding upon the question of marriage or no marriage, or whether there ought or ought not to be a divorce, arose in a very different manner from the jurisdiction of which I have hitherto been speaking; it arose in times anterior to the Reformation from the circumstance that marriage was a sacrament of the Church, and could only be dealt with therefore by those to whom the ordinances of the Church were familiar—by churchmen, and not by laymen. This, therefore, was a jurisdiction which existed in Ecclesiastical courts, and in Ecclesiastical Courts only. That is another branch, my Lords, of the

jurisdiction of the Ecclesiastical Courts with which I shall ask your Lordships to deal, and I will presently state the course which I shall venture to propose. These are the two most important branches of the jurisdiction of the Ecclesiastical Courts; but a third branch still remains, which is more of an ecclesiastical character,—that is the jurisdiction over the clergy upon questions of discipline, the right to grant faculties for pews, alterations in the church fabric, and other matters of a similar kind. These might no doubt be subdivided, but I think they are sufficiently indicated by embracing them in one class. I shall also ask your Lordships to deal with this branch of the jurisdiction of the Ecclesiastical Courts as being part of the general subject. I will now proceed to state to your Lordships the course which I propose to adopt—first, with regard to the testamentary; secondly, with regard to the matrimonial; and thirdly, with regard to the ecclesiastical jurisdiction of these courts. In order to make clear the proposals which I shall presently make as to matters testamentary, I have shortly explained to your Lordships the mode in which the jurisdiction of these courts originated upon such matters, and shown that, as a consequence, the manner in which they so first obtained jurisdiction. A large number of courts sprang up which had the duty of dealing with matters testamentary; so great, indeed, was the number that, according to the report of the Ecclesiastical Commissioners, which was issued about twenty-five years ago, it appears that at that time there were no less than from 350 to 400 courts enjoying a testamentary jurisdiction, and granting probates. This is of itself a great evil, though the number was probably overstated, for it appears from a return which was laid before the other House of Parliament during last Session that the number of courts actually granting probate is not now nearly so great, for during the five years preceding, probate had not been granted by more than ninety-eight courts, although fifteen others were provided with machinery for exercising that jurisdiction. My Lords, when a person dies within the jurisdiction of one of these courts, *prima facie* that court has jurisdiction to grant probate; but many persons have personal property not all within one diocese or district, and in such a case the probate taken out in any one diocese is ab-

olutely valueless and void, and the consequence is that most persons have recourse to the Prerogative Court; but this is liable to great inconvenience as the probate of the Prerogative Court is liable to be set aside if the testator had no property out of the district or diocese in which he died. That, my Lords, is a great practical evil, and one which was pointed out twenty-five years ago, but, although many attempts have been made to remedy it, whether from the conflict of interests or from other causes, all those attempts have proved abortive. It has, indeed, been said, my Lords, that the subject is one of second-rate importance and of first-rate difficulty, and so that no reform will ever be effected, but I trust that we shall be able during the present Session to give the lie to that view of the case. It is a point also of great importance that wills should be properly preserved and registered, and although in the larger districts the registers are perfectly efficient, nothing can be more unsatisfactory than the arrangement of many of the smaller courts in that respect, and the documents there kept, although of great value to those interested, are rendered extremely liable to loss or spoliation. There is also another great evil connected with these courts. The contentious business which is conducted in them mainly consists in ascertaining whether a testator was competent to make a will at the time of its execution, and then whether the will has been executed with all the necessary legal solemnities. Now, in all cases of inquiry into the competence of a testator to make a will, depending upon the state of his mind at the time he made it, there is, as may naturally be expected, a very vast amount of conflicting evidence, and the mode of procedure of the Ecclesiastical Courts is ill adapted to deal with cases of that description. The process of these courts is founded on the canon, or civil law, according to the practice in which all the evidence is reduced to writing, and tendered in that form; and the advantages which would result from oral examination, from seeing the demeanour of the witnesses, are therefore lost. There is another evil connected with this subject, which, although not of so practical a character, is nevertheless one with which I think your lordships ought to deal. I have stated that these courts, in their origin, had the power of disposing of the personal property of a man whether he died intestate or not, but no such right

has ever existed with respect to real estate. As regards real estate these courts have never had any power of granting probate. Two years ago, my Lords, I introduced a Bill in which, among other things, I proposed that the jurisdiction of Ecclesiastical Courts should be extended to real estate. That Bill was referred to a Select Committee, and after a full and careful inquiry my proposal was overruled by a large majority. At the time I felt that that Vote of your Lordships' Committee had damaged my measure, but I am not now ashamed or afraid to confess that further consideration has satisfied me that there would be great inconvenience in requiring probate in the case of real estate. With regard to personal estate, which may consist of goods in one place, stock in another, and debts all over the kingdom, it is necessary, in consequence of incidents connected with it, that some person should, as soon as possible after the death of the testator, be designated to represent him in order to dispose, collect, and arrange these matters. But with regard to real estate that is fixed, certain, and easily ascertainable, and passes, generally speaking, on death—supposing there is no will—not to several persons claiming as next of kin, but to one claiming as heir. Hence probate would be a most tedious, useless, and expensive process to apply to realty. There are, however, certain qualifications which I propose to introduce, and which I trust your Lordships will not hesitate to sanction. One great anomaly which exists under the present system is that the Ecclesiastical Courts decide only upon the validity of wills so far as the personal estate is concerned, while the real estate is decided by other tribunals. If a question, therefore, arises whether the testator were of sound or unsound mind, there may be a different decision with respect to the personal estate from that which may be given as to the real estate. There is a suit of this description pending before your Lordships' bar at the present moment. In the year 1842 a gentleman named Colclough died seised of a large real estate in the county of Wexford, and of personal property to the value of £120,000 or £130,000. The will gave all the property to the widow, and she obtained probate in the Prerogative Court of Ireland, and took possession of everything. In 1849, however, the heir-at-law brought an action of ejectment to recover the real estate in

Wexford, and the Court decided that the testator was a man of unsound mind, and that the will had been unduly obtained. The consequence is that, although the same piece of paper conveyed both properties to the widow, she has validly obtained possession of a large amount of personal property, while the question of the real estate, of some £7,000 or £8,000 a year, yet remains in dispute. Now, that is an anomaly which, as it appears to me, your Lordships ought to deal with. I propose, therefore, not that it should be necessary in every case of real estate to obtain probate, but that if there be a contest as to the sanity of the testator, and a *caveat* be entered against granting probate as to the personal estate, then that the heir-at-law as well as the next-of-kin shall be cited, and that that adverse proceeding shall litigate and determine the question both as to the personal and the real estate. I do not attempt to deal with these matters in a manner merely theoretical, but I look at what are the practical evils of which the public justly complain, and to those evils it is the bounden duty of your Lordships to apply a remedy. Now, without intending any sort of disparagement to those very able gentlemen who from time to time have presided in the Ecclesiastical Courts, I think that we should adopt the suggestion of the last commission, that the court of probate ought to be a Queen's court, and not an Ecclesiastical Court. I therefore propose to constitute one Queen's Court of Probate; but it should be observed that the duties of that court are practically almost entirely of a ministerial character. The real matter in which the public are interested is that there should exist the means of ascertaining cheaply and without delay, whether he left a will or not, and who is the representative of the deceased person. All that is necessary for that purpose is to have a good, clear, cheap, and expeditious system of registration of wills; because that is what in ordinary cases probate really amounts to, the practical duty of the court being the duty of the registration. The question has been raised whether, in transacting the ordinary business of proving a common will, the aid of proctors might not be altogether dispensed with. That is a point upon which my opinion has from time to time varied; but, on the whole, I think that the result of the evidence which was taken before the last commission

was to show that the business was done better, and it might be done cheaper, through the instrumentality of proctors than if no such machinery existed. I do not propose, therefore, at present to abolish the proctors; but if it should be found after experience that they can be dispensed with I should have no objection, when we had felt our way, to get rid of them. In the meantime, however, I propose that they shall be continued, subject to the power of the Lord Chancellor and the Judge of the court to add to the number of proctors, or to make new regulations with regard to them. Your Lordships will understand that this monopoly only applies to non-contentious business—to the proving of wills according to the ordinary form, or to what I call the common registration of wills. In these matters and none others I propose that they should have the same exclusive privileges which they have now; their number is very limited, there being in all only 120, of whom only about eighty practise; they are known to all the officers of the court, and there is the greatest attainable security against any fraud or impropriety in their conduct, and a man would be immediately struck off the list if any sort of fraud were discovered. So much with regard to wills proved in London. Now, looking at the matter with a theoretical view merely, it might seem desirable that all wills should be proved in London; but I am satisfied that that would not really tend to the convenience of the public. I therefore propose that there shall be, as at present, a number of district courts where wills may be proved as they now are. For that purpose I propose to retain all the present diocesan registries, and to add a few others, so as to make the number thirty in all throughout the kingdom, because some of the dioceses are so large and straggling that it is inconvenient for persons to have to go so far. I do not mean, however, to give these district registries a jurisdiction except in cases where the property does not exceed a given amount. Their operation will be confined, according to the recommendation of the last Commissioners, to cases where the personal estate is sworn under £1,500. When the property is of greater value it will be more convenient that the will should be proved in London. There will, however, be one important difference between wills proved under the Bill and wills proved in the diocesan courts as at present. I propose, whenever a will shall

be proved in a district court, to take away the power of questioning its validity, and render it a valid instrument in all parts of the kingdom. I intend to introduce a similar measure with respect to Ireland. [Lord CAMPBELL: What about Scotland?] There is more difficulty about Scotland, but I am in communication with the Lord Advocate, and I do not despair of succeeding in extending the principle to that country. What I have said thus far applies to the non-contentious jurisdiction of the courts in which out of the 30,000 administrations granted in the year, something like 29,950 are included, and under the Bill which I propose all non-contested wills may be proved in London if the parties please, but wills under £1,500 may be proved in the district registries, and whenever so proved shall be valid. Hitherto the Bank of England has represented that it would be put to great risk if called upon to transfer stock upon probates coming from small courts in the country; but I have been in communication with the solicitor of the Bank, and having apprised him of my intention to render valid wills once proved in the district registries, he has intimated to me that the Bank is satisfied with that proposal. So much for the non-contentious jurisdiction. With regard to the contentious jurisdiction the law at present is, that wherever a will is proved there the contest arises whether it is a valid will or not. That arrangement is very inconvenient, for where there is often neither Judge, nor barrister, nor legal assistance at all competent to deal with such difficult and delicate questions, and in such cases practically, the contest is removed by letters of request to London. What I propose, therefore is, that, with the exception I will hereafter mention, there shall be no contentious jurisdiction in the country—where it is all but impossible—but that it shall be carried on in the court of probate in London, as other questions are dealt with in the Superior Courts at Westminster. Very strong objections have been taken to the proceedings in the Ecclesiastical Courts, mainly arising from the tedious, expensive, and imperfect manner of taking evidence, and the decisions of those courts have failed to give satisfaction. Under the measure which I propose, the Judge of the court will really have next to nothing to do. The registrars will, in ordinary cases, determine whether a will is in due form or not, appealing to the Judge for assistance whenever they require it, and

when a question of fact arises whether, for example, the testator were a man of sound mind, or whether the will was duly executed, I propose that such questions should be dealt with exactly in the same manner as an issue is directed by the Court of Chancery to be tried in a court of law, and that nothing shall be done by the Judge, except sending them wherever they can most conveniently be tried. Some are of opinion that they ought to be tried by the Judge of the Court of Probate himself; but I cannot give my support to that theory. In the first place, nothing will be saved either in point of time or expense; and, in the next, the trial of a disputed fact such as the sanity or insanity of the testator, cannot be carried on in the ordinary progress of a cause. It must be proceeded with at a different time from that in which the ordinary proceedings are going on; whether the Judge of the Court of Probate tries it or not is of no consequence; and most assuredly it would be hard to compel witnesses to come from a great distance—from Exeter, Norwich, or Carlisle, for example—to give evidence in London before the Court of Probate, where the question could not be so well tried as by the Judge on circuit. What I propose, therefore, is, that the same course of procedure should be followed as in the case of a trial directed by the Court of Chancery. That brings me to a point upon which I have the misfortune to differ from many of your Lordships. At present the Judge of the Prerogative Court—my very able and learned Friend Sir John Dodson—is occupied a great portion of his time in the trial of questions of fact; and when all disputed questions of fact are sent to be tried by a jury he will have almost nothing to do. This being the case, I cannot honestly propose to your Lordships the creation of a new Judge. What I propose is, that one of the existing Judges shall discharge the duties of that court, and in this way a saving will be effected to the country. My proposal is that one of the Vice Chancellors shall be appointed to the discharge of this duty, though I am aware that on this point I have the misfortune to differ from some of your Lordships. It has been said that the Vice Chancellors are not proper persons to try questions of this kind, as they are unaccustomed to deal with matters of fact. I believe there will be no matters of fact, or very few, for them to try; but if there should, I propose that all the evi-

dence shall be *vivâ voce*; I grant, for the sake of argument, that the Vice Chancellors are not so familiar with the rules of *vivâ voce* evidence as the other Judges, but they will not be often called upon to apply them—[Lord BROUGHAM and Lord LYNTHURST intimated their dissent from this portion of the measure.] I may observe that motions for new trials, when heard before equity Judges have generally been disposed of in a most satisfactory manner; I have thought the matter over, and I hold to the opinion, that this part of the scheme is sound, but I will not persevere in it if another opinion prevails among your Lordships. With regard to the practitioners in the court, I do not propose that in contentious business the exclusive privileges of the proctors should be continued. My decided opinion is that the advocates in Doctors' Commons, the proctors, and all the practitioners of the common law courts should be at liberty to practise in the new court of probate at the discretion of the client. Thus far I have spoken of cases amounting to £1,500, but there may be wills of very small amount—say, £100 or £200—in which there is an actual contest, and it would be very hard that they should have to come up to London. We are therefore bound in such instances to find a remedy, and I propose that in cases where the personal estate is sworn under £200 it shall be within the competency of the County Court to decide the matter. The mode in which these courts are doing their business is such as to entitle them to our confidence, and, as occasions arise, to increase their jurisdiction, and accordingly I think they may be usefully employed in the discharge of this duty. This is the whole of the proposal which I have to submit to the House with reference to testamentary jurisdiction. I shall now proceed to the second branch of the subject, which is not less important than the first—namely, that which related to what were called matrimonial causes. Your Lordships are aware, that some years ago a Royal Commission, composed of very learned persons, was appointed to look into the question of divorce, and that this commission, having taken evidence on the subject, came to the conclusion that the present state of the law of England on that subject was highly discreditable. The simple fact is, that a divorce *a vinculo matrimonii* cannot be obtained in this country by any legal proceeding known to the constitution. It is true, a mar-

riage contracted under certain physical circumstances, may be declared a nullity, but that is not a divorce; to call it so would be an entire misuse of the term; it was a declaration that there never has been any marriage at all. For a century and a half it has been the practice of your Lordships' House if an act of adultery on the part of a wife has been established, and if the act has been followed by a divorce *a mensâ et thoro* obtained in the Ecclesiastical Court, to grant a private Act of Parliament—a *privilegium*—in order to make the husband a single man again, so as to enable him, if he so choose, to marry another woman. In the case of the wife she can only obtain a divorce from her husband if adultery has been committed by him under circumstances which render it impossible for her ever to cohabit with him again, as, for example, when the adultery amounts to incest; and I believe there are only four instances on record in which your Lordships have granted such a divorce by dissolving the marriage at the instance of the wife. Now, the Commissioners reported, as I think every person of good sense must admit, that this was a state of things extremely discreditable to the country, and that a remedy was called for. One of two courses is open to your Lordships—either that you should not allow any such Bills to pass your Lordships' House—an opinion entertained by a noble Friend of mine the Chairman of Committees (Lord Redesdale); or, as the Commissioners suggested, that you should constitute a tribunal which should take cognisance of questions of divorce on similar principles to those that had regulated the proceedings of your Lordships in such cases. With that object I introduced a Bill last Session of Parliament, which was passed by your Lordships, but which went to the Commons too late to be passed into a law. After I introduced that Bill, my noble and learned Friend on my left (Lord Lyndhurst) took up the whole subject with his accustomed clearness, and adverted to the great grievance which pressed on married women, even independently of this question of divorce. He pointed out the injustice done to a married woman who might be divorced *a mensâ et thoro* from her husband, so as not to be under the obligation of cohabiting with him again. The law with regard to property acquired by married women under such circumstances is exceedingly anomalous, and with

the view of remedying that anomaly, the Divorce Bill of last Session was referred to a Select Committee, and some proposals were made by my noble and learned Friend (Lord Lyndhurst) with the object of mitigating, if not of removing, the existing evils. These proposals were adopted by your Lordships, and I propose to introduce them, with some alterations, in the Bill I am about to lay on the table. In the first place, I think that if a married woman has been deserted by her husband without lawful excuse for a certain time—say three years—it is extremely reasonable that she should be entitled to a decree of divorce or separation from the court to be constituted, which will enable her thenceforth to be mistress of her own property. She may employ her industry either in intellectual or in less elevated pursuits; but her husband will be precluded, if he should return, from claiming as his property any money she may have accumulated. It is difficult to define what period of desertion should give this right, but I think it is not unreasonable to say three years, and the precise period can be fixed at a subsequent stage of the Bill. I think no husband who leaves his wife without lawful excuse for a period of three years should retain the right of saying on his return, "I claim possession of all the property you have acquired since I left you." If, however, the husband and wife should desire to live together again, I think every facility should be afforded them for doing so, and, in order to encourage such arrangements, I propose that a wife who has earned money shall, under such circumstances, have the power of making a settlement just as she could do before marriage. Your Lordships are aware, that at present a settlement made after marriage is invalid as against a third person, but I propose so far to alter the law as to render a settlement made by a woman, under such circumstances as I have mentioned, equally valid with an antenuptial settlement. I propose, further, that even in cases where there is neither cruelty nor desertion a similar arrangement may be made by deed. This proposition has startled some persons; but practically such arrangements are now entered into. It is now legally competent to married persons to separate by deed, but the legal consequences of such separations are not exactly defined, and Lord Eldon contended, that if a husband or a wife so separated were to institute a suit in the Ecclesiastical Court for a restitution of conjugal rights the deed

would not be a bar to the claim, because the wife had no power to contract; since his time, however, the validity of these deeds has been established, but the object is effected in a most cumbrous manner. The wife cannot contract, and therefore she gets a trustee to contract with her husband. I propose to remove these cumbrous anomalies, and to enable persons to do directly what they can now only do indirectly, and that the wife shall in such cases have the same power over any property she may acquire as if she were separated by a decree of divorce of the Ecclesiastical Court. I will not now enter into further details of the Bill which it is unnecessary for me to describe, but which your Lordships will be enabled to consider when the measure is before you, but I will lay the Bills on the table and ask your Lordships to consent to the first reading. There is still another subject relating to ecclesiastical jurisdiction with which I propose to deal, and with reference to which I introduced a Bill last Session, which I had not the good fortune to carry. That measure was opposed not merely by right rev. Prelates, but by noble Lords for whose opinion I entertain very high respect; and I therefore withdrew it, in the hope that at a future time I might see my way out of the difficulty in which I was placed. Some few weeks ago I communicated with my most rev. Friend the Archbishop of Canterbury, who furnished me with the sketch or outline of a measure which is, I believe, generally approved by right rev. Prelates, and, adopting that sketch as the framework of the Bill I intend to introduce, I have no doubt that it will meet all practical evils, and I hope will be approved by the right rev. Bench. That measure relates to offences of the clergy, which may be classed under two heads—moral offences and doctrinal offences. At present the course of proceeding in such cases is artificial and cumbrous, and expensive to a degree hardly credible. If a clergyman is charged with any offence moral or doctrinal, he is summoned to answer the accusation, and if he admits his guilt the Bishop inflicts punishment. If the accused does not admit his guilt the Bishop has to issue a commission to five persons, one being his chancellor, another a barrister, a third a dignitary of the Church, and two other clergymen, who are empowered to summon before them witnesses in support of the charge, and the accused clergyman, and to inquire into the facts. These Commissioners sit and examine wit-

nesses at a great waste of time and enormous expense; they then report to the Bishop, but the case, instead of being concluded, was then only commencing, as their Report was only in the nature of the finding of a grand jury—a *constat* for further proceedings. If further proceedings are taken, the same dilatory and expensive course is pursued, and the expense of such proceedings is so great, that no one without a well-lined purse can venture to institute them. The remedy I propose, in conformity with the suggestion of my most rev. Friend is, that a Bishop may at any time file articles in his own court, in the simplest form, against an offending clergyman, and that the same course may be taken by any voluntary promoter. The accused is then to be cited, and if he admits the charge, the Bishop, assisted by his chancellor or vicar-general, will pronounce sentence. If the charge is not admitted, I propose that a jury, consisting of five persons, part clergymen and part laymen, shall be summoned, and shall decide upon the questions of fact. Their finding was to be conclusive of the facts, but the accused might still say that even admitting the facts there was no right to punish him, and I propose in such case to give the same power of appeal which now exists—first to the Court of Arches, and then to the Privy Council. I propose that the same course should be pursued in the case of doctrinal offences; except that I think the interests of the public, and particularly the interests of the Church, require that it should not be at the option of any one voluntary promoter to institute proceedings with reference to what are called doctrinal points. I think that before such proceedings are taken, a certificate ought to be given by a certain number of persons of station in the Church, declaring that there are reasonable grounds for instituting proceedings. I am sorry to say that, although this Bill is in preparation, I am not yet enabled to lay it upon your Lordships' table; but, as on a former occasion, I was more than once blamed for having dealt with these subjects separately, instead of having laid the proposed changes before the House at the same time, I have endeavoured to explain all the measures which it will be my duty to bring forward. I shall only conclude by saying that, if any of these Bills should not meet the approbation of this or the other House of Parliament, I cannot admit there is any such necessary connection between them that any one of them may not be passed, even

if the others be rejected. The noble and learned Lord then *presented* a Bill to amend the Law relating to Probates and Letters of Administration in England; and a Bill to amend the Law relating to Divorce and Matrimonial Causes in England.

LORD LYNTHURST said, I desire, my Lords, to say a few words upon that very extensive scheme of legislation which has been submitted to you by the noble and learned Lord. And first, with respect to the testamentary jurisdiction, I am very apprehensive that the Bill proposed by my noble Friend will not generally be considered satisfactory, and I may state very briefly the reasons upon which I found that opinion. At the same time, it is not to be assumed, that in stating those reasons I express my own opinions on the subject. I shall reserve the statement of those opinions until the Bill reaches a subsequent stage. In the last Session the Attorney General introduced a Bill upon this subject into the other House, and the great objection urged against the Bill was, that it was a transfer of the jurisdiction of the Court of Probate to the Court of Chancery. That transfer was objected to by almost every Member of the other House whose attention was directed to the subject. It was said that it would be contrary to policy to add to the jurisdiction of the Court of Chancery, and I heard expressions used as strong as this—no sane man would add to the jurisdiction of that court. In the present Bill, it is true my noble and learned Friend has not in terms transferred the jurisdiction of the Court of Probate to the Court of Chancery, but I will satisfy your Lordships that he has done so in substance. Whether that be a wise and proper course, I will take some subsequent opportunity of considering; I am now only suggesting the difficulties with which my noble and learned Friend will have to contend in the progress of the Bill. In the first place the Judge of the new court is to be an equity Judge, one of the Vice-chancellors, and is to hold the office only so long as he continues Vice-chancellor. Further, the orders and regulations with respect to the course of proceeding are to be framed by that equity Judge, not by him indeed alone, but by him assisted by another equity Judge, my noble and learned Friend the Lord Chancellor. Again, in the mode of enforcing the decrees of the Court the practice of the Court of Chan-

cery is to be followed. So far, then, this tribunal is to be an adjunct to the Court of Chancery, and the mode of taking evidence is to be the same as that of the Equity Courts, with respect to which, give me leave to say, that I have communicated with many of the practitioners and some of the Judges of that Court, and they concur in the opinion that it is most unsatisfactory. But to proceed further, the appeal from the present Court of Probate is to a most popular tribunal, the Judicial Committee. Every one approves of that tribunal. My noble and learned Friend, however, proposes to take the appeal from the Judicial Committee and to transfer it—to what? Why, to the appellate jurisdiction of the Court of Chancery, and from the appellate jurisdiction of the Court of Chancery to the House of Lords! Is not this Bill, then, a Bill to abolish the Court of Probate, and to make the jurisdiction of that court an adjunct to the Court of Chancery? One objection which has always been made to the jurisdiction of the Court of Chancery, and will be made to the proposal of my noble and learned Friend is, that when questions of fact have to be decided the court does not decide them, but calls in the assistance of another court. When, for instance, a case occurs in the City of London or in the county of Middlesex upon which a question of fact arises, the Judge does not summon a jury and try that question, but he sends it to another Court; the record is made up, it then goes down to another court, it is afterwards referred back to the original court, and ultimately judgment is pronounced upon it. Mark the inconvenience and inconsistency that arise in these cases. An issue is sent to be tried in Middlesex before my noble and learned Friend opposite (Lord Campbell)—a Judge profoundly conversant with the common law, having been accustomed to practise in courts of law every day for years. A question arises in the Court of Equity on my noble and learned Friend's decision, and a new trial is moved for. Before whom is the Motion made for a new trial, calling in question the decision of my noble and learned Friend not only upon the questions of evidence, but upon any questions of law which may have arisen in the progress of the case? Before a Judge who has never been in a court of common law in his life. It is an appeal from an enlightened Judge who has practised every

day in a court of common law to a Judge who is—I will not say utterly, but comparatively—ignorant of the subject. Are not these adequate objections to the species of tribunal which my noble and learned Friend wishes to establish? I am not now urging them myself; I am merely stating them as they will be urged in other places against my noble and learned Friend's Bill. Again, as the law at present stands, an heir-at-law cannot be divested of his property without the verdict of a jury; he has a right to insist upon it. But by this Bill a verdict will be by no means necessary. The question may be decided by a court without a jury, and not by a court of common law, but by a court of equity. I now ask your Lordships whether it is not probable that the Bill, when it comes to be considered and discussed in another place will not be thought quite so satisfactory as my noble and learned Friend seems to anticipate. My noble and learned Friend may be sanguine as to the successful management of the Bill, he may be able to combat many of the observations I have made, some of the arguments against it I might myself be able to refute, but those observations and those arguments are very likely to prevail against the Bill. The noble and learned Lord spoke of forty district courts. I did not quite understand whether they were new courts to be established or old ones continued. But what is the duty to be discharged by the registrars of those courts? They will have no more than a ministerial jurisdiction; they will only have to see that the wills are properly framed. Why are courts of this kind to be established or continued? You have County Courts all over the country. Why should not this jurisdiction be exercised by the registrars of the County Courts, who would be aided by the intelligence and supervision of the Judges, and the expense of these new courts saved to the country? Another very difficult part of the subject is that of compensation. You are transferring the jurisdiction from the Court of Probate, presided over by a learned Judge, experienced in the discharge of his duties and ably performing them, to a new tribunal. Why that court is to be abolished for the purpose of creating a new court as an adjunct of the Court of Chancery I cannot say, but I should be glad to know what compensation is to be offered to the members of that court. Your Lordships will surely require

Lord Lyndhurst

some anticipation to be made by my noble and learned Friend as to the probable amount of that compensation, in order that you may consider whether you are not paying too highly for this transfer of jurisdiction. I said at the outset that I would reserve my opinion upon the details of the Bill, and would only state my reasons for thinking that it would not be satisfactory. Those reasons I have now stated, and it is for my noble and learned Friend to consider whether he will be able to overcome the objections to which I have directed his attention. Dismissing that subject, I now come to the Bill of my noble and learned Friend which relates to church discipline. The subject of that Bill is one of great importance, and I must claim the attention of your Lordships, particularly of the right rev. Bench, to the few observations I am about to make upon it. Our attention has been very much drawn lately to the statute of 13 *Eliz.*, under which a prosecution has recently been carried on. By that statute the slightest deviation in doctrine from any of the articles of the Church of England may be made the subject of a prosecution, although that deviation may be sanctioned by the highest authorities—by rev. divines and right rev. Prelates, and the only sentence that can be pronounced is that of deprivation. There is no alternative. This is a very harsh state of things, and what is worse is, that every offence within the jurisdiction of the Act to which I have referred may also be dealt with as an offence under the general ecclesiastical law, and if dealt with there the punishment is not defined, but the sentence may adapt itself to the nature of the offence. I think this is a subject of great importance, and one eminently deserving your serious consideration, though I am not sure in adverting to it that I have made myself intelligible to your Lordships. My opinion is, that it would be desirable to provide that such offences should always be dealt with under the general ecclesiastical law, and not under the provisions of the statute. There is, however, a difficulty which has been pointed out to me as standing in the way. The statute to which I have referred, it seems, was incorporated in the Act of Union with Scotland; but I may remind your Lordships that in this particular matter now under consideration the Scotch have no interest or concern, and if we are desirous of relaxing or altering the law in this respect, surely no reasonable objection

to that course can be made by them. With reference to the third subject to which my noble and learned Friend has called your Lordships' attention—namely, the Divorce Bill, I shall say but a very few words upon that point, and for this obvious reason, that this Bill was before your Lordships last Session, and was discussed as well by your Lordships as by a Committee upstairs. I shall not, therefore, go over the merits of the Bill again, but there are two alterations in it, one an omission and the other an addition, to which I must briefly allude. The Bill of last year contained a clause by which in the case of a conviction and separation for adultery, the party guilty of the adultery should not be allowed to marry the accomplice. That clause has not been introduced in the present Bill. I regret, too, that my noble and learned Friend has not thought it necessary to incorporate in his Bill any provision for putting an end to a practice of which I cannot speak too strongly in terms of condemnation—I mean the action for criminal conversation. I say, my Lords, it is scandalous and wholly inconsistent with the manly character of this country for a man to attempt to satisfy himself for loss of honour and degradation by having recourse to a proceeding of that nature; and if no other noble Lord should seek to introduce a clause with the view of abolishing this form of action, I shall certainly think it my duty to do so at a subsequent stage of the Bill. The only remaining point to which I shall call your Lordships' attention is the addition made to this Bill by my noble and learned Friend on the point of separation. By that addition a husband and wife, without the intervention of any tribunal, and simply by a deed registered in some office, would be allowed to separate, and the wife would acquire by the deed a right to all future acquired property. I believe, my Lords, this is the first time that an attempt has been made to deal with the question of separation in this way; and I hope my noble and learned Friend will well consider this clause before it passes into law. It is a subject of the greatest gravity, affecting most deeply our domestic interests, and it ought not to become law without the most serious consideration. These are all the observations I feel myself called on to make on the subject under consideration, and I need scarcely assure your Lordships that they are not made in any spirit of hostility to the various proposals of the noble and

learned Lord on the woolsack, all of which, on the contrary, are of such importance as well to deserve the close attention of your Lordships.

THE BISHOP OF EXETER expressed the pleasure with which he had listened to the speech in which the Lord Chancellor had propounded his plans to the House, and would content himself by simply saying further, in reference to the subject of Church discipline, that he hoped his noble and learned Friend would be of opinion, on reconsideration, that it would be better made the subject of a substantive Bill than form part of any general measure.

LORD CAMPBELL said: I am imperatively called on, my Lords, in the discharge of my duty, to express a strong opinion in corroboration of what has fallen from my noble and learned Friend opposite (Lord Lyndhurst) upon one part of the Bill of my noble and learned Friend on the woolsack. I hear with astonishment and dismay that it is proposed that any married couple any morning, if they have had a temporary disagreement, or in pursuance of some improper purpose long entertained, may go actually and obtain a divorce for all practical purposes, except marrying again. Those of your Lordships who may have read a book written by my learned Friend, Mr. Macqueen, will remember that they have in France what is called a *separation de corps*, the effect of which is that the marriage between the parties affected by it is dissolved for all purposes, except that they are denied the privilege of marrying again; but the matter must be decided by a judicial tribunal, there must be adequate reasons assigned for the separation, and an attempt at reconciliation on the part of the Judge. The common law courts at present viewed deeds of separation with great suspicion, but such deeds were nothing compared with the judicial proceedings proposed under this Bill, which would amount to a virtual divorce, except that parties would not be allowed to marry again. The foundations of domestic peace, and the security of married life in England will be shaken by this proposal, and I implore of my noble and learned Friend to reconsider this subject. I, of course, offer no opposition to the first reading of this Bill, and I hope that it will accomplish the reforms which for twenty-five long years have been desired in vain. I must say, however, that I have my misgivings on the subject, and begin to think that the Ecclesiastical Courts are immortal, and

bear a charmed life. At the same time there is no one better qualified than is my noble and learned Friend on the woolsack to fight with the difficulties which must be encountered, and I shall be happy to give my noble Friend any aid in my power to surmount those difficulties. With regard to the Court of Chancery, I have a sincere respect for that Court, but I do not think it is well imagined on the part of my noble and learned Friend to make a court of probate an adjunct to that tribunal. I know that in the other House of Parliament it is considered a dreadful calamity—a tremendous evil—when any person is forced to go into the Court of Chancery; and even among your Lordships, in spite of the opportunity many of them enjoy for seeing the ability with which the equity Judges discharge their duties, it is felt that for some purposes the Court of Chancery cannot very properly be selected for the performance of certain functions. Now, suppose an issue was directed to be tried as to whether a will had been properly executed, and whether the testator was of sound mind. That question would come before one of the Judges of the land either in the County of Middlesex or upon circuit; it might in due course come before me. Now, I should feel it no degradation to have one of my decisions reviewed by an Equity Judge; but, at the same time, without arrogating any superiority to myself, I doubt very much whether it would not be more satisfactory to the parties if the appeal were to go before my brethren in the Court of Queen's Bench and the Court of Exchequer Chamber rather than before a single Vice Chancellor. These are some of the arguments which will be used against the present Bill, and I trust that my noble and learned Friend, if it is not too late, will avoid the Court of Chancery, and make his new tribunal a common law court. Notwithstanding the difficulties pointed out I hope they will be surmounted. My learned friends and myself will all do our best to assist in this work, but I think my noble and learned Friend is not exactly in the right course at present, and that after consideration he may avoid some of the objections to which the scheme, of which your Lordships at present have a sketch, seem open.

LORD BROUGHAM said, that he also hoped that the difficulty in the way of this important measure would be overcome by his noble and learned Friend on the Woolsack; but at first sight a difficulty started

Lord Campbell

up, that his noble and learned Friend proposed to establish a new court under an equity judge to exercise a common-law jurisdiction. At least, if he understood the plan aright, the new court was in its procedure to follow the course of the common law. This being the proposition, and the Vice Chancellor being to sit as the judge in the new court, he was at a loss to know what occasion there was for taking the jurisdiction out of the hands of Doctors' Commons. If the jurisdiction was to be taken from the Ecclesiastical Courts, and placed in the new Court of Probate—that Court of Probate being as little a court of common law as the Ecclesiastical Courts were common law courts, and the Vice Chancellor being as little a common law judge as his right hon. and learned Friend Sir John Dodson, the head of the Prerogative Court—then he wanted to know why his right hon. and learned Friend might not discharge the same functions as well as a Vice Chancellor? As to the “common form” business, there could be no doubt that it would be quite as well—if not better—disposed of by the present ecclesiastical judges as by the Vice Chancellor; and as to the contentious causes, as far as he could see, they could be quite as well disposed of by the Ecclesiastical Courts, which at present had the disposal of them, as by the new Court. Here, then, was his difficulty. He wanted to see the necessity which existed for abolishing the Prerogative Court for the purpose of creating another Court of Probate under a Vice Chancellor; for it appeared to him that such a judge was as little likely to expedite the business—seeing that he was not a common-law judge—as the Prerogative Court itself. Then the Vice Chancellor was to direct an issue; well, could not the Prerogative Judge direct it in the same way? It must not be supposed that he was arguing against the abolition of the Ecclesiastical Court; on the contrary, he quite agreed that the Ecclesiastical Court ought to be abolished. To that he had no objection, as at present advised; but he should let a Court of Probate be constituted, not of Equity Judges, administering business after the rules of the Court of Chancery, or the rules of common law, but of common law, proved by the common-law Judges. With respect to another measure of his noble and learned Friend—the Clergy Discipline Bill—he could not help agreeing with the right rev. Prelate (the Bishop of Exeter) who had just now spoken, that it would be better to re-

peal the 13th Elizabeth by a separate Act, and to treat the whole question as entire and separate. There was a case now before the Privy Council, with which they were all familiar, and which afforded just ground for complaint, inasmuch as he was sorry to say it had sequestered, so to speak, his noble and learned Friend (the Lord Chancellor's) services in his judicial capacity in that House. And he believed that much time would not elapse before another case would come before the Judicial Committee—he alluded to a case that was much to be lamented by all friends of the Established Church—much to be lamented by all friends to the peace and harmony of the community, which he feared would ultimately find its way, and, probably, after no great lapse of time, to the same tribunal. Some check ought really to be imposed upon these Church cases, so that it should not be left at the option of any one individual, however well-intentioned he might be, but, unfortunately, not very wisely advised, to go before the Ecclesiastical Court, in the expectation that it would decide upon doctrinal questions, and so threaten, he would not say the disruption—Heaven forbid that should be the result!—but at least to disturb the peace of the Church and of the community. He thought that some check should be provided, so as to control individual caprice in promoting such suits; and he also thought that some such arrangement was advisable as the creation of a spiritual body to whom such questions might be referred for the purpose simply of ascertaining what was the doctrine or discipline of the Church, but leaving the ultimate decision of the question in the hands of the lay tribunal—the Judicial Committee. This would prevent—not disruption, for he apprehended no danger of that sort—but a continuance of that which at present existed in the nature of a disturbance or want of unity in that most venerable body, and tend to satisfy all parties in matters referring to the doctrine of the Church. Another matter relating to Churchmen and Dissenters required to be considered, and he trusted that he might receive sufficient encouragement to reintroduce a proposition contained in a Bill which he brought in two years ago for the removal of a serious grievance under which clergymen of the Church of England now laboured. Under the present system, if a clergyman, from conscientious motives, separated himself from the Church—if from conscientious scruples or conscientious differences of opinion he

had become a Dissenter, as he knew several had done to the great loss of the Church, and without any want of charity, he might add, to the great loss of the parties themselves, the seceders from the Church—if a clergyman thus entered into communion with a Dissenting body, and performed divine service as a Dissenting minister, he was, by the law as it now stood, liable at any moment to be brought before the Bishop, within whose diocese he was executing his functions, as a Dissenting parson, to be dealt with by him in the same manner as if he still belonged to the Church. Holy orders were on all hands regarded as indelible, and if, without in the slightest degree infringing that sacred principle, it could be enacted as part of the plan proposed to be brought before their Lordships that Church censure and all other Church discipline should cease to apply to parties who had separated from the Church, and that all civil disabilities and all the privileges of clergymen should cease likewise, he considered that it would be a wise and certainly a most tolerant addition to his noble and learned Friend's Bill. With respect, also, to Church discipline, he did hope that some measure would be passed for relieving the right rev. Prelates from the position in which they at present stood, of being compelled to enforce discipline by the prosecution of charges against clerks. They had no choice, but were almost compelled by law to prosecute; and yet what was the consequence? A right rev. Friend of his who was not then in the House—he alluded to the Bishop of Winchester—had, to his certain knowledge—for he (Lord Brougham) sat upon the Judicial Committee on the trial of the appeal—incurred expenses amounting certainly to upwards of £4,000, and he believed to above £5,000, in the prosecution of one such proceeding, not one farthing of which could he by possibility ever recover. He thought that common justice and expediency also required that provision should be made to meet such expenses out of the common fund, for it was the inevitable result of such a state of things that the right rev. Prelates could not have much encouragement to perform their duty. With regard to the question of marriage, although he entertained some doubt relative to the giving a power uncontrolled of separation, he generally approved of his noble and learned Friend's scheme. He was sorry that the Bill did not go further in granting divorces *a vinculo* at the suit

of the wife. As far as it did go it was in the right direction; but it did not provide the complete remedy that was required. He quite agreed with his noble and learned Friends as to the cruelty inflicted on the wife in cases of adultery on the part of the husband, and he concurred also in their remarks upon the suit of *crim. con.* which he thought ought, at any rate, to be put an end to. He quite concurred also in his noble and learned Friend's remarks as to the cruel injustice in these actions inflicted on the woman, whose character was at stake, and yet she was not permitted to be a party to the suit, when indeed she might be the victim of a conspiracy between the husband and the alleged adulterer. Possibly some remedy for this evil might be provided, should the action be still allowed, by requiring the plaintiff to give the wife notice, so that she might intervene for the protection of her character. But the action should be altogether abolished. On the other hand, he thought that seduction should be dealt with by criminal procedure as a public offence, and not by a civil action, as merely a private wrong. This was the opinion of those who had gone before us, men of the greatest name and highest authority; not only of Lord Erskine, but of Mr. Pitt and Lord Grenville. Some persons felt great difficulty in this, but, at all events, actions for criminal conversation ought to be got rid of as speedily as possible. He would not now speak of the state of the law, as it affected the property of married women, because he intended to introduce a Bill on that subject himself.

LORD WENSLEYDALE said, the present was not the proper stage for their Lordships to make up their minds with regard to the details of the measure of his noble and learned Friend. He was aware, however, that there were some clauses which required further consideration, though there were also some which were not deserving the appellation his noble and learned Friend (Lord Lyndhurst) had given them. Speaking of the measure generally, it received his cordial assent, because he believed it would effect a great improvement in the law. It did away with a multiplicity of small jurisdictions, established one court, where all original wills could be seen, put an end to the inconvenience of *bona notabilia*, and all this without creating a number of new offices, involving the payment of enormous compensation to the possessors of the old. In his

Lord Brougham

opinion, the chief merit of his noble and learned Friend's scheme was, that the gentlemen who now officiated in the Courts would be employed in the New Court, and of course would receive no compensation; and these were usually the principal objections to many modern improvements and reforms. In 1830, he was engaged with Sir James Graham in the preparation of a Bill, the object of which was to improve the Court of Probate. For some reason or other that measure was not proceeded with; but in substance it was very like the present, and the reason which induced him (Lord Wensleydale) to support that plan was, that it worked on old foundations, and avoided the expense of compensation.

THE BISHOP OF OXFORD said, he trusted the Lord Chancellor would not incorporate in his Bill the suggestion thrown out by Lord Brougham, towards the close of his speech, relative to ministers seceding from the Church. The Clergy Discipline Bill proposed to deal with clergymen who remained in the Church; and as the suggestion of the noble and learned Lord, which was, as far as he (the Bishop of Oxford) could judge, a very proper one, was to pass an Act of toleration protecting those who left the Church against the infliction of penalties, he would advise that it had better be treated as a separate measure. He trusted, therefore, that the measure sketched out by the noble and learned Lord (Lord Brougham) would be separate and distinct from the Clergy Discipline Bill. The noble and learned Lord on the Woolsack proposed to provide for the appointment of assessors to the Judicial Committee of the Privy Council from the Episcopal Bench, and further proposed to multiply those assessors, if necessary, so as to get something like a representative bench in the court; but that was not the proposal of the noble and learned Lord opposite (Lord Brougham). The proposal of the noble Lord was, that the Privy Council should decide, in cases in which doctrine came in question, simply and solely the legal question involved, and that machinery should be provided to enable them to learn what the decision of the Church was upon the point of doctrine. The proposal was, in fact, that there should be a reference on the subject of the spirituality to a spiritual body, in the same manner as in questions relating to foreign matters. Our law courts now obtained the decisions of foreign jurists,

and decided on the questions before them when they were put in possession of the opinions of those jurists. They could not make the Privy Council an Ecclesiastical Court by putting bishops upon it or having them as assessors. Let the Privy Council decide the question of law, and let there be no admixture of the spirituality with the law. No such admixture would be caused by the proposal of the noble and learned Lord (Lord Brougham), which was, that machinery be provided to enable the Privy Council to obtain on the spiritual point that knowledge which they might require to enable them to come to a right conclusion. One serious objection to the appointment of assessors was this, if it were left to the Crown to appoint Bishops, however right and just the acts of those Bishops might be—however rightly they might conduct themselves, it would be impossible either for those who appointed them or themselves to escape the imputation that they had been named, in order that they might give a particular decision in a particular case. Thus the evil of temporary delegates would be revived, and revived in a most mischievous manner, besides bringing a reproach upon the highest officers of the Church.

LORD CAMPBELL said, that the proposal of the right rev. Prelate who had just addressed their Lordships was, that there should be a reference to an ecclesiastical body, and that their response should be binding.

THE BISHOP OF OXFORD wished to correct the noble and learned Lord. He (the Bishop of Oxford) had advocated some such machinery as that suggested by Lord Brougham, and that noble and learned Lord had stated expressly that the opinion of the ecclesiastical body should not be binding in the particular case. The Privy Council was to take the opinion of that body, and then give such decision as they themselves should think best.

LORD CAMPBELL: Then, if the opinion of the ecclesiastical body was not to be binding on the Privy Council, this lay tribunal was to decide on doctrinal matters. If their opinion was to be binding, they would supersede the Privy Council; if it was not, this proposed reference would make the Privy Council more odious, and be likely to bring about a disruption of the Church.

THE BISHOP OF OXFORD was desirous of explaining what his meaning was, that the spiritual body should declare the gene-

ral holding of the Church, but that the Privy Council should be responsible for the particular decision.

THE LORD CHANCELLOR did not think the difficulty of dealing with the spiritual part of the subject would be greater if the Privy Council had the assistance of assessors, than it would be if they were to take the opinion of an ecclesiastical body by reference. The assessors would be appealed to by the Judicial Committee as the Judges were when summoned to their Lordships' House. The question to be decided by the Privy Council was always a legal one. It was, had the party violated the law? He was of opinion that it would be very useful to have the assistance of right rev. Prelates on the Council; much more so than to have a distinct question argued before them on which they (the Bishops) were to make a report, which the Privy Council might or might not adopt, just as they thought fit. However, he would give the suggestion of the noble and learned Lord (Lord Brougham) and the observations of the right rev. Prelate (the Bishop of Oxford) his careful consideration, and communicate to the House the decision at which he had arrived before anything final should be done on the subject. His noble and learned Friend had asked why Sir John Dodson should not be the new Judge, his answer was, that he wished to get rid of the Prerogative Court altogether. As to his having selected the Vice Chancellor as the Judge before whom the cases to which he had before referred were to be brought, he should remark, that the Judge would only have one function to perform—to say whether he was satisfied with the verdict, or whether there should be a rehearing. The reason was, that there was always a Vice Chancellor in London, while the common-law Judges were absent from town during several months of the year. This was desirable, considering that these cases would be of daily—certainly of weekly occurrence. Otherwise, he (the Lord Chancellor) would have no objection to a common-law Judge, for there was nothing in the habits of a common-law Judge which unfitted him for disposing of such questions. By his plan there would be no additional staff or no additional salaries.

LORD BROUGHAM observed, that there was always a vacation Judge in town.

THE LORD CHANCELLOR said, that he knew by experience that the time of the vacation Judge was already fully occupied

from ten o'clock in the morning till six or seven in the evening.

The said Bills were then severally read 1^a.

IMPROVEMENT OF LEGISLATION.

SECOND REPORT OF THE STATUTE LAW COMMISSION.

THE LORD CHANCELLOR moved to refer the second Report of the Statute Law Commission to a Select Committee, in order to consider the propositions in that Report for the adoption of means to improve the manner and language of current legislation. The Statute Law Commission was one whose duty it was, according to the terms of their appointment, not merely to consolidate the existing statute law, but to devise means for obtaining simplicity and uniformity in future legislation. In their second Report, presented last year, they expressed the opinion that a great advantage would be derived from a better supervision of Bills while in their progress through Parliament, that in truth a great portion of the evils of our statute-book arose from the language of the Acts being unnecessarily verbose and perplexed, and from the fact that Bills were passed without due consideration of the mode in which the existing law affected them, and in which they affected the existing law. That was an evil that existed when they were originally introduced; and it was still more aggravated by alterations innumerable being made in them in their progress through Parliament. The introducer of a Bill was often troubled with applications from a variety of parties, and when he found that he could conciliate opposition or gratify supporters of his measure, by adopting some new clauses, he was apt to do so, and material alterations were made not contemplated at the time the Bill was drawn. He proposed that an officer should be appointed, with a sufficient staff—at least one or two assistants under him—whose duty it should be to attend to all Bills that were referred to him, and to report exactly what the state of the existing law was, and how the proposed alterations would affect it. With that advantage, Members might more satisfactorily come to a decision whether measures ought or ought not to pass. It would also be pre-eminently part of the duty of such officer, after a Bill had been through Committee, to examine it, and report immediately to the House what had been done by the Committee. The most discreditable mistakes were made for want

of some such supervision. Only in the very last Session of Parliament (and he took shame to himself, for the Bill came more or less under his own cognisance) a County Court Act was passed, which said that the Judges should receive the salaries mentioned in the schedule. They were enumerated in the schedule, and sums set against their names; but by some oversight, the salaries of two were omitted. The Bill passed the other House in that form; and it came back to their Lordships with *nil* opposite the names of two of the Judges; and as that House had no power to remedy it, questions of money belonging to the House of Commons, it passed in that form. That was a most ridiculous oversight. He knew not how the Treasury had dealt with those persons, whether they had assumed that they were to have the same salaries as their colleagues or not. He was ashamed to say, that in the same Session an Act had been passed for improving the Scotch Bankruptcy Acts, in which certain proceedings were to be carried on according to the form in the schedule set forth. But there was no schedule at all in the Act, and consequently the Act could not be put in operation. The clause in question, no doubt, had been put in in Committee. In 1851 or 1852 an Act was passed, which was to come into force on the last day of next Trinity Term. It passed in Trinity Term, so that it referred to Trinity Term in the next year; and it was necessary to pass another Act to set it right. Besides these blunders, there was a very inconvenient custom of thrusting clauses into Bills with which they had no connection whatever. In the 20 Geo. II. a Bill was passed for the better collection of the duties upon windows; and in that Act was introduced a clause, "enacting that, wherever in any Act of Parliament England is mentioned, it should be deemed to include Wales and Berwick-upon-Tweed." Not long ago, Lord St. Leonards had complained that a certain Bill referred in its enactments to England only, not mentioning Wales, this old enactment having escaped the recollection even of one of the most profound lawyers in the House. This was an anomaly that ought to be remedied. Again, at present there was a mass of legislation passed every year, of which a very small portion consisted of Acts that were to be a permanent guide of conduct, the rest consisting of local and personal Acts, Acts relating to certain departments of the Go-

vernment; and all these formed part of the statute-book. According to a calculation made by Mr. Coulson, that applied to nearly four-fifths of the legislation of the year. Therefore, it was proposed that the Bills should be classed, so that those which were permanent rules of law should be separated from the rest. These again would be subdivided, according as they related to England, Ireland, the United Kingdom, or the Colonies; so that our yearly legislation might not be that confused mass which it was now too apt to be. With a view to introduce this Amendment, he proposed that both Houses should appoint sessional Committees of legislation, empowering those Committees to communicate with each other. The great object would be to have the same officer attached to both Houses, so as to reduce the expense, and prevent collision between the two Houses. He trusted that this was a move in the right direction; and though it might not seem a very important measure at first, he hoped that, in its immediate and ultimate operation, it would lead to the very best results.

Moved—"That the Second Report of the Statute Law Commission be referred to a Select Committee, to consider the Propositions in that Report for the Adoption of Means to improve the Manner and Language of current Legislation."

LORD CAMPBELL said, that he gave the proposal his unqualified approbation. Their bungling mode of legislation had brought discredit on legislative assemblies. Questions relating to the common law which were brought before the Court of Queen's Bench were very soon settled, but those which turned upon the statute law—the settlement of the poor, or the statutes relating to highways and prisons for instance, occasioned the court great trouble and inconvenience, in consequence of the deplorable laxity with which the different Acts were framed. He anticipated that great advantage would result from the adoption of his noble and learned Friend's proposal.

Motion agreed to.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 10, 1857.

MINUTES.] NEW MEMBER SWORN.—For Aylesbury, Sir Richard Bethell; for Salford, Edward Ryley Langworthy, esq.

PUBLIC BILLS.—1° Royal Marine Forces; Industrial Schools; Ecclesiastical Corporations; Sale of Beer, &c.; Chief Constables.

LEGAL EDUCATION—QUESTION.

MR. KEATING said, he would beg to ask the right hon. Baronet the Secretary of State for the Home Department whether it was the intention of Her Majesty's Government in the present Session to introduce any measure founded upon the recommendation of the Commissioners appointed to consider the subject of legal education?

SIR GEORGE GREY replied, that the Government had been in communication with some persons of great eminence upon the subject, and had also received various suggestions and recommendations, one of which was that there should be a legal University having the power to confer degrees after examinations, but nothing had yet been decided upon.

HYPOTHECATION OF GOODS AND WARRANTS—QUESTION.

MR. GREGSON said, he wished to inquire of the right hon. Gentleman the Vice President of the Board of Trade whether, in consequence of the doubts which had been thrown by a court of law on the validity of advances on the hypothecation of goods or warrants, it was the intention of the Government to introduce a Bill upon the subject during the present Session?

MR. LOWE: Sir, the case of "Kingsford and Merry," to which the question of the hon. Member relates, is one the decision in which undoubtedly led to great hardship. That decision was of this nature. A man named Anderson obtained from Kingsford certain goods by means of false representations. Anderson pledged those goods to Merry, and having failed to pay for them, Kingsford brought an action against Merry to recover their value, and judgment was pronounced in his favour, so that not only was that rule of justice violated, which says, "That in the case in which one of two innocent men must suffer, the loss must fall upon the party by whom such suffering was occasioned;" but Kingsford himself was allowed to be the agent in recovering money from a person who was deceived by his own default. I do not for a moment doubt but the case has been decided according to law, but I do not think that any one can fairly contend that the decision is in accordance with substantial justice. I have therefore no

hesitation in saying that there would be no difficulty in introducing a measure which, while it would put an end to that licence of pawning and selling stolen goods which is now enjoyed by the thief through the instrumentality of market overt, would give to fair traders in the exercise of their ordinary business a greater degree of protection than is at present extended to them. It is not, however, enough for the Government to know that a case involving features of great hardship has been decided, we must also be convinced that our interference in the matter would be satisfactory to the mercantile classes; and upon that point I am sorry to say my mind is not made up. It is quite true that a great meeting was held in the City of London upon the subject; and a most influential deputation waited upon Lord Stanley of Alderley and myself at the Board of Trade with reference to it; but I am bound to say that the chairman of the meeting in question was opposed to the object which it had in view; and it is certain that gentlemen of very great influence in the City of London entertain sentiments directly at variance upon the point with those to which the deputation gave expression. The only answer which, under these circumstances, I can give my hon. Friend is, that we shall be quite ready to bring in a Bill upon the subject as soon as we are satisfied that such a measure will meet the wishes of the mercantile classes, whose interests it would mainly affect.

LIGHTHOUSES IN THE CHINA SEAS— QUESTION.

MAJOR SIBTHORP said, he would now beg to ask the right hon. Gentleman the Vice President of the Board of Trade whether any steps were being taken by the Government towards the diminution of the risks to shipping by the erection of a lighthouse on the reefs known as the Pratas Shoals, in the China Sea?

MR. LOWE said, some steps had been taken, but he was sorry to have to state that no decided result had as yet been the consequence, owing to the difficulties which stood in the way. The first of those difficulties related to the question of how funds were to be procured. The erection of the proposed lighthouse would be very expensive, and the only money at the disposal of the Board of Trade for the purpose were the tolls upon English vessels passing by the lighthouse. They were at present in correspondence with the Govern-

ment of Hong-Kong upon the subject of whether English vessels would be found willing to pay those tolls or not. The second difficulty in the matter was, that, even though such willingness should be expressed, there would be a differential duty against English shipping, inasmuch as it was not within the power of the Board of Trade to impose tolls upon foreign vessels.

SOLDIERS' FAMILIES AT COLCHESTER— QUESTION.

SIR JOHN TYRELL said, he wished to inquire whether the Government had decided upon taking any steps for relieving the great distress now prevailing amongst a large number of the soldiers' wives and children at Colchester, and as to which the chaplain of a regiment lying there had made certain representations to the hon. Gentleman opposite, the Under Secretary for War?

MR. FREDERICK PEEL said, the Government were not aware of any distress prevailing amongst soldiers' wives and children at Colchester. He had also made inquiries at the Horse Guards, but found that no complaints had been made there.

SIR JOHN TYRELL said, he held a copy of the chaplain's statement in his hand, and he had been too long a Member of that House to make any statement as to which he was not quite certain.

SIR J. McNEILL AND COLONEL TULLOCH —QUESTION.

MR. J. EWART said, he wished to ask the First Lord of the Treasury whether it was the intention of the Government to make any recognition of the services of Sir J. McNeill and Colonel Tulloch in the Crimea?

VISCOUNT PALMERSTON said, Sir J. McNeill and Colonel Tulloch were employed in the Crimea on an inquiry of a very important nature, bearing upon the state and condition of the army, and they performed their duty entirely to the satisfaction of Her Majesty's Government, and very much to their own credit—with great ability, great perseverance, and great minuteness of research; and no doubt the Report that they made was very useful to Her Majesty's Government in preventing a recurrence of such unfortunate events as had caused their being sent out. But at the same time it does not appear to Her Majesty's Government that their services were of such a peculiar nature as to re-

quire any extraordinary recognition. It may be and must be a question whether that usual acknowledgment which is made for special services shall not be made to them, and it will be our duty to consult with those Gentlemen on the subject. But in answer to the question of my hon. Friend relating, as it evidently does, to honours conferred by the Crown, I can only say that the service does not appear to us to be one of a nature requiring the Crown to step out of the ordinary course to acknowledge it.

MR. LAYARD: I wish to know whether it is true that advancement in the army was offered to Colonel Tulloch before he went out, and that since then many of his juniors have been promoted over his head?

VISCOUNT PALMERSTON: I am not aware of any offer of the kind having been made to Colonel Tulloch. He was a colonel in the army. There are between him and the top of the list several officers who distinguished themselves by actual service in the field, and I consider that it would not be fair to promote him over their heads.

CORRUPT PRACTICES AT ELECTIONS— QUESTION.

MR. H. BERKELEY said, he would be glad to know when the noble Lord at the head of the Government intended to move for a Select Committee to inquire into the operation of the Corrupt Practices at Elections Prevention Act?

VISCOUNT PALMERSTON: My hon. Friend may set his mind at ease. We shall take a very early opportunity of moving for the appointment of a Committee.

JOINT-STOCK BANKS—QUESTION.

MR. J. L. RICARDO said, that the Chancellor of the Exchequer having withdrawn from the Committee of Inquiry into the Bank Charter so much of the proposed investigation as related to Joint-stock Banks, he wished to know whether he intended to appoint another Committee to consider that subject, or whether he had any measure in contemplation?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have no present intention of proposing a second Committee, but I propose to state at an early day the course which the Government propose to take in dealing with the subject of Joint-stock Banks.

ALLEGED TREATY BETWEEN FRANCE AND AUSTRIA—EXPLANATION.

MR. DISRAELI said: Sir, I have to request the indulgent permission of the House to take a course which, although it may be somewhat irregular—

MR. THOMAS DUNCOMBE said: I beg pardon, Mr. Speaker. I am extremely sorry to interrupt the right hon. Gentleman, but from what fell from him yesterday, and the intimation then given to the House that he was about to bring before us a subject of great importance, I presume that it is not his intention to enter into a mere personal explanation respecting a statement which he made on a previous evening, and the contradiction given to that statement by the noble Lord at the head of the Government. Now, so far as my humble vote goes, the right hon. Gentleman should have every indulgence; but I first wish to come to an understanding which is, that being in ignorance as to whether the right hon. Gentleman is about to state that he was imposed on at Paris or not, and as to whether the statements of the noble Lord at the head of the Government upon that point are incorrect or the contrary—the understanding, I repeat, to which I wish to come is this: that if the right hon. Gentleman should go beyond a mere personal statement any other hon. Member may be at liberty to make such remarks as he may think fit upon the observations of the right hon. Gentleman and the noble Lord, without being called to order on a question of form and stopped by there being no question before the House.

SIR JOHN PAKINGTON: I rise to speak to the point of order suggested by the hon. Member who has just sat down, and I think the House will feel, that although my right hon. Friend may be about to take a course not strictly within its rules, yet it is one which has always been permitted for the purposes of personal vindication. When my right hon. Friend has made his statement and the noble Lord has replied, it will be for the sense of the House to determine whether the discussion should be further prolonged.

MR. DISRAELI: Sir, I was under the impression that when the accuracy of a statement made by a Member of this House—especially upon a subject of some moment—was impugned, and impugned without any qualification, it was the courteous custom of the House to permit that Member to take the earliest opportunity

of appealing to its indulgent consideration to make that statement which he deemed to be necessary to vindicate his accuracy—perhaps, his honour. It is in that spirit I appeal to the House to-night, and if any hon. Gentleman rises to call me to order I shall understand that the permission to which I allude is not to be accorded to me. If it should be accorded to me I trust it will be fairly and liberally extended; and I upon my part shall make no observation which I do not think necessary to clear up the point in dispute. I cannot help feeling that I am justly interpreting the general opinion of the House, when, in recalling the circumstances which have led to this appeal, I express a belief that my appearance in my place to answer the contradiction of the noble Lord at the head of the Government is neither unnecessary nor unreasonable. I shall, therefore, assume, that no hon. Member will again rise to call me to order, and that that indulgence will be extended towards me which, upon many occasions similar to the present, has been granted to hon. Members on both sides of the House. I remember some years ago—it may be eight years since—that there was a discussion in this House upon the proceedings which had taken place at Cracow. The discussion was one of considerable importance, and was adjourned for more than one day. I took some part in the debate, with a view of vindicating the Government of Austria on the particular question at issue, and I recollect that I had had occasion—the treaty of Vienna having during the debate been frequently appealed to—to refer to a guarantee contained, as I alleged, in that treaty, by which England guaranteed to Prussia her Saxon provinces. The noble Lord, at present the First Minister of the Crown, was then Secretary of State for Foreign Affairs, and had held that office for no less than seventeen years. On that occasion, when I referred to the guarantee by Great Britain to Prussia of her Saxon provinces, the noble Lord unequivocally contradicted me in the face of the House. He said there was in the treaty of Vienna no such guarantee. “Nay more,” said the noble Lord, “there is in the treaty of Vienna no guarantee whatsoever.” Upon that occasion I had an opportunity of reiterating my statement, and I mentioned the clause of the treaty in which the guarantee was contained. The noble Lord was still incredulous;

he instructed one of his aides de camp to go up to the library,—it was in the old House—and to bring down the treaty of Vienna. The noble Lord then referred to the treaty, and there he found among its provisions a guarantee upon the part of Great Britain of her Saxon provinces to Prussia; and thus the Noble Lord, the Secretary of State for Foreign Affairs, who had been Secretary of State for Foreign Affairs for a period of seventeen years, and whose reputation as a statesman mainly depended on his knowledge of foreign affairs, then became acquainted for the first time, apparently, with one of the most important engagements of the British Crown. On the first night of the present Session I had occasion in the course of the debate to refer to another guarantee. I mentioned that there was in existence a guarantee by France to Austria of her Italian dominions; I mentioned also that that guarantee was expressed in a treaty, and further I mentioned that that treaty was a secret one. The Noble Lord contradicted me upon that occasion as he had done upon the previous occasion with respect to the guarantee to Prussia. But I was then in a very different position from that in which I found myself placed eight years ago. The treaty to which I referred was not printed; it was not published; it could not be sent for to the library of the House of Commons for the purpose of vindicating my assertion, or of refuting the allegation of the Noble Lord. I did not under those circumstances think it respectful to this House to rise and make a barren reiteration of the statement I had put forward; I felt that such a reiteration would not, under the circumstances, be satisfactory either to the House or to myself. I had a moral conviction when I made the statement that I was correct; that moral conviction of my correctness sustained me while listening to the almost unprecedented form of contradiction which I received from the lips of the chief Minister. I received the information which I presumed to communicate to the House that night for its guidance from a quarter which I felt convinced could not be mistaken, and which I was confident would not have deceived me. And here I may perhaps be permitted to say—although upon such a question I think it quite unnecessary that a Member should be called upon for his authority, yet in consequence of the peculiar observations of the Noble Lord,

the House will perhaps allow me to say, that I received that information from no French authority or quarter; and that if I had not made that visit to Paris, to which the Noble Lord with such good taste alluded, that information would equally have been in my possession. Now, I believe I am not mistaking the feeling of the House when I say that I think they will agree with me—assuming that the information I gave was correct, or assuming, what is the same thing, so far as my conduct is concerned, that I had, in consequence of the authority from which I received it, a conviction that it was correct—I think the House will agree with me that it was impossible, under the circumstances, that I could remain silent upon the point. It would be totally out of the question that if the affairs of Italy were brought under discussion in this House, as they had been brought at the termination of last Session—it would be impossible, for instance, that if the subject should be again introduced by the noble Lord the Member for London—and it was a subject which every one supposed would be brought under our notice by the noble Lord—it would be impossible as I felt that I could listen to a Motion upon the subject of the affairs of Italy, brought forward by a statesman of the reputation of the Noble Lord the Member for London—a Motion founded on the proceedings of the Conferences at Paris, and on the direct or implied engagements of the British Government—it would be impossible that if such a Motion were brought forward by the Noble Lord, or any other Member, founded on such authority, and if that Motion should be met by such an answer as that given by the noble Lord last year to a similar Motion—an answer which was then deemed quite satisfactory—I say I am sure the House will agree with me that while I was in possession of such information, and believed it to be authentic, it would be impossible for me, as an honest man, to withhold the statement of what I regarded as a fact that must have totally altered all the reasonings and all the views, all the arguments, and all the feelings of the House upon the subject to which the Motion was addressed. I felt, then, from the first moment that I became, or believed that I became, possessed of this intelligence, that if the affairs of Italy should be again brought under the consideration of the House, it would become on my part an act of peremptory and inexorable duty

to make the statement which I did. That statement was well considered. I will not attempt to excuse it by pretending that it was uttered in the heat and hurry of debate—that statement was a well-considered and a long-considered statement, and if it be an erroneous one I am prepared to take upon myself all the responsibility of so grave an error. Now, Sir, there is one point on which I must ask the indulgence of the House to allow me to make one or two observations, in order to prevent misconception. I wish to guard myself from any misunderstanding as to the views with which I look on such an alleged connection between France and Austria as a matter of policy. I wish no one to suppose that in the observations I made on the first evening of the Session it was my intention to offer any opinion upon that question. I alleged the circumstance which I stated, neither in vindication nor in reprobation of Austria, but simply in order to illustrate the conduct of Her Majesty's Government with respect to the general management of foreign affairs. I am not bold enough to suppose that there is any Member present who remembers with any accuracy what I may have expressed in this House with regard to the position which, in my opinion, Austria ought to hold in the political system of Europe. But I may be permitted to say, with a view to prevent any misconception upon the subject, that the last words that I uttered in this House before the termination of the last Session, on the Motion of the noble Lord the Member for London, expressed the opinion which I have long steadfastly and strongly entertained, that it is a matter of the highest European importance to maintain the power and the authority of Austria. That was the opinion which I expressed on the eve of the prorogation of Parliament. Often and often before have I stated in this House that opinion; and even in the debate to which I felt it necessary to recall the recollection of the noble Lord at the commencement of these observations—the debate on Cracow—I was vindicating the conduct of Austria, and asserting her claim to a powerful and an independent position for the maintenance of the equilibrium of Europe. If, then, it be one of the highest objects of European policy that the power and authority of Austria should be maintained—it is no less, in my opinion, for the sake of Italy and the Italians. It is when that authority is questioned—it is when it

is weakened by the plots of secret societies, or the machinations of foreign Governments, that the policy of Austria becomes repressive and retrograde. It was not, therefore, to impugn the policy which dictated the treaty I alleged to exist that my observations were directed on the first evening of the Session. I believe the policy which dictated that treaty on the part of France was a policy founded on that wise, that temperate, and that conservative spirit which has gained for the Government of the Emperor of the French the respect and confidence of Europe. I have made these observations to the House in order to guard myself against the supposition that in the language which I used on the first night of the Session it was my intention to have impugned the policy which would maintain the authority of Austria, or to have created an impression that France was animated in that proceeding, if it took place, by any other motives than those which would have fairly entitled her to the respect of Europe. That which I did complain of the other night, that which I do complain of still, and that which is the point most germane to the question before us is, that if it be a fact that this treaty exists—that if it be a fact that the statement which I made was a correct statement—the conduct of Her Majesty's Government at the same time was conveying to this House, and to the country, and to Europe, an impression that they were pursuing a policy of an exactly opposite character, and that the course of their general policy was a course entirely adverse to that which this alleged treaty was intended to accomplish and maintain. I think it concerns our national honour that upon this matter there should be a clear understanding. If it be true that while this alleged treaty was in existence we were negotiating treaties with Sardinia, animated and occasioned by representations of a contrary character, surely that is a question which ought to be elucidated before the House. That is what I complained of. I complained of this, that Italian policy was made a stalking-horse by Her Majesty's Government. If the statement that I made was a correct statement, the Liberal party in this country, as I wanted to show them, who extenuate their lack of zeal in domestic affairs by an unlimited confidence in the foreign policy of the noble Lord at the head of the Government—not sufficiently warned by the cases of Poland and Hun-

gary—the Liberal party ought to understand that that Italy which they believed was about to be regenerated according to their ideas by the noble Lord, was the subject of a very different policy and of a very different treatment. Now, I want to place before the House exactly and without exaggeration the charges against me involved in the contradiction which I received from the noble Lord. The contradiction which I received from the noble Lord the other night involved two allegations. The first allegation of the noble Lord was, that my statement that there was a treaty, and that a secret treaty, in existence, by which France guaranteed to Austria the security of her Italian dominions, was altogether a fiction; that there was no such treaty in existence; that there was not the slightest foundation for the statement—that it was, to use the noble Lord's words, a romance. That was the first allegation involved in the contradiction which I received from the noble Lord. The second allegation which fell from the noble Lord was contained in a derisive hypothesis. The noble Lord said, "If there be such a treaty in existence"—after having immediately before declared to the House that there was none—"if there be such a treaty in existence, if the right hon. Gentleman has seen it, all I can say is that I have not seen it; that I have not heard of it; that Her Majesty's Government never heard of it; and instead of advising such a treaty, if we had known anything about it, and been consulted upon the subject, our counsel would have been to have made no arrangement of the kind." These are the two allegations involved in the contradiction of the noble Lord. But as everything in such a case depends upon accuracy, I will read the allegations of the noble Lord as I find them recorded in an authority the accuracy of which he will not, I am sure, dispute. The noble Lord said:—"We come now to Italy, and, in reference to that question, the right hon. Gentleman has had access to archives, and has found out treaties of which we never heard. He announces that there is a secret treaty concluded between the French and Austrian Governments, with the sanction of the Government of England, guaranteeing to Austria her Italian possessions. I am bound to say that this is the first time I ever heard of it. The right hon. Gentleman may have seen such a treaty; but all I will undertake to say is, that we are totally

ignorant of it; and, so far from having advised such a treaty, if we had been consulted we should certainly have given our advice in an opposite direction." I put it to the House whether or not I have accurately described the allegations contained in the contradiction I received from the noble Lord. I will now address myself to the first of those allegations. According to that allegation, the whole thing is a romance—there is no such treaty—it is a pure invention—I have either been hoaxed or I have created the treaty—and, in fact, it is a pure romance. Now, Sir, let me come to what my statement is. My statement is, that engagements were negotiated between France and Austria with the object—with the main object—of guaranteeing on the part of France the security of the Italian dominions of Austria; that these negotiations were brought to a successful conclusion; that they were expressed in writing; that the written instrument assumed the form of a treaty, and of a secret treaty; and that that treaty was executed on the 22nd of December, 1854. In answer to the first allegation of the noble Lord, that there was no treaty whatever—that the whole of my statement on that point was a mere romance, I am here to re-state that which I expressed the other night. I give the very date of the instrument, the form of the instrument and the purpose and object of the instrument. Now I come to the second allegation contained in the contradiction which I received from the noble Lord. That allegation, as the House must remember, was uttered in a spirit of derision; but I will give the noble Lord the benefit of taking it gravely. The second allegation contained in the noble Lord's demand was, that "if such treaty had been seen by the right hon. Gentleman I have not seen it, and the Government have not heard of it, and instead of advising it the Government would have recommended, had they known of it, that it should not be concluded." That is the second allegation of the noble Lord. Now, I have in my possession evidence—irresistible evidence—which proves to me that throughout the whole of the negotiations of this treaty, which I declare to have been executed the 22nd of December, 1854, by which the security of the Italian dominions of Austria is guaranteed by France—that throughout the whole of the negotiations of this treaty Her Majesty's Government were privy to them from the

first; that they counselled them; that the suggestions received their approbation, their concurrence, I will even say their cordial concurrence; and that they were formally advised upon the subject before the execution of that treaty took place. The House will now, I believe, at least agree with me in this, that I have not evaded the issue under our consideration. They will, I think, admit that so far I have placed the very pith and marrow of the contradiction which I received from the noble Lord fairly before them, and that I have directly met these two allegations. But I have a further statement to make upon this subject. I state to the House now that that treaty was not only executed on the 22nd of December, 1854, with the cognisance of Her Majesty's Government, but that it was largely and extensively acted on—that in consequence of that secret treaty Austria withdrew a portion of her troops from Italy—that in consequence of Austria having withdrawn a portion of her troops from Italy, the Italian Governments throughout the Peninsula became alarmed, and that Austria obtained from the French Government permission confidentially to communicate to the Italian Governments in order to tranquillise them—I use, I believe, the very word that was employed on the occasion—that Austria, in order to "tranquillise" them, obtained permission from the French Government to communicate to them confidentially the fact of the French guarantee: I would make upon that point even a further statement, and it is this—that the fact that Austria obtained that permission and communicated the existence of the secret treaty to the Italian Governments was known to Her Majesty's Government. The noble Lord has said that I had had access to archives, and that I had found out treaties of which he had never heard. But I will refer now to archives of which the noble Lord has heard—I will refer to the archives of that office over which he so long presided; and I tell the noble Lord that if he will give me, without reserve, the correspondence in the archives of Downing-street during the month of December, 1854, and the month of January, 1855, and if he will assist me in obtaining, though I think it will not be necessary, any official evidence which may be requisite to elucidate some passages in this transaction, I think I may venture to say that I could then prove every tittle of the statement that I have made. The

House will, I hope, now admit, at least, that I have not evaded coming to a frank issue with the noble Lord. The noble Lord the other night, when this question was under discussion, treated—as is his custom—a very grave subject in a spirit of levity. I cannot say that I admired at the time the tone which the noble Lord assumed, because, if there was any foundation for what I stated, it required, I think, at least the serious attention of the First Minister of the Crown; and if, on the other hand, it was an inconsiderate statement, and still more, if it were a statement invented by me for the occasion, it was not in a tone of ribald ridicule that it ought to have been answered, but rather in one of warm and vehement indignation. For how stands the case with regard to myself. If I had made upon so grave a matter an inconsiderate statement, my character as a politician might have been damaged or destroyed; but if I had invented a statement of such a kind, it was not a question of my character as a politician, but it was a question of my character as a member of society itself that was involved. If that were at stake—if my conduct were susceptible of so grave an interpretation, surely the tone which the noble Lord, as the leader of the House of Commons, assumed, was not one which the occasion exactly warranted. I have now sat in this House for twenty years; I have laboured sedulously to obtain the good opinion and the respect of the House. They are to me dearer than all worldly possessions. I am conscious that I have frequently addressed the House inefficiently, and sometimes, it may be, with indiscretion; but this I also know, that I have treated this House always with candour. Whether the noble Lord the other night, in his answer to me, treated the House in the same spirit, I care not to inquire.

VISCOUNT PALMERSTON said: The right hon. Gentleman, in introducing the observations he has just made, and in claiming, as he had a right to do, the attention of the House, said that the question at issue involved his character for judgment, and, it might be, his character for honour. But I beg leave to call to the recollection of the House that nothing that I said or insinuated upon a former occasion could in any way whatever justify the right hon. Gentleman in conceiving that any question affecting his honour or his character was here at stake. I did not accuse the right hon. Gentleman of having in-

vented the statement which he made; I only charged him with credulity in having been induced to believe a statement which I thought was utterly devoid of any foundation in fact. I can only further say upon that point that I should very much regret if the right hon. Gentleman should harbour in his mind any notion that there was anything in what I said that at all brought in question his personal honour, which I never intended to impugn, and which I am sure no man possesses in a higher degree than himself. But the right hon. Gentleman finds fault with me for not having been angry. He complains that I treated him with too much good humour, or with what he is pleased, while talking of good taste, to call, in language upon which I will not now dwell, “ribald ridicule.” Now, it is well known that those who make themselves ridiculous are always the most ready to resent the very ridicule which they have provoked, and it is their habit to charge others with the consequences which their own conduct has naturally and necessarily produced. The right hon. Gentleman has stated very correctly a part of the contradiction which I gave to his statement on the opening night of the Session, but he has omitted some very important points in the case. I beg leave to recall to the attention of the House what was the charge—for it was distinctly a charge—which the right hon. Gentleman brought against Her Majesty’s Government, and what were the allegations by which he considered that he had proved that charge. He certainly could not have brought it as a charge against Her Majesty’s Government that they were anxious to maintain Austria in the possession of her dominions. During the very last debate we had in the last Session of Parliament the right hon. Gentleman mentioned, among the principles of the foreign policy of the party of which he was the leader, that the leading alliances with England ought to be alliances with Russia, with Austria, and with the United States. I had then occasion to point out to the right hon. Gentleman that he had accidentally omitted in his list of our most valuable alliances our alliance with that Power—namely, France—with which we were bound in the most intimate alliance, and for the most important objects. But it being the opinion of the right hon. Gentleman that a close and intimate alliance with Austria was the best and soundest policy for the British Government, he could not

mean that in the abstract it was a breach of duty on the part of Her Majesty's Government to be a party to a measure tending to secure the integrity of the Austrian dominions; and, indeed, in the course of the observations he has made this evening he has fairly stated that he considered the maintenance of Austria, not only to the north, but, if I understood him correctly, to the south of the Alps also, in full and undiminished power, to be a matter in which were involved the general interests of Europe. But what was the charge which the right hon. Gentleman brought against Her Majesty's Government? Why, it was this—he said that we were professing a great interest for the Italians; that we were professing to sympathise with their feeling of aversion to a foreign yoke; that we wished to encourage Italian nationalities; and yet that while we were doing all openly on the one hand, on the other we were secretly instigating the French Government to give a guarantee which, as far as the possessions of Austria are concerned, are directly at variance with the sympathy expressed for Italian independence. I stated, in reply, that which I now repeat—that, to the best of my knowledge and belief, there is no treaty between France and Austria guaranteeing the Italian possessions of the latter Power; and the right hon. Gentleman, I must observe, has given no proof of the existence of such a treaty. He has not offered any explanation of the grounds on which he made that assertion; and therefore it rests now, as it rested before, simply on hearsay evidence, or what somebody or other, whose name is not mentioned, told the right hon. Gentleman. He talked of "good taste." Of course every man is the best judge of the degree of latitude given to him in regard to the publication of communications which he may have received; but I own it appears to me that if a person is told of a secret engagement contracted between two other parties, he would not under ordinary circumstances deem himself at liberty to make that secret engagement public without the consent of some one, at least, of the parties immediately interested. This matter reminds me of a peculiarity that I remember in my late hon. Friend Mr. Hume, who used constantly to ask us to make known to the House the application of the secret service money. But secrecy and publicity seem to me to be matters not easily reconcilable with one another. The right hon. Gentleman, however, says that a sense of public duty ren-

dered it necessary for him, even before any discussion has been raised in reference to the affairs of Italy, and merely in anticipation of such a discussion, to take the earliest possible opportunity of informing the House of this secret transaction between two foreign independent Governments. That is no doubt a matter for the exercise of his own discretion. What I stated the other evening was this—I said we do not believe in the existence of any such secret treaty—that we had never seen any such treaty, that we had never heard of it; and that unless the right hon. Gentleman had seen it, and had access to archives of which we knew nothing, and made the statement on his own knowledge, my view was, that he had been imposed upon by false information which had been given to him in some quarter or other. I also said that the only foundation which I could imagine he had for the statement which he made was, that in the early part of the war, when there was a hope that Austria might have joined the Allies in active co-operation against Russia, a communication did take place between France and Austria, the object of which, on the part of Austria, was to ascertain that, if she took part in the war in conjunction with France, France would undertake that no advantage should be taken of the opportunity to disturb her Italian provinces. That is the only foundation, as I believe, for the statement of the right hon. Gentleman; but it is perfectly true, as he has mentioned, that about December, 1854 and there are other hon. Gentlemen in the House, who are not Members of the Government, but who at that time were Members of the Government, who will correct me if I am erroneously stating the course of events as far as their recollection goes, if they choose to impart what took place when they were in office—it was hoped that Austria would join offensively and defensively with England and France, and in that case she would know that her armies would come into collision with those of the Emperor of Russia. Of course Austria naturally wished to know—supposing Russia to do that which as a belligerent Power she would be perfectly justified by the recognised law of nations in doing, namely, attempt to cause a disturbance or an insurrection in Italy for the purpose of distracting the attention of Austria—what course the French and English Governments would take. And the French Government did inform that of Austria that as an honourable ally it would not take

advantage of any such disturbance or insurrection. It stated, moreover, that if that state of things arose, if the Austrian army joined the arms of France and England, and if during the war any disturbance should break out in Italy, any French force—necessarily a small one—that might be in Italy at the time, would of course act in concert with whatever force the Austrian Government might think proper to employ for the purpose of putting down any insurrection in the Austrian possessions of Italy. This arrangement was undoubtedly known to the English Government. That answer was a very fit and proper one under the circumstances, and it would have been inconsistent with honourable conduct if any other answer had been given. The arrangement was embodied in the shape of a convention; the right hon. Gentleman says that convention was signed on a certain day in December. I can only say that from information received as late as yesterday from a quarter likely to be correct, there is great reason to doubt that that convention was ever signed at all. Still if it had been, it was as different from the treaty which was mentioned by the right hon. Gentleman as two things can possibly be, and that between that and a guarantee there is, as has been stated by a French publication which I have read, and doubtless the right hon. Gentleman has also read, a complete abyss, a gulf which separates the two as an impassable barrier. What I denied at the time, and what I again deny, is that there is, to my knowledge and belief, any treaty in existence, or that any treaty has ever been concluded and signed by which France guarantees the integrity of the Italian possessions of Austria. I am inclined to believe that the information which we have received is correct, and that the convention itself, which was merely a temporary convention and to have force only during the war, was never signed—and why? Because the foundation of that convention was, that Austria should join with England and France in offensive operations against Russia; but Austria never did join in those active operations. It was her policy, and of that she alone was the judge, to remain neutral, and therefore it was not necessary that the convention should be completed. No doubt the new engagements which the convention was intended to create would have been acted upon if the case had arisen, but it is a total perversion of things to represent such an arrangement as a guarantee given by

France for the integrity of the Austrian possessions in Italy; and, therefore, the right hon. Gentleman having repeated that assertion, I can on my part only repeat the denial which I have already made. I beg the right hon. Gentleman's pardon for not having been angry with him the other night, and I hope he will excuse me for now treating the subject in a manner which I think is not likely to give offence to any man. I must throw myself on his indulgence for not having spoken with more indignation than I have done to-night. My object has been to vindicate the Government from the charge of bad faith towards the House and of deceitful conduct towards the Italians in having secretly instigated the treaty, for the other night the right hon. Gentleman actually charged Her Majesty's Government with having not only approved and encouraged, but even having instigated and originated the secret treaty. To-night the right hon. Gentleman only says that the transaction was made known to us at the time. Having, Sir, as I hope, succeeded in vindicating the Government on this point, I shall sit down without further troubling the House.

The subject then dropped.

THE INCOME TAX.

RESOLUTION MOVED.

MAJOR REED said that he had given notice of a Resolution—

“That whereas the Act of Parliament (18th Vict., c. 20) contains a proviso which by its technical construction would inflict in a time of Peace a second year of full War Income Tax upon the loyal but heavily burdened subjects of Her Majesty, this House is of opinion that the provisions of the said Act should cease and determine from the 6th day of April next”—

That he had done so in vindication of his position as chairman of the Anti-Income Tax Association, but expressed his sense of the disadvantage under which he laboured of having to address the House after the eloquent speech of the right hon. Gentleman the Member for Buckinghamshire, and the reply of the noble Lord at the head of the Government. He hoped, however, that the House would extend its indulgence while he made a short statement explanatory of the policy he intended to pursue. He would not weary the House with a long statement, but prayed its kind consideration, while he reminded them of the fact that since the prorogation of Parliament an unparalleled agitation had taken place in opposition to the continuance of the war tax after April next. That agita-

tion was taken up by the Association over which he presided, had been supported both in metropolitan boroughs and large provincial towns, and resolutions condemnatory of the continuance of the war tax had in almost every case been agreed to. At the late meeting at Exeter Hall he had felt it his duty, when addressing a large assembly of taxpayers, to make a specific statement, and in the absence of any statement on the part of the Government as to their intention to abandon the war tax, he pledged himself to that assembly to place on the books of the House such a Resolution as would elicit a definite statement from Ministers on this subject. He had listened with attention to the Royal Speech, but he had sought in vain for any reference to this most interesting subject, for he must say that he never read or heard an address containing less information than that Speech. He had no intention to go into an elaborate statement of the finances of the country in connection with the subject, for the Press had done ample justice to this great movement. [The Speaker inquired whether the hon. Gentleman intended to conclude with a Motion as otherwise he was out of order in continuing his observations?] Major Reed said that then he would conclude with his Motion, but as he had observed that the Chancellor of the Exchequer had come forward and stated his intention of bringing in his Budget on Friday next, he should not press his Motion to a division in the belief that the right hon. Baronet would satisfy the just expectations of the country by his forthcoming financial statement. He could not but be rejoiced to find that such an intention existed, but in reference to that Gentleman, he would call the attention of the House to a statement made by the right hon. Gentleman the Vice President of the Board of Education at Hertford, in which he expressed his opinion that the Chancellor of the Exchequer had never supposed that the full tax could be continued another year, and that the clamour raised was most unnecessary. He (Major Reed), however, considered that the agitation had been attended with good results; for in the first place, it had had the effect of bringing on the Budget much sooner than usual; and he thought the ultimate result would be, that this abominable war tax would be abolished. He thought it would be but courtesy to the Chancellor of the Exchequer to grant him the grace he desired, and he (Major Reed)

should, therefore, withdraw his Motion, on the condition that, if the right hon. Gentleman did not announce his intention of reducing the income tax by the additional war tax, he should be at liberty to re-introduce it.

Motion, by leave, *withdrawn*.

INDUSTRIAL SCHOOLS BILL.

LEAVE. FIRST READING.

SIR STAFFORD NORTHCOTE, in moving for leave to bring in a Bill to make better provision for the care and education of vagrant, destitute, and disorderly children, and for the extension of Industrial Schools, observed that it was not his intention at present to trouble the House at any length, because this measure was in principle the same as one that had already been passed for Scotland, and was commonly known as Mr. Dunlop's Act. Its details were, indeed, necessarily somewhat different, in order to adapt them to the circumstances of England; and although they would require the careful consideration of the House, yet that consideration would be more satisfactorily bestowed on them when the Bill was in the hands of hon. Members. It was, however, incumbent on him now to state very briefly the main grounds why such a measure ought to be introduced. The large class of children to whom the Bill referred was one peculiarly demanding their care and attention, not simply from motives of humanity, but from reasons of State policy connected with our criminal legislation. The difficulty of dealing with our criminals would be materially diminished if we could cut off the supply of those criminals at its source; and, as the worst of them were those who had been trained to crimes from their earliest years, the best interests of society would be consulted by taking them in hand before they became hardened. It might be asked, why not leave it to the reformatory schools to work out this object? Those schools were no doubt doing great good; and, though much was yet required to bring them to completion, it might perhaps seem better to allow that system to perfect itself before we dealt with another class. But, looking to the large number of children who were now running about our streets, and constantly swelling the ranks from which those schools, supported as they were, in part at least, from the public purse, were recruited; and looking, moreover, to the likelihood of those ranks being thinned by the adoption of a mea-

sure like that now operating in Scotland, it would be well to reflect whether it would not be wiser and more economical to apply such an Act at once to England. The Reports of our prison inspectors appeared to show that about 7,000 were annually added to the criminal class of this country; that might be, and he hoped was, an over-estimate; but the number, whatever it was, represented a much larger body of children who ran about the streets, getting constantly into trouble, and continually coming into the hands of the police, and on whom our present schools failed to make any impression. In Bristol, last year, there were apprehended of this class 525 children under sixteen years of age, of whom only 126 were committed for trial or summarily convicted, the remainder being left to wander about uncared for. In Liverpool, Manchester, Birmingham, and other populous towns a similar state of things unhappily prevailed. This class not only constituted a dangerous element in our society, but, from their neglected condition, had a strong claim on our pity. How, he asked, did our existing institutions meet the wants of this class! The national schools did not meet the demand, for they were too high to reach the children in question. The children with whom his Bill proposed to deal would not choose to mix in their rags with the children of a superior class who now attended the national schools, neither was the discipline of those schools such as was necessary for the proper government of children of the lowest class, who required not a high scale of education, but the training of strict discipline and control. Neither on the other hand were the reformatory schools suitable for those children, whom, not having yet committed crime, it would be unjust to associate with those who had. The ragged and industrial schools which had been established throughout the country were the proper places for the children with whom his Bill proposed to deal; but the difficulties at present attending those institutions were a want of power to compel children to attend, and a lack of means for the full development of the schools. He proposed to adopt the principle of the Scotch Act, which gave the magistrates a power to commit to industrial schools all children found in the streets begging or committing acts of vagrancy. It was true great care must be taken to define the class of children who should be subject to the exercise of this power;

Sir Stafford Northcote

but if that were done he had no doubt that schools of the right kind would spring up in such numbers as, with those at present in existence, would be sufficient for all purposes. A large proportion of the children who were to be found wandering about the streets had been either deserted by their parents or were encouraged by them to beg or steal; therefore he proposed to introduce into this Bill that which was a principal feature in the Scotch Act, a provision that would make the parents liable in every case for the maintenance of their children in those schools. Allusion had been made to the small sums collected from parents under the Reformatories Act, and the difficulty of collecting even those; but he submitted that the principal object of requiring those payments was not so much to relieve the Treasury as to operate upon the minds of parents, and in that respect he thought that that provision had not been without effect. He found from a letter he had received from Mr. Dunne, the chief constable of Newcastle-on-Tyne, that since the Act had been enforced in that district the number of juvenile criminals had diminished one-half, and Mr. Dunne stated that he knew that many parents who formerly sent their children to beg and steal about the streets had discontinued the practice, and sent them instead to some of the free schools of the town. The head constable of Liverpool had given similar testimony, and therefore he (Sir Stafford Northcote) thought, as the effect of the provision in the Reformatories Act, rendering the parents liable for the maintenance of their children, had been so beneficial, there could be little doubt as to the desirability of extending it to children who were idle and vagrant, but not yet criminals. In support of this Bill he would call the attention of the House to the successful working of the Scotch Act, the operation of which had been attended by a marked decrease in the committals of juvenile offenders. In Aberdeen, before the establishment of the free schools, the average annual number of juvenile vagrants taken into custody by the police was 342, while the average annual number in five years after their establishment was only six. In Edinburgh and Glasgow similar results had been produced. With such evidence of the successful operation of the system in Scotland, he thought the House would regard its extension to England as a wise measure of economy and humanity.

The subject was one which had excited much interest. A Committee had been sitting at Birmingham, and the matter had been taken into consideration by the Law Amendment Society, by a committee of which the Bill he now asked leave to introduce had been prepared. The hon. Member then moved for leave to bring in a Bill to make better provision for the care and education of vagrant, destitute, and disorderly children, and for the extension of industrial schools.

Mr. COCHRANE confirmed the statement of the hon. Baronet as to the admirable manner in which the Scotch Act had been found to act, and mentioned that eighty per cent of the children who had been sent to the House of Refuge at Glasgow had been found, after quitting that institution, to be pursuing an honest career of industry.

Mr. KINNAIRD also bore testimony to the excellent effects of the Scotch Act, and thought its extension to England would be of the highest advantage to the country.

SIR GEORGE GREY said, he should not object to the introduction of the Bill, but must withhold any promise of support until he had seen the details upon which so much would depend.

Leave given.

Bill ordered to be brought in by Sir STAFFORD NORTHCOTE, Mr. ADDERLEY, and Mr. HEADLAM.

Bill read 1^o.

SALE OF BEER, &c. BILL. COMMITTEE.

Order for Committee read.

House in Committee.

Mr. HARDY said, that in moving for leave to bring in a Bill to amend the laws relating to the sale of beer, and to regulate certain places of public resort, refreshment, and entertainment, he desired to excuse himself for presuming to take up a subject of such importance, and that he did so on the ground that the Government were overwhelmed with business, and that he had been requested to do so, and that he felt a deep interest in it. The question of regulating the sale of beer had been dealt with by Parliament on several occasions, and every attempt to improve the law had only brought discredit on the Legislature, and had only served to show that the present system was unsuitable to the wants and feelings of the country. The first Act passed in the first year of

the reign of William IV. allowed any person to obtain from the Excise a licence for the sale of beer on the payment of £2 2s. That was found objectionable, and in the fifth year of the same reign another Act was passed rendering it necessary that the house should be of the rateable value of £10, and requiring certificates of good character, signed by six inhabitants and certified by the overseer. The House knew how easily certificates of character were obtained, and that even among the higher classes gentlemen were not ashamed to put their names to testimonials which were not strictly true; so that persons altogether unqualified found no difficulty in complying with the provisions of that Act. In the 3 & 4 of Vict. another attempt was made to remedy the evils by raising the rating in towns of 10,000 inhabitants to £15, and to a proportionate amount in smaller places, and requiring a certificate of rating from the overseers. By collusion with overseers the provisions of that Act were evaded. In 1834, a Committee of the House sat to inquire into the evils which arose from drunkenness. They declared that, in their opinion, the beershops were, to a great extent, the cause of intoxication, and they offered some strong recommendations, which were not, however, carried into effect. In 1849 and 1850, Lord Harrowby obtained a Committee of the House of Lords to inquire into the nature and character of beershops, and how far they had proved of advantage or comfort to the working population, it appeared from that inquiry that the comforts and morals of the poor had not been only not improved, but had been impaired by beershops. Another Committee of the House of Commons, which sat in the years 1853 and 1854, reported that the beershop system had proved a failure, that it was established in the hope that the public would obtain beer cheap and pure in houses where the disorders incident to houses for the sale of spirits would not occur, but that that hope had proved fallacious. Nothing resulted from that Committee, except a controversy on Sunday drinking, which he much regretted, and into which he would not enter, as the Bill which he proposed to introduce did not affect that part of the question. He believed that at present there were not less than 41,000 beershops in England, besides 80,000 public-houses. In Manchester one house in 35 and in Leeds one house in

45 were devoted to the sale of intoxicating liquors. In large towns there was every facility for drunkenness, and in the secluded districts, where these houses were removed from the close supervision of the police, they served as places where crime could be concocted almost without the risk of detection. When people said that drunkenness was becoming less, his answer was that there were no statistics with respect to the increase or decrease of drunkenness on which reliance could be placed. In some towns no drunken persons were taken up unless they were riotous and disorderly; in other places, if they were taken up, they were only locked up for the night, discharged in the morning, and never brought before a magistrate. They were, therefore, unable to tell whether drunkenness was decreasing or not; but every one knew that destitute wives and children came upon the poor rates in consequence of their husbands and fathers haunting public-houses and beershops, and that there would not have been the necessity for reformatories and industrial schools of which they had heard this evening if Parliament had done its duty in protecting the morals of the people from the destructive and baneful influences of public-houses. In this view he was confirmed by Mr. Wright, the philanthropist, who said that of all destitute children there was not one whose misery and destitution could not be traced to the neglect of parents caused by drunkenness. Although the right hon. Baronet (Sir G. Grey) referred last night to the great diminution of crime, yet, on reference to the criminal returns, he found that crimes nurtured by drunkenness—where the victim, being drunk, tempted men to rob him, or where men, being drunk, first assaulted, and then robbed—had greatly increased. In the five years from 1846 to 1851 the number of robberies was 1,951. In the five years from 1851 to 1855 they were 2,377, having increased about 21 per cent. He did not wish to make a sweeping charge against every man who kept a beershop, because he knew there were many exceptions, and that numbers in the metropolis, as stated by Sir Richard Mayne, were as well conducted as public-houses; but it was proved before the Committee of 1853–54 that beershops were places where thieves met, where stolen goods were disposed of, where burglars planned their attacks, and where poachers and sheep-stealers associated before starting on their expeditions.

Mr. Hardy

It seemed remarkable that, although beer-shops had been in existence, and the system had been complained of for twenty-six years, no attempt had yet been made to put beershops on the same footing as licensed public-houses, by taking away from the Excise the power of granting licences and placing it in the hands of the magistrates. Many complaints had indeed been made respecting the partiality shown by magistrates, but he believed that those complaints, generally speaking, had come from persons whose applications had been rejected, and that the publicans generally were contented with the present system; although some magistrates might have acted improperly, he believed that the gentlemen of England had done their duty in this respect, and he hoped they would for the future perform it even more strictly and efficiently. He might be asked, whether he could show the difference between public-houses and beershops? He said he could. The chief constable of Bradford gave a return of all the convictions of keepers of public-houses and beershops. There were 135 public-houses in the town, and 240 beershops. The offences of public-house-keepers were only 5 in the year 1856, being 1 in 27; of beershop-keepers, 42, or more than 1 in 6. In Manchester the convictions of publicans were 22 per cent, and of beershop-keepers 47 per cent. Thus, therefore, it appeared that the system of magisterial licences acted far better than that of excise licences, and indeed Mr. Hogg, the chief constable of Wolverhampton, ascribed the greater respectability of publicans to their having once a year to meet the magistrates and the black book of the police. Now, what were the remedies which had been suggested for the present state of things? The Committee of 1853 had recommended that every person of good character (meaning every person who has not been convicted of any offence), should be entitled to a licence, on payment of a large fee, and that it should be obligatory on the magistrates to grant it; and that the licence should permit the sale as well of spirits as of beer. There was another proposal—that the licences granted should be subject to a certain restriction, that no more than a certain number should be allowed for a given area, and according to the population. There were some who suggested the Maine law (prohibiting the sale of fermented liquors altogether); and then, for himself, he had a measure to pro-

pose different from all these. With respect to the first, it appeared to him that if the licences were very high, it would tend to prohibit and destroy the trade it desired to regulate, and if not too high, to leave the trade remunerative, there would be introduced into the sale of spirits the same system of unrestricted competition which had proved so injurious in the case of beershops. The chief constable of Bradford stated in the Report before referred to that there were 27 beersellers in that town who kept prostitutes in their houses, and 10 had brothels upon, or attached to, their premises. The restriction of the number of licences according to the population was impossible, because the population upon different areas was so variously distributed. With regard to the Maine Liquor Law, he had the highest respect for those who advocated it, but it would first be necessary for them to purge their own houses; and, as he admitted he was not prepared to give up either wine or beer, he should consider he was only acting a part in a system of organised hypocrisy if he attempted to compel the humbler classes to give up those beverages. It would be necessary to search the cellars of Belamy's for spirituous liquors at the opening of each Session, as the cellars were formerly searched for gunpowder, if the Maine Law were adopted. This law could only be carried when hon. Members had adopted its principles in their own persons, and then there would be no need of any compulsory law on the subject. A great reformation in this respect had taken place amongst the higher classes. Formerly there was scarcely a German prince who did not go drunk to bed every night, and too many of the higher classes followed their example. He believed that the alteration which had taken place in the habits of the upper classes would spread to the lower, and that the time would arrive when the latter would enjoy themselves moderately, and drunkenness would be abolished. He now came to the provisions of the Bill he intended to submit to the House. In the first place, he proposed to adopt the recommendation of the Committee of 1853-4, and to respect vested interests. Where licences had been given, therefore, no alteration could take place; as, however, the 41,000 beershops now in existence changed hands, or the licences were withdrawn, they would come within the operation of the measure, and he proposed to vest the licensing in the magis-

tracy. He proposed that beershop licences should be granted at all annual licensing meetings, and also at the special sessions, held from four to eight times a year, for the transfer of licences, under 9 *Geo. IV.* The new police afforded the means of investigating the character of the persons applying for licences, and also of those who certified to the character of the applicants and the amount of their rating. He proposed that persons intending to apply for licences should give twenty-one days' notice to the superintendent of police, and should furnish him with a copy of their application, and of the certificates of character by which it was to be supported. The magistrates would then be furnished with all the materials for forming a judgment. At present no beershop-keeper forfeited his licence except after a third conviction, and the magistrates had then to give the Excise notice, so that the licence might be withdrawn. But upon this point the evidence was singularly conflicting, for, while some of the magistrates stated that they were in the habit of sending information to the Excise, Mr. Wood, Chairman of the Board of Inland Revenue, said he could not call to mind that he had ever received one of these notices. The Excise, indeed, received the certificates and issued the licences in a perfunctory manner, since they had no means of inquiry. Thus it sometimes happened that the magistrates deprived publicans of their licences for notorious and flagrant crimes. These men then obtained an excise licence for the sale of beer, and kept open their houses under the noses of the magistrates. This was an intolerable evil and abuse. He proposed, therefore, to put all these houses under the same jurisdiction. He should also propose to carry out the provisions of what was generally called the Tippling Act with regard to beer. A petition had been presented to-night which had been forwarded and favoured by the County Judge of Salford upon this subject, and it had been stated to him that beershop-keepers sometimes sued a man for debts of £12 or £14, which the debtor declared he knew nothing about, having been run up while he was in a state of semi-intoxication. He proposed that no beershop-keeper should sue for beer drunk on the premises, unless he commenced his action within one week. It would be hard where a man had treated a great number of persons on the same night that the beershop-keeper should have no remedy.

It was his intention to make the Bill applicable to another class of persons. In the report of the Committee of 1853-4, a recommendation was given that all coffee-houses should be placed under the supervision of the police. In the metropolis the keepers of coffee-houses were forbidden to harbour bad characters, but there was this great anomaly mentioned by Sir Richard Mayne, that the police had no authority to enter such houses to ascertain whether bad characters were harboured or not. He did not indeed propose to touch coffee-shops, temperance hotels, shell-fish shops, and places of that description, which were kept open during the day time; but he proposed to give the police a supervision over all those houses which were kept open between nine at night and four in the morning. It was to such places as these that bad characters resorted after they were expelled from public-houses, and in many cases they had not the least difficulty in obtaining illicit spirits. In 1854, Mr. Hogg, the superintendent of the police of Wolverhampton, who was in London to give evidence before the Committee, went into one of these coffee-shops at night and asked for some gin. They gave him some without difficulty, but not in a glass. They served it to him in a coffee-cup, and told him that if the police came he must pour some milk into the gin, and then they would think it was coffee. He proposed that these houses so open between the hours of nine and four should be licensed and pay a small sum annually, and that they should be subject to the supervision of the police in the same manner as beer-shops. He also proposed to levy penalties for selling spirits, for harbouring disorderly characters, and permitting gambling. A clause in the Towns Police Bill prohibited the assemblage of disorderly characters in houses of this description, and this clause was adopted in most private improvement Bills. There seemed, however, no reason why it should not be extended over the whole country. He proposed to levy fines upon drunken and disorderly persons who refused to leave licensed houses when required by the landlord or his servants; and he proposed, not only to fine the landlords for permitting spirits or beer to be drunk at unlawful hours, but also to fine those who were found drinking in these houses at such times. He was glad to hear that the Government did not intend to oppose the introduction of his Bill, and he implored the House to give the measure their

Mr. Hardy

fullest and most mature consideration. The aim of the Bill was to improve the condition of the poorer classes, to diminish their temptations, to promote their domestic enjoyments, to render them better husbands and better fathers, and without some such Bill as this all the efforts which were being made for the spread of education would be entirely frustrated. The hon. and learned Gentleman moved for leave to bring in his Bill.

MR. EDWARD BALL seconded the Motion. He only knew very recently that he should be called upon to take part in the discussion, much less that his name was to be put upon the back of the Bill. But he had given his consent to that course upon the understanding that he was not to be committed to all the details of the measure. He believed that while beershops existed to such an extent throughout the country, all the efforts of clergymen, dissenting ministers, city missionaries, ragged schools, and institutions of that kind would prove failures. He had in his hand a compendium of the crimes which had occurred in beershops, and the picture was a terrible one. There had been in the course of the past year no less than 711 broils and violent assaults, 294 robberies, 237 cases of atrocious cruelties upon wives and children, 166 serious accidents, 162 actual and attempted suicides, 520 terrible deaths, and 120 murders and manslughters, all arising from the vice of drinking. He did not go the whole length with the Alliance, which had been formed, but this he would say, that if he was to have the alternative, whether these frightful crimes were to continue or licences destroyed, he should have no hesitation in saying that he would have all licences destroyed, and the sale of intoxicating liquors entirely suppressed. A Committee was obtained and presided over by Lord Harrowby last year. Before that Committee there was given the testimony of forty chaplains of gaols, who were unanimous in attributing the vast majority of the crimes for which prisoners were convicted to the influence of the beershops. He would refer also, to the united testimony of the City Missionaries, who were so well acquainted with the habits of the people in the courts and alleys of the metropolis. They agreed that the beer-shop was the first step to crime, that it was there crimes were concocted, and there where the wretched people went to gloat over the wickedness they had committed.

SIR GEORGE GREY said, he would not then enter into a premature discussion on the provisions of the Bill as other opportunities would be afforded him of stating his opinions on the subject. There could be no doubt as to the effect which drunkenness had in increasing crime, and the great point to be solved was, what was the best means of preventing drunkenness. How far the provisions of the hon. and learned Gentleman's Bill would have that effect would be better discussed at a future stage than at present. The Committee of 1853-54 had taken a great deal of evidence on the licensing system and the beerhouse system, and the conclusion they came to as to the expediency of abolishing the distinction between beerhouses and public-houses was the same as that of the hon. and learned Gentleman, but they came to a very different conclusion as to the hands in which the licensing power should be placed. It would be well if hon. Members, before the second reading of the Bill, would look into the evidence taken before that Committee, which contained much useful information on this subject. As a great deal of interest would no doubt be excited in the country by the Bill on account of the great amount of property embarked in the beer trade, as well as from other and higher causes, he would suggest that a sufficiently long interval should elapse before the second reading to allow the public to become well acquainted with its provisions.

SIR JOHN PAKINGTON said, he doubted whether there was any subject on which opinions were more unanimous than on that of drunkenness being the chief source of crime. There could not, he maintained, be a greater nuisance than beershops as they were at present constituted throughout the country. He was therefore glad that the hon. and learned Gentleman had undertaken the task of supplying a remedy for the evil. At the same time he must express an opinion that it ought not to have been left to a private Member to deal with the subject. He thought the country had a strong claim upon Her Majesty's Government, who should have made an attempt to deal with this great national evil. It was not by any means a new subject. For the last six or seven years the attention of Parliament had been drawn to it. In 1850 and 1851 the Earl of Harrowby conducted an inquiry into the evils of these beershops. In

1852 he (Sir J. Pakington) gave notice of a Motion on the subject, and it was taken up by the hon. Member for Kent (Mr. Deedes). Then a Committee sat in 1853, presided over by the right hon. Gentleman the Member for Wolverhampton (Mr. Villiers) on behalf of the Government. He, as a member of that Committee, had hoped that after that long inquiry, and after a Report had been presented to the House, Her Majesty's Government would have taken some steps to have carried through some legislative measures based upon those recommendations. But 1855 and 1856 passed without anything being done, and he believed that 1857 would also have passed by had it not been for the exertions of the hon. and learned Gentleman who had that evening asked leave to introduce his Bill. He hoped Her Majesty's Government would not be content with merely complimenting the hon. and learned Gentleman; but would do what they could towards carrying out the Report of their own Committee and bring legislation of the subject to a successful termination.

MR. WILKINSON said, he rose to notice the assumption made by the right hon. Gentleman, that the limitation of beershops would necessarily be beneficial and diminish the ranks of drunkards. It appeared to him that this Bill began at the wrong end. The people did not drink because beerhouses were there, but the beerhouses were there because the people drank. There were two classes of people in this country, those who had an unbounded command over the means of intoxication, and those whose consumption of intoxicating liquors was limited by their means. Now, it was said that there was less intoxication, but that was amongst those classes who had an unbounded command over the means of intoxication. It might be true that robberies and other offences were concocted in these houses, but were counting-houses and banking-houses free from such imputations. He thought they should not prevent the people from having access to these houses when they were properly conducted. It was a mistake to impose restrictions on those who were sober, because some persons got drunk.

MR. LOWE observed that the wish expressed by the right hon. Baronet opposite (Sir J. Pakington), that the Government should carry out the recommendations of the Select Committee could hardly be

realised, inasmuch as the Committee was in favour of throwing open the trade altogether, and the Bill of the hon. and learned Member proposed to limit as much as possible the number of public-houses.

MR. CROSSLEY believed that every additional house open for the sale of intoxicating liquors was an additional temptation. People did not begin through a desire for drink, but they went to beer-shops in the first instance for company. The fact was, that the number of these houses was so great that the keepers of them could not possibly get a living without additional immoral incentives besides selling drink. It was an evil that ought to have been taken up by the Government, but as they had failed, he was glad the hon. Gentleman had taken it up. He would engage that the licensed victuallers would be almost unanimous in favour of the Bill, and the majority of the beersellers also. All who had now got houses would be in favour of licences being granted by the magistracy instead of the Excise.

MR. WILLIAM BROWN regarded the proposed measure as one in the right direction; but it was in direct antagonism to the Report of the Committee, and he hoped the Government would not let the Session pass without themselves legislating on the subject.

MR. SCHOLEFIELD hoped the hon. Member would not suppose that because this Bill was now read the first time, with the general concurrence of the House, that it would not excite some opposition. He entirely differed from him as to the remedy he proposed. The hon. Member had greater faith in the magistracy of this country than he had, in reference to the granting of licences. He should be much more disposed to throw the trade open, and to deprive the magistrates of the power they at present possessed. He could not promise the hon. Member his support; on the contrary, he thought he should be obliged to oppose the Bill.

MR. WILLIAM EWART remarked that the source of the evil lay in the character of the people. Unfortunately their education had not been sufficiently attended to. The hon. Gentleman made two allusions which reacted against his own proposition. He said the rich class in this country had reformed themselves. And also that no restrictive laws were imposed on them; taverns were not closed, and yet education, and that which was still

higher than education—religion and morals—had improved them. With regard to the working classes, they allowed no such means; but they wanted to put them down with restrictive laws. He was a friend to anything, in a reasonable sense, which might lead the people to conduct themselves better. He looked to such places as working men's reading-rooms, and places of that kind, as more likely to lead the poor classes away from these houses, and to give them higher aspirations than such measures as were now proposed.

MR. MANGLES agreed most cordially with the proposition that the granting of these licences should be taken from the Excise and vested in the magistrates. In the borough he represented there was a beerhouse which was kept up as a brothel of the lowest character, the resort of all the thieves in the neighbourhood. Representations had been made by the magistrates to the Excise; but the Excise said they had no discretion or option in the matter, but were obliged to grant the licence.

MR. HARDY replied: He wished to maintain a distinction between beershops and public-houses, as he thought it was of the utmost importance that those who frequented beershops should not be tempted there by the sale of ardent spirits. He was surprised to hear an hon. Member say that drunkenness was not increased by adding to the number of taverns and beer-houses. The throwing open of spirit licences during the last century had produced a degree of drunkenness quite horrible to contemplate, and Lord Chesterfield denounced the Act which produced that addition as a measure which sanctioned the sale of poison. He (Mr. Hardy) was a freetrader in everything but in the sale of intoxicating liquors, because he believed that a system of restriction was the only means by which drunkenness could be checked.

Resolved—"That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the laws relating to the general Sale of Beer by retail, and to regulate certain places of public resort, refreshment, and entertainment."

House resumed.

Resolution reported.

Bill ordered to be brought in by Mr. FITZROY, Mr. HARDY, Mr. WILLIAM BROWN, and Mr. HEADLAM.

Bill read 1^o.

ECCLESIASTICAL CORPORATIONS BILL. LEAVE. FIRST READING.

THE MARQUESS OF BLANDFORD, in moving for leave to bring in a Bill to provide for the mode of securing and paying fixed incomes to ecclesiastical corporations, aggregate and sole, said, he believed he should be consulting the convenience of the House by not entering at the present moment into any statement as to the measure. He entertained the greater confidence in asking the House to assent to the introduction of the Bill, inasmuch as on two occasions they had agreed to the second reading of a Bill, which, although differing in some points of detail from the present Bill, was the same in principle. Those differences in points of detail he believed would be found to the advantage of the measure. He would not now enter upon those details, but take an early opportunity of doing so, and also of stating his views upon the subject generally.

SIR STAFFORD NORTHCOTE seconded the Motion.

MR. WALPOLE hoped the day fixed upon for the second reading would be after the production of the Report of the Commissioners. Leave given.

Bill ordered to be brought in by the Marquess of BLANDFORD and Mr. GEORGE BUTT. Bill read 1^o.

STATUTE LAW COMMISSION. SELECT COMMITTEE MOVED FOR.

VISCOUNT PALMERSTON moved for a Select Committee to consider so much of the second Report of the Statute Law Commissioners as related to the proposition therein made for the adoption of means to improve the manner and language of current legislation, and to report their opinion thereupon to the House. Nothing, he thought, could be of more importance than this subject. Everybody who had turned his attention to the framing and language and operation of the Statute Law must have seen what confusion frequently arose from diversity of construction, from oversights and from conflicting enactments of laws that were passed at different times. He remembered, as an instance of this, that a Bill some years ago was brought into the House in which, by oversight, the grammatical construction of one of the clauses went to provide for the case "in which Good Friday should fall on a Sunday." Besides these ridiculous results there was a want of precision in the language of our Statutes, and a want of sufficient care in

providing that harmony should be preserved between Bills brought in and laws in existence; and, indeed, when they considered the method in which Bills passed in that House, it was very natural. A Bill was brought in frequently by an independent Member with such assistance as he might be able to command, or a Bill was brought in by Government, who had the assistance of the law officers, whose time was very much engaged. Neither of these framers of Bills was able to give sufficient attention to the language, or to examine all existing laws, to see that the Bill did not conflict with those laws; that, in short, the Bill should be an improvement, and should not lead to confusion. Well, the Bill was brought in, and in debate Amendments were suggested which were afterwards carried out in Committee. One Member had a particular case in mind for which he wished to provide, and he proposed a clause. The mover of the Bill, taken on the sudden, finding that to accept this clause would smoothe the passage of the Bill, without, perhaps, having the opportunity or the means of ascertaining exactly the bearing of the clause on the other parts of the Bill, or on existing laws, adopted it. The Bill passed that House, and in the other House Amendments were made in the same way, and additional clauses were inserted, without sufficient opportunity or time to ascertain their bearing, and the result was frequently that a Bill came down, and was passed into law, and the next Session another Bill had to be brought in to alter it, as was the case lately in reference to a Bill for the collection of rates in the metropolis. A great advantage, therefore, would arise if some proper officer were appointed, who should be servant to the two Houses of Parliament in regard to these matters, who should, when a Bill was referred to him, examine the legal effect of it, its operation on existing laws, whether it repealed or altered existing laws, whether it left in existence laws on the same subject wholly or partially repealed—in short, to report to the Houses of Parliament the effect of the Bill, both as to its operation and also as to its language and construction. A great improvement might no doubt be made in the phraseology of our Statutes. A great many superfluous words were frequently used. Lawyers, in order to prevent mistakes—*ex abundanti cautela*—very often caused mistakes. He therefore thought it would be a very desirable thing that a

Committee should be appointed to take this Report into consideration. He was bound to say that the authors of the second Report had shown by their example how it was possible for able men to have clear ideas on the subjects referred to them, and to express those clear ideas in the most perfect and lucid manner. Though Gentlemen might think that reading a Report on law amendment was not an agreeable occupation, yet he could assure them that any one who read this Report would have great pleasure in reading it.

THE ATTORNEY GENERAL seconded the Motion.

MR. NAPIER said that, although he had no intention to offer any opposition to the appointment of this Committee, he must at the same time express his surprise at the present Motion, inasmuch as on Thursday next it is well known he was about to submit a Motion on a much larger but kindred question, of which the present proposal was a mere fragment. Notwithstanding what had fallen from the noble Lord, he (Mr. Napier) believed the evil to lie much deeper than had been stated, more especially when it was found that Government Bills, prepared under Government auspices, failed in their objects, and the complaints by the Judges of want of accuracy in the framing of Acts were met by charges of technicality in those learned persons. The phraseology and construction of our laws constituted a disgrace to a civilised country. The remedy required was an entire, not an homœopathic remedy. He doubted the efficacy of the means suggested by the noble Lord, for it was difficult to suppose how a Committee of that House could sit in judgment upon the Commission, which numbered in its ranks the Lord Chancellor, Lord Lyndhurst, Lord Brougham, and other legal luminaries. He trusted that on Thursday the House would pass an opinion on the larger proposition he should make. Last year the Government had assented to a Resolution moved by him in a large and comprehensive shape, and affirming that something should be done. They then asked him to wait. The Report came out in March, 1856; but the Session passed without legislation, and at the close, seeing that nothing was done, he gave notice of his intention of renewing his proposal this year. He should, on Thursday, therefore, take the sense of the House upon it.

MR. W. EWART said, he concurred in

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thinking that the learned Commission who had reported were better able to settle the phraseology of Acts of Parliament than any Select Committee of that House that could be named. Before we could hope for a return to that simplicity of language which had marked the Acts passed in the reigns of our Edwards and our Henrys, the Minister of Justice, as proposed by the hon. and learned Member (Mr. Napier), must be appointed. On Thursday he would give his best support to the hon. and learned Member.

MR. J. G. PHILLIMORE said, that he thought the argument of Mr. Napier conclusive that this was dealing in a very fragmentary manner with a very wide subject. This was not a new scheme. It was proposed in the time of Elizabeth, in the time of the Commonwealth, in the reign of Charles II. and that of George III. A commission in 1806 had no result. Another in 1816, which cost £37,000, and another in 1833, had also no result. Another in 1844, also, after costing £12,500, had no result. In the course of that time they had paid to Mr. Bellen-den Ker, £10,000, and that gentleman had received £1,000 from the Committee which sat in 1853. He did not think a Committee of that House would accomplish that which so many Commissions had failed in doing. The statutes of this country were beyond all question verbose, tautologous, obscure, and perplexed. They were complained of not only by Englishmen, but by foreigners, and especially by the Government of the United States. He (Mr. Phillimore) had never listened to a speech, even of a Minister, which had occasioned him more profound disappointment than that which the speech of the Lord Chancellor had caused him when the noble Lord stated his views on the subject of the consolidation of the law. The result of all the money which had been expended was eight Bills, which were to be models for future legislation. He would give the House a specimen. The Act on treason enacted that it should be treason to violate the king's companion, or to kill a Judge sitting in eyre, although the office had been abolished ten years. There were in the proposed Bills provisions relating to corruption of blood, though the thing was abolished in the time of William III. There were provisions relating to the appointment of the officers of the South Sea Company, though the company did not now exist; penalties were provided for

destroying of Exchequer tallies, though they had been disused; and a provision relating to the "Spencean philanthropists," though the sect had long since been extinct. Tautology in Acts of Parliament began in the reign of Henry VIII., and since then they had abounded more and more in prolixity and confusion. Nevertheless there were Acts which might have served the Commissioners as models of lucidity and common sense—such were the 5 *Eliz. c. 4*, and the Acts drawn by Mr. Deacon Hume for the regulation of the Customs. Contrast those statutes with an Act of George II., which regulated weirs on the Thames, provided measures for preventing the spread of distemper amongst horned cattle, which contained provisions relating to attorneys and solicitors, the more frequent return of writs from the county Palatine, the making of rates, and the assessments on the inhabitants of London, and the allowing of affirmations by Quakers in lieu of oaths. He hoped that such prolixity, confusion, and tautology would not be perpetuated by the Commissioners.

MR. BAINES was prepared to contend that the Report of the Commission which was the subject of the present Motion was entitled to great praise at the hands of the Legislature. To that Report were appended names no less distinguished than those of the Lord Chancellor, Lord Lyndhurst, Lord Brougham, Lord Campbell, Chief Justice Jervis, the Lord Advocate, Sir Alexander Cockburn, Vice Chancellor Page Wood, Mr. Justice Keogh, and others. Now, he thought any suggestion emanating from such persons might well be considered worthy of being remitted before a Select Committee. It had been said, however, why appoint a Committee to go over again the same ground as a Commission? Now, to suppose they would have to go over the same ground was a mistake, for the Commission and Committee would be appointed for perfectly distinct purposes. The object which his noble Friend had in view was to discover the best means of carrying out the Report of the Commission. Undoubtedly there were suggestions thrown out by the Commission which might be fairly considered open to review. For example, it might be well worthy of consideration whether the task of improving the wording of Acts of Parliament should devolve upon a single officer or upon a Board. Whether, again, each House should have a separate officer

to superintend its work of legislation. However, the real question now before the House was, whether the suggestion of the Commission was one containing sufficient good to be deserving of further scrutiny.

Motion agreed to.

Select Committee appointed—

"To consider so much of the Second Report of the Statute Law Commissioners as relates to the proposition therein made for the adoption of means to improve the manner and language of current Legislation, and to report their opinion thereupon to the House."

CHIEF CONSTABLES BILL.

LEAVE. FIRST READING.

SIR GEORGE GREY said, he rose to ask for leave to introduce a Bill to facilitate the appointment of chief constables for adjoining counties, and to confirm appointments of chief constables in certain cases. The first object of the Bill was to remedy a defective proviso in the 2 & 3 *Vict. c. 93*, the Act which first sanctioned the appointment of a county constabulary. Henceforth it would be lawful for adjoining counties to appoint the same chief constable, subject to the consent of the magistrates at quarter sessions of the district last electing him. Another part of the Bill related to a provision of the existing law which rendered the election of chief constables subject to the approval of the Secretary of State, and also declared that the persons chosen must not exceed the age of forty-five. A case had lately occurred in Staffordshire in reference to which the opinion of the law officers of the Crown had been taken, and they were of opinion that, under the terms of the Act of Parliament, the magistrate had no option but to elect a person qualified according to the rules prescribed, and that the Secretary of State could not by his consent render valid an election at variance with those rules. Under these circumstances, as doubts might arise as to acts done by chief constables who had been thus elected and approved by the Secretary of State, it has been thought desirable to bring in a Bill to render valid all acts done by them in the discharge of their duties.

MR. SPOONER said, he wished to inquire whether the Bill referred to appointments very recently made?

SIR STAFFORD NORTHCOTE said, he wanted to know whether, in future, candidates above the prescribed maximum age could be elected?

SIR GEORGE GREY said, he must explain that up to the present time it had

been assumed that the approval of the Secretary of State would cure any defect in the appointment. There had only been four such cases in which approval had been accorded by three different Secretaries of State. As, however, it appeared that, according to the construction of the Act, the rules must be strictly adhered to, he had thought it necessary to alter those rules, to render them less stringent, and to provide for the exercise of discretion in special cases by the Secretary of State.

Leave given.

Bill *ordered* to be brought in by Sir GEORGE GREY and Mr. MASSEY.

Bill read 1^o.

THE ORDER OF THE BATH.

RETURNS MOVED FOR.

MR. SCOTT said he rose to move an Address for tabular "Returns of the names of all Officers in the Army and Navy who have been decorated with the Order of the Bath since the 1st day of January, 1854, with the degree and date of such decoration; the date of entrance into Her Majesty's Service, and promotion to their different ranks therein; giving also the Staff or other appointments or commands, with the emoluments attached, held by them respectively, and stating the engagements in which they had taken part; and of the Civilians who during the said period have been honoured with the like decoration, and the date." In moving for the above Returns, he wished to disclaim doing anything invidious, or an intention to find fault with the distribution of honours. On the contrary, he apprehended that, if the Returns were granted, they would show with what strict impartiality the patronage had been exercised, and all mistaken notions would disappear on their publication.

VISCOUNT PALMERSTON said, he thought that, according to strict practice, some Parliamentary grounds should be shown for the production of Returns—such, for example, as the setting right of some grievance, or the supplying of some peculiarly useful information. However, if the hon. Gentleman thought that misapprehensions really existed as to the exercise of the Prerogative of the Crown—if those would be removed by the production of the information asked for, he would not put the House to the trouble of dividing against the Motion for an Address.

Motion *agreed to*.

The House adjourned at a quarter before Nine o'clock.

Sir George Grey

HOUSE OF COMMONS,

Wednesday, February 11, 1857.

MINUTES.] NEW MEMBERS SWORN.—For Hertford Borough, Right Hon. William Francis Cowper.

NEW WRIT.—For Londonderry County, *v.* Thomas Bateson, esq., Steward of Hempholme.

PUBLIC BILLS.—2^o Mersey Conservancy and Docks; Judgments Execution, &c.

MERSEY CONSERVANCY AND DOCK BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. HORSFALL said, he rose to oppose the Motion, considering the measure as one of a most monstrous character, and which he trusted the House would not lend its sanction to its passing into a law. The Bill contained what professed to be a history of the Constitution of the Dock Trust, the Dock Committee, the Corporation, the Conservancy and Pilot Commissions of Liverpool, and others, and upon the suggestion of two self-constituted bodies in Manchester,—and he said it with no feeling of disrespect, but still self-constituted bodies—the House was now asked to abrogate the powers held by those different authorities under various Acts of Parliament, and to substitute for them a body of twenty-one persons, to be elected by the dock ratepayers. No charge of injustice or neglect of duty had been made against any one of those bodies which it was now sought to destroy, and no case had been made out for terminating a system which had hitherto been so well administered. The composition of the Dock Trust of Liverpool was not exactly understood either in that House or out of it. The trustees were twelve chosen from the town council, and twelve elected by the dock ratepayers; and the body thus composed had acted usefully and for the benefit of the commerce of Liverpool and of the whole country. It was, however, not at all surprising that there should be some misapprehension abroad as to the constitution of the Dock Trust, seeing that the august Board of Trade itself had been deceived, and had stated to the world, in a Report dated April, 1856, that the Dock Committee was composed as follows:—

"Twelve members are elected by the council of the borough and twelve by the dock ratepayers; but no person can be elected a member who has not both resided in or within eight miles of Liver-

pool for five years, and paid rates to the amount of £10 a year, either on his own account or as an agent for persons residing in or near Liverpool."

Now, the latter statement was the very reverse of the fact, for any agent of a Manchester house, more than eight miles from Liverpool, duly qualified, was entitled to vote. No doubt objections would be raised to the *veto* which the town council could exercise upon the proceedings of the Dock Committee, but that *veto* appeared to him to be an advantageous and constitutional power, although it was one not very frequently exercised. He found that since 1851 there had been only one instance in which the power of *veto* had been exercised, and during the last thirty-two years there had been only thirteen such instances. It might also perhaps be urged upon the House that purchases of land were made from the corporation by the dock trustees. The fact was true, but what were the conditions? In 1790 the corporation gave the land and a large sum of money towards the formation of the first dock, and since then whenever any purchase of land had been made from the corporation for the purposes of the Dock Trust the sales had been based upon one of the four following conditions:—Either the land was sold for the same price which the corporation had paid for it, or it was sold for the price which had been paid by other purchasers of land immediately adjoining, or the sum to be paid was fixed by the verdict of a jury, or it was arrived at by mutual agreement, subject to the consent of the Lords of the Treasury. All those modes of dealing were, he contended, fair and equitable. Another argument would be no doubt raised, that the Corporation of Liverpool had purchased the Birkenhead docks, but had not carried out their engagement to transfer those docks to the Liverpool Dock Trust. The fact was, the Birkenhead docks, being in a state of insolvency, were purchased by the Corporation of Liverpool upon the distinct understanding that, whenever the Dock Trust was in a position to make the purchase, the docks should be transferred to them; but from that time to the present the Dock Committee had never been in a position to purchase them, although the corporation had always been and still were willing to transfer the Birkenhead docks, and place them formally, as they already were practically, under one management with the Liverpool docks; and the object of one of the Bills which had

just been read a second time was to assimilate the rates and charges in both docks. The corporation had paid £1,443,000 for the Birkenhead docks, and would have to expend £1,500,000 more to complete them. A petition had been presented in favour of the Bill, to which was attached the seal of the Great Western Railway Company; and on another occasion he would have an opportunity of showing how that seal had been procured. He was quite sure the noble chairman (Viscount Barrington) of the company would not have permitted the seal of that body to have been affixed to a petition in favour of a Bill which was at variance with all the noble Lord's expressed opinions in and out of that House; and he (Mr. Horsfall) had received a letter signed by a number of proprietors of that line, protesting against what they conceived to be a gross misappropriation of their corporation seal. It was unworthy of the promoters of the Bill to have recourse to such means. It would have been far more creditable to have imitated the straightforward, honourable course which had been taken by Mr. Pender, he believed, of Manchester, who had sent out a vessel yesterday without payment of dues, and therefore was prepared to test in a Court of Law the right of the Corporation of Liverpool to levy them. Such a course, he repeated, would have reflected more credit upon the promoters of the Bill than the insidious measures by which they sought to obtain their object. He should therefore move that the Bill be read a second time that day six months.

MR. J. EWART seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. MILNER GIBSON said, he must express his regret that the hon. Gentleman (Mr. Horsfall) had not followed the course which he (Mr. Gibson) had adopted in regard to the two Bills promoted by the Liverpool Corporation, and had not allowed this Bill to be sent at once to a Select Committee where there would be every opportunity of examination into its merits. The hon. Member for Liverpool had endeavoured to show that something unusual was attempted to be done by the Bill now before the House, but, in fact, the mea-

sure was nothing more than an attempt to carry out the recommendations of the Board of Admiralty, of the Tidal Commission, of a Committee of the House of Commons, and, above all, the requirements of an Act of the Legislature. The question of the local dues on shipping was only incidental, and did not constitute the principle of the Bill, which was that the docks of Liverpool and Birkenhead should be consolidated into one estate, and that the management and control of them should be vested in one public body of trustees, and it was obviously desirable that such body should be independent of the corporation. To vest the management in the present Dock Trust of Liverpool would be to place the whole trade of the country with that port under the control of the corporation, which would consult mainly the municipal interests, and thus render the trade of the country tributary to the local interests of the town of Liverpool. Surely that was a subject well worthy of inquiry by a Committee of that House, and yet the hon. Member for Liverpool wished them not to allow that inquiry, but to reject the Bill at once. Let the House consider who constituted at present the managing body of the Liverpool docks. It was called the Dock Committee, one half of the members of which were chosen by the town council of Liverpool. The chairman of that committee was selected from those members chosen by the town council, and all the resolutions of the Dock Committee were liable to be *vetoed* by the corporation, so that, in fact, the corporation did possess an entire control over the proceedings of that committee. In 1855 a Committee of that House had expressed its opinion that it would be for the public advantage, after the amalgamation of the Liverpool and Birkenhead Docks, that the whole dock system on both sides of the Mersey should be placed under one public trust. That Committee also made a special Report recommending "That the earliest opportunity should be taken of carefully considering the constitution of the Dock Trust with reference to the altered circumstances in which it will be placed in consequence of this amalgamation." Mr. Bramley-Moore, a Member of that House, and formerly chairman of the Dock Committee, had said that most of the persons lately sent to the town-council of Liverpool were not merchants or dock ratepayers; that merchants and dock ratepayers ought to have greater influence in the management of the docks than they

now possessed; that they were the most proper parties to have control, as they were directly interested in the good management of the docks; that the power of *veto* over the proceedings of the Dock Committee, possessed by the town-council, was not desirable, as that body was at present constituted, but that if its members were ratepayers and interested in the docks no harm could arise therefrom; that a sum of nearly £1,000,000 had been laid out in the purchase of lands for the construction of docks; that the money had passed between the dock estate and the corporation, and that the corporation were the principal parties who had derived advantage from the dock estate. Mr. Bramley-Moore also pointed out how the corporation, by buying land, as it were, of itself and paying for it out of the dock dues, levied on the trade of the country, made the trade of the country unfairly contributory to the estate of the Liverpool Corporation. Mr. Chapman, a Liverpool merchant, also stated before the same Committee, that the town-council were most properly the conservators of the interests of the town, but that the interests of the dock estates were very different from those of the town—the one being of a public and national, the other of a peculiarly local character; that the dock estate had been made entirely subservient to promoting the interests of the corporation estate; that the two had been in a state of antagonism for years; that the dock estate had been plundered to an enormous extent; and that, in fact, the dock estate had been made a sort of milch cow to aggrandise the great corporation estate. It was against the Liverpool Corporation making use of a great public estate for its own peculiar benefit that the promoters of the Bill now under consideration protested. The principle of the Bill was nothing more than placing the management of those important interests in a responsible public board. Although it was called a Private Bill, it dealt with very important national objects—namely, the completion of the Birkenhead docks and the placing at the disposal of commerce all the natural advantages of the Cheshire shore. When those objects were attained the estuary of the Mersey would do for England all that it could accomplish in the way of affording facilities to trade and navigation. But if the management of those important interests were allowed to remain exclusively in the hands of the Liverpool Corporation, their policy would be to prevent

the development of the Birkenhead dock system, to withhold from the public the full benefit to be derived from the natural advantages of the Cheshire shore, to make the Birkenhead docks secondary and subsidiary to the Liverpool docks, and to take care that no rival port sprang up at Birkenhead to compete with the port of Liverpool. The interests of the public were necessarily and consequently opposed to such views. When the Birkenhead docks were completed, the large sum of £13,000,000 would have been expended out of dock rates, which was about £1,000,000 a year, levied on the trade of the country. Now he asserted that the Corporation of Liverpool, as a corporation, had no more to do with that vast property and that large revenue than any private individual. The money to make the docks was supplied by the public, the rates were levied on the public, and the public, no doubt, with a due regard to any just claims which the Corporation of Liverpool might be able to establish, had a right to see their interests vested in a responsible board. With regard to the town dues, it was said that the proposed measure was a Bill for carrying out the local dues on the Shipping Bill, which was abandoned in the last Session. It was nothing of the kind. It was impossible to introduce a Bill to carry out the recommendations of the Committee of 1855 without incidentally raising the question of the town dues. In that year improvement Bills were introduced by the Corporation of Liverpool, asking for power to pledge the town dues, in order to raise the necessary funds. Those Bills were rejected, so far as they pledged the town dues, upon the ground that it was a disputed question whether dues levied on ships and goods carried in ships, though called town dues, could be properly applied to defray the municipal expenditure of Liverpool. But when it was proposed to raise money for the purchase of the Birkenhead dock estate by pledging the town dues the objection of misappropriation did not arise. Mr. Serjeant Wrangham, who was counsel for the Liverpool Corporation, said he could hardly conceive a more legitimate purpose to which those dues could be devoted, contributed as they were by vessels frequenting the harbour, than to what were strictly harbour purposes, and under the Birkenhead Dock Act of 1855 authority was given to pledge the town dues, as part of the corporate estate, in order to raise money to purchase the

Birkenhead dock property. When, therefore, it was proposed to transfer the Birkenhead docks and the Liverpool docks to a public board, elected by the dock ratepayers, it became necessary incidentally to deal with the town dues; but the mode in which they should be dealt with would be in the discretion of the Committee. The House, in agreeing to the second reading of the Bill, would pronounce no opinion on the principle of the measure introduced by the right hon Gentleman the Vice President of the Board of Trade, but merely enable the Manchester Chamber of Commerce and the Commercial Association, who legitimately represented the dock ratepayers of Lancashire and Yorkshire, to have their plan considered as well as the plan of the Corporation of Liverpool. He considered that he had shown that the Corporation of Liverpool had other interests than those of the public, and in simple justice he asked that the public interests should be considered in Committee.

MR. LLOYD DAVIES said, he could see no reason why the Bill now before the House should not be referred to a Committee, as well as the two preceding measures. A Committee of the House was the best and fairest tribunal to which the whole question could be submitted.

MR. GRANVILLE VERNON said, he was strongly in favour of inquiry into the subject, and would therefore recommend the withdrawal of the Amendment.

MR. J. EWART said, he had been all his life a merchant in Liverpool, and yet he had never heard any charge of an abuse brought against the dock trustees of that town. Those trustees had no personal interest in the property, for the whole of the revenue was appropriated to the payment of the interest on the debt and the management of the dock estate. The Bill embodied a very extraordinary scheme, under which any person might be elected a dock trustee, even though he should have no qualification of any kind, and might reside in the most distant part of the kingdom.

MR. SPOONER said, that he could not agree with his hon. Friend the Member for Liverpool (Mr. Horsfall) upon the question under consideration. His hon. Friend had told them that the Bill was the same Bill which had been introduced last year by the right hon. Gentleman the Vice President of the Board of Trade. Now, if that were the case, he (Mr. Spooner) should certainly vote against it. But the present measure,

unlike that of last year, was carefully limited in its operation. The Chamber of Commerce of Manchester was not the only body that sought to obtain a change in the existing system. That system was also opposed by the representatives of other commercial towns, who felt that there were some restrictions of a very harsh character imposed on their trade. They wished to have an inquiry for the purpose of ascertaining whether or not the charter of the Dock Trustees had been exceeded. He should object to any infringement of the charter right of Liverpool; but it was alleged, and he thought not without some reason, that the rights given by the charter in the present instance had been unfairly extended. There being two parties at issue as to the facts of the case; the House could not inquire into those facts, and the subject was, therefore, in his opinion, a fitting one for inquiry by a Committee.

MR. HEADLAM opposed the Bill on the ground that the question of law involved in the matter had not yet been decided by the proper legal tribunals. Besides, he objected to the clause of the Bill transferring the town dues from the corporation to a new body, and he thought it would be just as reasonable to ask the House to transfer the property of the Great Western Railway Company to the Liverpool town-council. If the hon. Member divided, he would vote for the Amendment.

MR. HORSFALL said, he was not disposed to press his Amendment.

Amendment by leave *withdrawn*.

Main Question put and *agreed to*.

Bill read 2^o and *committed*.

JUDGMENTS EXECUTION, &c. BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

COLONEL FRENCH said, he wished that Ireland had been omitted from the Bill. The mercantile and professional classes of that country had the strongest objections to the Bill, and the Irish Members had defeated it every year since the present Parliament was summoned. Yet the hon. and learned Member for Ayr (Mr. Craufurd) persisted in endeavouring to force the measure upon the House. Many of the small traders in Ireland were in the habit of making their purchases in this country, and if the Bill passed, and an

action were brought against them in this country, they must bring over their witnesses at a ruinous expense to defend it. He had warned the hon. and learned Member that he should persevere in his opposition, and he regretted that Ministers had permitted the Bill to be reintroduced. He should, therefore, move that the Bill be read a second time that day six months.

MR. M'MAHON said, if his hon. and gallant Friend (Colonel French) resisted the Bill on the part of Ireland, he should certainly oppose it on behalf of England. It proposed to effect a change in the law for which there was not, in his belief, the slightest necessity. A man who had obtained a judgment in England might now issue execution upon it in Ireland by means of a short action, and an Irish creditor might in the same way obtain execution against an English debtor. But were hon. Members aware what the effect of the Bill would be with regard to judgments obtained in Scotland? A person holding "heritable estate" of any kind, or possessing goods in Scotland, was liable to be summoned by "edictal citation," a process which consisted of the proclamation of the names of the parties to a suit, and the holding up of a triangular piece of paper at the Market Cross of Edinburgh, and which gave the Court of Session power to pronounce judgment in the cause. A judgment so obtained, in the absence of a defendant, would by the proposed measure be transferable to the Courts of England and Ireland, so that any gentleman who went to Scotland and took a bit of land or a cabin for the shooting season, or who left behind him any personal property, such as a gun or a fishing-rod, would be liable to have a judgment obtained by the process of "edictal citation" enforced against him in this country. Again, by the law of Scotland, although not by the law of England, owners of mines and factories were answerable for injuries done to one of their servants, arising from the neglect of another of their servants. If the present Bill became law the owners of factories and mines where accidents had occurred through the negligence of servants, resulting in a great loss of life, might therefore be ruined if they happened to possess any property in Scotland or were ever caught there. Another effect of it would be that paupers in Scotland would have power to sue persons of property in England and Ireland without giving security for costs. The Bill had been sent to a Committee

three or four times already, and if it ever was to arrive at maturity, it ought to be in that state now. The Bill in fact was bad in principle, and when its details came to be examined, there was scarcely a good provision to be found in it. It disregarded every recognised principle of equity and justice, in order to meet the views of some Scotch lawyers who wished to elevate their mongrel Scotch system of half Civil and half Common Law into a recognised system of jurisprudence. He hoped the House would reject the Bill, and he should therefore very cordially second the Amendment.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months."

MR. BLAND said, he thoroughly agreed in what had fallen from his hon. and learned Friend opposite as to the vicious character of the Bill, and was so convinced of the inexpediency of its introduction that he should support the Amendment. It was not a measure giving reciprocal advantages to both countries, but its reciprocity was like Irish reciprocity—all on one side. The Bill would be injurious both to the country and the profession. A power was given to the Sheriff's Court in Scotland which was not given to the County Courts in England or to Assistant Barristers' Courts in Ireland; so that an advantage had been conferred upon the country to which the hon. and learned Member who introduced the Bill belonged, and which England and Ireland were deprived of. It had been the tendency of the English Legislature to afford facilities, by means of which trials could be readily obtained in the cases of dispute; but the Bill would remove such Courts to a greater distance than ever. He should give the Bill his strenuous opposition.

MR. HADFIELD said, he should support the Bill, because he thought it would remedy a great defect in the law, which had been long felt by the mercantile classes. He apprehended that the real reason why the Bill was opposed by the Irish Members, was, that they had not capital to pay their debts. He could not agree with the hon. and learned Member for Wexford (Mr. M'Mahon), in thinking that it was a hardship not to allow a man who had left his debts in England unpaid to go shooting in Scotland. He certainly thought it would be desirable to assimilate the laws of England and Scotland, and he could not

understand why it should be necessary for a man to bring three separate actions—one in England, one in Scotland, and one in Ireland for the recovery of the same debt.

MR. GEORGE said, he objected to the Bill, because, in defiance of every remonstrance, the hon. and learned Member for Ayr had persisted in including Ireland in it, to which country it would be a great injury. Under the disguise of reciprocity, it sought to obtain great advantages for Scotland without conferring any upon Ireland. He denied the assertion of the hon. Member for Sheffield (Mr. Hadfield) that Ireland was either unable or unwilling to pay its own debts. But the case of Ireland was quite distinct. It was not a manufacturing country like England, but subsisted mainly by agriculture, and its debts were chiefly owing to English creditors. It was very well known that the principal contracts arose from the export of agricultural produce and cattle from Ireland; and, therefore, it was clear that the effect of such a measure as the present would be that the major part of the judgments would be obtained in England against persons in Ireland, because the export of produce did not give rise to credits or debts while imports of manufactures did. The only way that the Bill could operate would be to enable the Manchester or Birmingham manufacturer to bring his action in England, and if a process-server could be found to swear that the process had been served, judgment might be obtained by default and registered, and then without any possibility of impeaching it in Ireland, it would stand in the same position as a judgment obtained in the Irish Court of Common Pleas; and even where the judgment was obtained by fraud there would be the greatest difficulty in setting it aside because they would first have to set aside the memorial for registration in the Irish Court, and when they had done that the judgment would still be good in England, and therefore second expensive proceedings would be necessary. On these and other grounds he was totally opposed to the Bill.

MR. HUGHES said, he was also opposed to the Bill. The question involved in the Bill was whether in England, Ireland, and Scotland principles of legislation should be introduced, which should be different from the principles of administration which had prevailed in Courts of Justice within the memory of man; or whether those principles were to be subverted by an in-

direct course, when in point of law they could not be by a direct course? The object of the Bill was centralisation. The grounds on which he opposed the Bill were that they asked the Court to issue a process, in respect to which it had no record or means of controlling the form of record; and, without giving the record, they ask the Court to issue an execution. The true remedy for the evils was to make the processes of the Courts of Westminster applicable to all parts of the kingdom.

MR. J. D. FITZGERALD said, that the Bill was either misunderstood or misrepresented. Some arguments had been used which he considered were unworthy the attention of the House. He had heard it stated that the Bill would be injurious to the interests of the Bar and of the solicitors of Ireland; but was an Imperial measure, providing for the due enforcement of certain rights, to be obstructed for such a reason as that? The effect of the Bill was to remove that which was a blot and a disgrace to the laws—the necessity for a creditor suing his debtor in separate actions for each of the three kingdoms. A creditor, for instance, in Ireland commenced an action for the recovery of a debt, and obtained a judgment. That judgment was conclusive, but the debtor removed to this country, or his property was here, and then the Irish judgment was of no value, and he was compelled to commence a new action for the same demand. Or on the other hand, an English creditor would have to institute a fresh action in Ireland before he could recover a claim upon which he had obtained a judgment in England. A case had come under his own observation in which a peer residing in this country had had a judgment recovered against him, but his person was privileged. He had considerable property in Ireland, the creditor followed him, but the Irish Courts said we cannot grant you a process on this English judgment. In England they said you cannot execute your judgment, because the person of your creditor is privileged. Now, he would ask, was such a state of things to be allowed to exist. He could only understand some of the objections which had been urged against the measure on the ground that all the creditors resided in England, and all debtors in Ireland. He maintained that the principle of reciprocity did exist in the Bill, because a judgment obtained in Ireland could be executed in England. It was not true

Mr. Hughes

that the Bill would give greater facilities for obtaining judgments than existed at present. If the arguments against the Bill proved anything, they proved that the existing state of the laws was highly objectionable; but surely that was no reason for opposition to the principles contained in the measure then before the House. He believed that it had been completely misunderstood. It had gone through a Select Committee, though under a different form, where it had been carefully considered, and clauses expunged which might have been liable to abuse, and it had been four times before the House. He could not see that any danger would be likely to result from wiping away a disgrace which was none the better because it had existed for centuries. Now was the time to relieve themselves from the monstrous proceeding of instituting fresh actions on judgments already rendered conclusive.

MR. NAPIER said, after the Bill had been through the Committee it came before the House, and was discussed on a second reading, and was rejected with the concurrence of the late and present Attorney General, who stated that the object was good, but had not been well carried out. In Committee he had tried to bring the Bill into an effective form, but had failed in so doing. Bad reasons might be given for rejecting a bad Bill; and the right hon. and learned Gentleman (Mr. J. D. Fitzgerald) had adduced only the bad reasons against it. In the case of the peer, for example, the Court of Exchequer in Ireland had pointed out the true remedy—the enactment of a provision for “substituted service” of a person resident in another country. Now he (Mr. Napier) had framed such a provision for the Common Law Procedure Act, but it had not been accepted. He objected to the Bill upon valid grounds. There were more persons residing in Ireland indebted to persons in England than there were in England indebted to persons in Ireland. And many debts were secured by warrants of attorney, on which execution in Ireland could not be obtained without satisfying the Court that the warrant of attorney had not in the meantime been satisfied and discharged; whereas under the present Bill the creditor might in this country issue execution on simple registry, without satisfying the Court as to the time which had elapsed since the warrant was given. Questions as to the Statute of Limitations, or as to insolvency and bank-

ruptey, might arise, and cause great complications and practical difficulties, which were by no means provided for by the Bill in its present form. The general principle of jurisprudence was violated, that execution should be commensurate with jurisdiction, and without any sufficient safeguards nor effective provisions against collusion. The proposed Bill was to be an Imperial law, and its effect on the whole Empire must be considered. It would, however, he had every reason to believe, operate injuriously on Ireland, and besides that country would acquire no advantage from it. Make men pay their debts; but this might be done by provisions for substituted service of process. He did not see how the objections he had urged could be obviated. The memorial or copy of a judgment was to have the effect of a judgment. In all his experience he had not known half a dozen instances of any grievance; whereas the Bill would produce practical evils of a serious nature. He had given the measure his best attention, and felt bound to oppose it.

THE ATTORNEY GENERAL said, he had listened with surprise to some of the observations urged against the Bill, founded apparently on the ground that there were more Irish than English debtors, or upon some technical details in the Bill which might require an amendment. If there was any force in the latter class of objections, the proper time for considering them would be in Committee. With regard to the former, he could not allow it to be said, or imagined, that there was any Irish Member who would found his opposition to a Bill upon the circumstance that it would compel a large class of Irish debtors to pay their debts, and give an advantage to English creditors which they did not now possess. The Bill was founded on an honest principle, and he thought it a monstrous absurdity to compel a man who had obtained a judgment in one tribunal to commence the process again. When the Bill was last before the House it contained certain objectionable clauses. They were omitted from the present Bill, the object of which was simply to enact that a judgment obtained in England should have the same effect in Ireland and Scotland. He could not concur in some of the objections which had been made, namely, that the measure would not give to the Irish Court the same equitable jurisdiction over the English judgment as was possessed by the English Court, for he conceived that it

armed the Irish Court with the same equitable jurisdiction over the English judgment as the English Court possessed. He also conceived that the objections urged by the right hon. and learned Member for Dublin University (Mr. Napier) founded on technical considerations, proceeded from an erroneous reading of the Bill; but, at any rate, they could be removed by the introduction, if necessary, of a few words. The Bill was in the interest of the just rights of creditors, both English and Irish, and was introduced to put an end to an anomaly as absurd as if a judgment pronounced in Middlesex should not extend into Surrey.

Question put "That the word 'now' stand part of the question."

The House divided:—Ayes, 56; Noes, 46; Majority, 10.

Main Question put and agreed to.

Bill read 2^o.

The House adjourned at ten minutes before Four o'clock.

HOUSE OF LORDS,

Thursday, February 12, 1857.

MINUTES.] Took the Oaths.—The Lord Talbot of Malahide in Ireland, being created Lord Talbot de Malahide of the United Kingdom.
PUBLIC BILL.—1^a Dissenters' Relief.

AFFAIRS OF GREECE.—QUESTION.

THE MARQUESS OF CLANRICARDE, seeing his noble Friend the Secretary for Foreign Affairs in his place, had a question to put respecting a matter which had appeared in the public papers, namely, the intended withdrawal of our troops from the kingdom of Greece, and an arrangement said to have been made with the Government of that country with respect to the debts and the management of its finances. He wished to know if the Government would lay upon the table the correspondence on the subject, so as to inform the public on what was done with regard to it? The Government was justified in withdrawing the troops, as the troops had only been sent for the purpose of enforcing the neutrality of Greece; but the two transactions appeared to have been mixed up together. No doubt we ought to have some control over the finances of that country, as it was our debtor, and we ought to take care of our debts; yet if such an arrangement was carried too far, it would involve us in difficulties.

THE EARL OF CLARENDON said, he

was glad to have an opportunity of answering the question put to him by his noble Friend. Their Lordships were aware that the troops were sent to Greece in consequence of the spirit of hostility which had manifested itself in that country towards the Western Powers, and when a successful attempt had been made to incite insurrection in the neighbouring provinces of Turkey. Upon these occurrences taking place it was agreed by Her Majesty's Government and the Government of France to send a small force to the Piræus in order to check proceedings of which we had so much reason to complain, and which acted, of course, as a powerful diversion in favour of Russia, by engaging the attention and arms of Turkey in the restoration of order within her own territories. That measure was quite successful. The troops never have moved from the Piræus, and, the war being over, they would be withdrawn. But in the course of the last autumn the Greek Government laid before the three protecting Powers a statement of the revenue and expenditure of Greece, offering to pay a small annual instalment of the interest on the loan guaranteed by those three Powers, and which interest has, in point of fact, been exclusively paid by them ever since the loan was made. The Greek Government, however, at the same time suggested that the protecting Powers might prefer, instead of receiving this small instalment of interest, to allow it to be applied to the internal improvement and the development of the resources of the country. Her Majesty's Government, however, could not agree to that proposal; first, because it was by no means clear that by a better administration the revenues of the country might not be increased; and, secondly, because, although the latter might be profitably applied to developing the internal resources of Greece, Her Majesty's Government could not sanction the application in the way proposed of money which belonged to the treasury of England. But, as the Greek Government challenged inquiry respecting the accuracy of the financial statement transmitted by them, Her Majesty's Government proposed that a Commission, consisting of the Ministers of the three protecting Powers at Athens, should inquire into the financial condition of Greece. The statement was laid before Her Majesty's Government as creditors, and as creditors they proposed to inquire into the accuracy of it. The proposal was made to the Rus-

sian Government, who concurred in it, and expressed their wish to take part in the Commission. Some little delay had arisen in respect to the attributes of the Commission, and its duration; but the Commission itself had been accepted in the most frank and cordial manner by the Greek Government. He had also to say that this proposal had been made in a perfectly friendly spirit to the Greek Government, and with no intention whatever of interfering in the internal affairs of their kingdom, or that the Commission should last beyond the time for which it was established. He (the Earl of Clarendon) believed that the protecting Powers were about to render essential service to Greece by the advice and assistance which the Commissioners would be able to render to her Government, and it was expected that the Greek Government might in this way have it in their power to effect certain administrative and financial reforms, which single-handed, they might possibly not be able to achieve. He believed the Commission would be established in a few days, and he hoped it would tend eventually to put an end to the contests for influence which had so often taken place between foreign Powers—contests which did no service to the Powers engaged, and which only distracted and wounded the public feeling of the country which was so unfortunate as to be the subject of them. He must say that the discretion and judgment of the English and French Ministers had done much towards carrying out the policy of their Governments in this respect, and he hoped that English and French parties at Athens no longer existed. The papers on this subject consisted chiefly of the correspondence with the French and Russian Governments respecting the Commission; and as that Commission was not yet absolutely established, it would, he thought, be premature to place them on their Lordships' table.

DISSENTERS' RELIEF BILL.

PRESENTED. FIRST READING.

LORD BROUGHAM *presented* a Bill for the further relief of Dissenters. He said it was the one referred to by the Bishop of Oxford in the debate at the last meeting of the House on the Church Discipline and other Bills of the Lord Chancellor, and was the same with the one he had presented the Session before the last, only that a clause was added on the right rev. Prelate's suggestion, whose absence, he was sorry to say, was owing to a great

domestic calamity. That proviso was intended to prevent the possibility of the Bill being supposed to affect in any way the indelible character of holy orders. The only operation of the proposed law would be to free Dissenters who had once been clergymen of the Church, and now were united to dissenting congregations either as ministers or otherwise from Church censure, and from all civil or temporal disabilities, while it also deprived them of all clerical rights or immunities. He hoped the Bill, being very short and simple, and having been carefully drawn, would not be found to fall within the scope of his noble and learned Friend's objections, so well founded in general, to the manner in which Acts of Parliament are framed. Of the course proposed, the having an examiner to prepare and superintend the passing of Bills, he approved, so far as to say that it was a step in the right direction. But he conceived it to be insufficient; first, for the reason he had so often assigned, that a single person is wholly inadequate to the task, not on account of the labour being so great, but because a single mind applied to detect errors or note oversights is insufficient; there must be several, in order to afford good security against such slips. Therefore a Board is required as he had proposed in his Resolutions of 1847. But here, as on every other question connected with legal improvement, we are led to one and the same conclusion—the necessity of a Minister of Justice, or department charged with the whole of that great subject. He understood from the Votes that his right hon. Friend (Mr. Napier) was to bring the question again before the other House this evening; and he heartily wished him success. He had so often urged the matter on the attention of their Lordships that he should not detain them with further remarks upon it at present than to mention the fact that when, as President of the Law Amendment Society, he had communicated to Sir R. Peel, then at the head of the Government, the memorial of the Society, strongly recommending the appointment of a Minister of Justice, the answer returned was not merely courteous but it indicated that the proposal would forthwith be taken into favourable consideration, and that the memorial was, or would immediately be, communicated to Lord Lyndhurst, then Chancellor.

Bill, for the further relief of Dissenters, read 1^a.

SECONDARY PUNISHMENTS.

SELECT COMMITTEE MOVED FOR.

THE MARQUESS OF SALISBURY rose to move the appointment of a Select Committee to consider the question of Secondary Punishments. It was not his intention, in moving for the Committee, to go into that much-disputed subject; but he could not help expressing his satisfaction that the right hon. Gentleman the Home Secretary had so greatly altered his opinions since last Session. When, last Session, he (the Marquess of Salisbury) brought the subject before their Lordships, he was told that the ticket-of-leave system was perfectly successful, and that the Reports which were about to be issued would show its success; noble Lords opposite, in fact, then treated the matter as an imaginary grievance. Since that time, apparently, valuable information had been obtained, and great alterations of opinion had taken place. The Secretary of State had thought it right to introduce a Bill on the subject, although, judging of its tenor by the right hon. Gentleman's speech, he feared it would be an inefficient one, and would require much amendment before it could pass their Lordships' House. The Home Secretary had, however, introduced another measure, from which he (the Marquess of Salisbury) expected good results—that on reformatory schools. There was another subject which had excited great attention; it was that of prison discipline. Lord Denman had said that the object of punishment was to deter from crime; but our punishments had an opposite effect. The system of criminal law which we followed encouraged crime rather than deterred from it. In this view the system of military prisons was much better than that of civil prisons. In the former the diet was much more severe than that allowed in the latter. In the military prisons the diet is thirty ounces of solid food per diem and half a pint of milk, no meat. In the civil prisons, for instance Millbank, the diet is given to be forty ounces of solid food, of which a considerable portion is meat, besides one pint of soup, one of gruel, and one of cocoa. In the civil prisons there was sometimes thirty-eight ounces of bread daily per head, and the allowance sometimes even reached forty ounces. In point of fact, as regarded persons imprisoned for crimes, they fared better than common labourers. It appeared, however, that the system was not favourable to health, for the returns show that since 1845 the per

centage of cases of sickness in military prisons had been only 16 1-10th, while in civil prisons it averaged 70 per cent. That the system adopted in military prisons had a more deterring effect than that of civil prisons appeared from the fact that the recommittals to the former were fewer than those to the latter. He did not think that it was in the power of the local authorities to remedy the existing evils; it rested entirely with the executive Government. The noble Marquess (who was most imperfectly heard throughout) was understood to advocate a plan for keeping prisoners for long terms on public works during the latter part of their sentences; and to accompany sentences for short terms with a more severe punishment than mere detention. The noble Marquess, in conclusion, *moved*, "That a Select Committee be appointed to consider the Question of Secondary Punishments."

EARL GRANVILLE said, he regretted not to be able to accede to the Motion which the noble Marquess had submitted to the House; but he thought that the noble Marquess had hardly made out a case at this time for the Committee which he had proposed. Last year Committees of both Houses sat upon the general question of secondary punishments, and the course which they adopted upon that occasion appeared to him to be a very judicious one; for, instead of both examining precisely the same witnesses and going over exactly the same topics, they came to an understanding by which one Committee took up one part of the subject while the other devoted itself to another part. In that manner their Lordships obtained much valuable information upon the subject of transportation generally; while before the Committee of the other House very little evidence, comparatively speaking, was given upon that point, and the witnesses were examined principally upon the questions of punishment, penal servitude, prison discipline, and labour on the public works. Under these circumstances he thought that it was not necessary for their Lordships to appoint a Committee at this time to go over either of the grounds which were then inquired into. The noble Marquess apparently did not wish that the Committee should investigate the general question of transportation; but his principal arguments were based upon the condition of different prisons and upon the superiority of the results obtained in military prisons over those obtained in civil prisons. The noble

Marquess referred, for example, to the lower scale of dietary and to the less frequent recommittments in the military prisons; but there were great differences in all the circumstances between the persons who were committed to military and those who were confined in civil prisons. In the former the imprisonment was almost always for short terms, and it was not until a prisoner had been confined some time that the low diet began to tell upon his health. So also with regard to recommittals—there was an obvious difference between the two classes of prisoners. In one case the prisoners met with persons belonging to the same criminal "profession," as he might almost call it; and the inevitable consequence whenever they associated was that they became hardened, and having no work to go to when they came out they were extremely likely to be recommitted. The soldier was differently situated in this respect, both with regard to the contamination which he met with in gaol, and his employment when he came out. Moreover, it was probable that the statistics of comparison were not altogether to be relied upon, because the recommittal of soldiers might not be so accurately reported as was the case with civilians, owing to regiments being frequently moved from the mother country to the various colonies, which made it more difficult to trace the men. The noble Marquess had spoken with great candour and satisfaction of the measures which the Government had taken on this subject, and he (Earl Granville) was happy to perceive that it had been favourably received by the country; but, whether good or bad, it was certainly the most complete measure yet proposed. For any practical result there was no comparison between a proposal of that kind and an inquiry without any definite object. He was not prepared, after the experience of past years, to give any distinct pledge as to the arrival of Bills from the other House; but it was the firm determination of the Government that a Bill which related to a subject of so much importance, and which occupied the public mind to so great an extent, should be proceeded with in the House of Commons as speedily as was practicable, and should be sent up to their Lordships in reasonable time for their consideration. With regard to the employment of convicts on public works, he could assure the noble Marquess that it had not been lost sight of by the Government; on the contrary, it had been most carefully

considered ; but unless the feeling of the House was almost unanimous, he should be inclined to request his noble Friend not to press his Motion for the appointment of a Committee.

EARL STANHOPE said, that, as the person who moved the appointment of the Committee of last year, he felt bound to make a few remarks on the present occasion. He fully acknowledged the praiseworthy objects which the noble Marquis had in view ; but, at the same time, it appeared to him that those objects would be hindered rather than promoted by the appointment of a Committee. Inquiry was in its place last year ; but the time for action had now arrived, and the appointment of a Committee at the present juncture would be welcome only to such persons as were not desirous of applying a remedy to the great and urgent evils of the present system. It would afford them a pretext for standing still, and taking no measures at all. Last year there had sat a Committee of their Lordships' House ; there had also been one appointed by the other House, and both exerted themselves for some time to inquire into the whole subject. The Committee of their Lordships went fully into the colonial branch of the subject, and he (Earl Stanhope) was glad to observe that Sir George Grey, in his speech the other night, stated that the Government had derived considerable advantage from the information elicited by that Committee. As truly stated by the noble Earl opposite, the Committee of the House of Commons went fully into another branch of the subject—namely, the question of prison discipline, or the domestic branch of the subject. Taking both Committees together, and not looking at either singly, he thought they afforded an amply sufficient mass of information, and that their Lordships would only perplex and encumber themselves if, after the investigation of last year, they were to resolve that another inquiry was necessary. For these reasons he hoped that the noble Marquis would not press his Motion. Before he concluded he felt bound to state with how much pleasure he had heard the plan of the Government. He did not of course pledge himself to details ; he had not seen the Bill, and spoke only from the general outline which had been presented to Parliament ; but the measure appeared to him just and wise, framed on sound principles, and likely to afford satisfaction to the Colonies and

give protection to society at home. One great difficulty had always been that few persons had been willing to look at the question as it affected both the colonies and the mother country. Chairmen of quarter sessions and magistrates engaged in the administration of the criminal law were apt to devote their attention exclusively to the home branch, while other persons—for example, the late Sir William Molesworth, whom he desired to mention with all respect—confined their attention to the Colonies. But no satisfactory measure could be proposed which did not take into consideration both the interests of the Colonies and those of the mother country. He thought that the measure of the Government embraced these two points, and that, while it consulted the wishes and feelings of the colonists, it remedied the evils which had been so much and so deservedly complained of at home. He hoped that there would be as little delay as possible in passing the measure through the other House, and, when it was before their Lordships he should not feel debarred by the general approbation which he now expressed from proposing or supporting such Amendments or alterations as he might think desirable. A kind of taunt had been thrown out by the noble Marquess on the change which had taken place in the opinions of Sir G. Grey respecting this question. For his (Earl Stanhope's) part, there was, as it happened, no change in his own opinions to avow. From first to last he had been a friend, a zealous friend, to transportation upon an improved system. But at the same time, there was, he fearlessly confessed, no question upon which he would have felt less ashamed to avow a change of opinion than upon this of secondary punishment, in which so much depended upon the statistics and facts which the carrying out of any principle might furnish. He therefore should not hold himself precluded from proposing or supporting any Amendment, which upon full consideration might appear to him calculated to render the measure more effective. Meanwhile he trusted that the noble Marquess would not press his Motion for the appointment of the Committee.

THE EARL OF CARNARVON said, he must support the Motion for a Committee, for he thought farther inquiry was needed. The two Reports to which Lord Granville had alluded did not touch the point to which the noble Marquess had drawn the attention of the House. One of them dwelt

mainly upon the higher kinds of secondary punishment; the other, upon transportation, considered in a geographical point of view. He could not admit that the proposal which the Home Secretary announced the other night was a complete measure. The speech of the right hon. Gentleman, to judge from the reports of it which had appeared in the newspapers, wanted a comprehensive treatment of the subject. It dealt with the worst class of criminals, who were to be sentenced to some kind of perpetual imprisonment; with the second class, who were to undergo various periods of penal servitude; and with a class placed between these two; but the great bulk of our criminals—those who received short sentences—were wholly and entirely untouched. It seemed to him to be an ingenious alteration and shifting of the periods rather than of the nature of punishment. Nor had he succeeded in ascertaining from the speech what were the intentions of the Government with regard to the ticket-of-leave system. He should like to know whether it was to be continued as at present, whether the operation of the ticket of leave was to be extended to other countries, or what other changes or modifications the Government designed to introduce. Certain he was that the present system could not continue much longer. It was as bad for the community at large as for the criminal himself: for the community, because it afforded no security against lawlessness and violence; and for the criminal, because the so-called advantages which it conferred upon him operated to his injury. He felt no sentimental interest in criminals, but he pitied those unfortunate men, who were made outcasts from society by their own actions, but whom the present state of the law maintained in their degraded condition. It was unfair to hold out to them inducements, which could rarely be realised, to lead them on by the present system of rewards and punishments only that they should find themselves worse off without the prison walls than when they were within it; it was unfair that by the actual operation of the existing system they would be placed in a position in which they had no alternative between starvation and crime. The 1,600 or 1,700 who were discharged on tickets of leave were but as a drop in the bucket, compared to the 60,000 or 70,000 who were sentenced to various periods of punishment every year. With regard to what had been said by the

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noble Marquess as to the food of prisoners, he must say he was surprised to read in the Western Australian despatches laid on the table last year, that the surgeon attributed disease among the prisoners to excessive food and consequent repletion. He believed that where exception was taken to short sentences it generally applied to juvenile delinquents, for, there could be no doubt that in the case of boys committed to prison, a very short sentence, accompanied with easy prison discipline, took away all the wholesome fear and shame that should attach to imprisonment. But, in a question of this kind, the great difficulty was to steer clear of excessive lenity on the one hand and excessive severity on the other; and any measure that proposed to deal with this question ought to combine reformation for the offender, punishment for the offence, and security for society. He hoped that in the settlement of this question due attention would be paid to that most important point, the association and classification of criminals. The existing system was attended with many undoubted evils, and against the various systems proposed there were many great objections, but he thought it was worthy of consideration whether or not a mode of classification, according to age, should not be resorted to. He rejoiced in the prospect of a partial return to transportation, which in the case of old offenders could not, in his opinion, ever be dispensed with. The old system of transportation, or rather compulsory emigration, by which convicts were assigned to the governor of a colony, and by him re-assigned as labourers to the colonists, had been attended with the happiest results; and he was therefore glad to find that the Government had determined upon a recurrence, however partial, to the system of transportation.

LORD CAMPBELL begged to say, with all respect for the noble Marquess, that he quite agreed with the noble Earl (Earl Granville) who told them that the time was come for action and not for inquiry. Prison discipline was no doubt highly important; but it was a subject which they had been considering for many years, and there had been Committees on that question specifically. In the two Committees which sat last year, one of this and one of the other House, the whole subject was thoroughly investigated. He himself had the honour of being examined last year before the Committee of the House of Commons on secondary punishments, and he would take

on himself to say that the subject was very fully inquired into. Consequently he regarded the refusal of the Committee by the noble Earl as a proof of the sincerity of the Government in the steps they had proposed elsewhere to take. If they had not wished to act, they would naturally have supported the present Motion, and thus obtained an excuse for further delay. The country was now in a most alarming position in reference to this matter. Never before in the history of England had society been in such a predicament; never before had all those who had been convicted of crime been retained in the country, and liable at any time to be let loose upon the country to renew their depredations. In former times the remedy for such an evil was to hang all those who had been convicted. That was a very summary and a very effectual mode of disposing of criminals. To such an extent was it resorted to in the reign of Henry VIII. that about 1,000 criminals were hanged every year; all those who were convicted of stealing property of the value of 12*d.* were immediately strung up. In the 16th century, when colonisation and emigration began, transportation was the common sentence, and it was the practice to send criminals to Barbadoes, Virginia, and the American plantations. During the reigns of the Stuarts, William and Mary, Queen Anne, George I., George II., and even part of the reign of George III., criminals were still sent to the American plantations, and the country got rid of them as soon as they had been sentenced by the Judge to be transported. When the country lost the American colonies, it was for a time placed in difficulty; but, then, fortunately, there sprang up the colony of Botany Bay, and from that time until three or four years ago convicts were got rid of by being sent to Australia. But now, either by bad luck or from mismanagement, they had lost that resource—a resource which he knew was the envy of the whole continent of Europe. Transportation was at an end, and their criminals when released had no means of earning an honest livelihood, and often had really no resource but that of returning to their former pursuits. That was a state of things which was most lamentable. A peaceful citizen going to bed at night had no security that his house would not be broken into before the morning; and there was no safety for him in going along the streets, as he was liable to be garrotted. Such a state

of things called for, and he trusted would receive, immediate attention on the part of the Government and the Legislature. He was not acquainted with the details of the measure which had been introduced in another place, but unless it provided for the deportation of convicts, of whose reformation there was no reasonable hope in this country, he would not give it his support. Any measure which the public safety required would be fully justified, and he did hope that all the energies of the Government would be concentrated on that point. In his opinion, transportation was the only punishment which afforded a reasonable chance for the reformation of criminals, and he hoped that the Government would direct their attention specially to the means of continuing that punishment. It was supposed by some persons that the crime which now unfortunately prevailed was attributable to the system of ticket of leave; but he was satisfied that it arose from the diminution of the punishment of transportation, and that if the issue of tickets of leave were to cease to-morrow there would be little improvement in the condition of the country. His own opinion was that when a conviction took place upon satisfactory evidence, and when the Judge thought it his duty to pass the most severe sentence allowed by law, although the criminal might turn up his eyes and pretend to be pious and penitent, the punishment ought to be rigidly enforced.

EARL FITZWILLIAM said, he had never heard a speech which was a greater satire on the administration of justice in this country than that of his noble and learned Friend the Lord Chief Justice. The noble and learned Lord told the House that the country was never before in such a position as it was at present; that no man could go to bed at night without expecting to be the victim of an outrage before he rose in the morning. Could there be a more lamentable state of things, especially stated as they were upon such high authority? This country had formerly excited the envy of foreign nations on account of its possessing vast colonies beyond the Atlantic, which enabled it to dispose of that portion of the population which had become outcasts at home. He (Earl Fitzwilliam) trusted that the measure now before the other House of Parliament might have a beneficial effect; but he was bound to express it as his decided opinion that the question of secondary punishments would never be solved by man under the present

system of legislation. Nothing was thought of but punishing crime, and relieving the community by the exercise of severity to criminals. That was beginning, in his opinion, at the wrong end. Legislation should begin by teaching men not to commit crime, not by punishing them; and if Parliament thought that in providing punishments for criminals, and not providing education, it was doing its duty, he (Earl Fitzwilliam) thought that Parliament would find itself most egregiously mistaken. Parliament might endeavour to do its duty in the line at present chalked out for it on the subject; but if it did not go beyond that line—if it did not provide sufficient education for the unprotected portion of the community—he had no hesitation in saying that Parliament would fall far short of what the exigency of the case demanded, and what the urgency of the age required.

VISCOUNT DUNGANNON said, he did not think such an inquiry as that which was proposed by the noble Marquess could at all impede the progress of the measure which had been introduced in the other House, and he regretted that the Government had not acceded to it. The noble Marquess had mentioned some facts which deserved their Lordships' serious attention. He had stated that in some cases the dietary of the poorhouse was by no means so good as that of the gaol. He (Viscount Dungannon) remembered that some time since a comparison was made between the dietary of the county gaol of Flintshire and that of the workhouse of Flint, which showed that the inmates of the gaol certainly had the advantage. The noble Marquess had referred to the condition of prisoners when they were discharged after having undergone confinement on the separate system. During the recess he (Viscount Dungannon) visited the convict station at Spike Island, in the county of Cork, and he was informed that three or four prisoners who had been received there from a prison at Dublin, which was, he believed, conducted upon a system similar to that adopted at Pentonville, were in such a condition that they were unfitted for any sort of employment for a considerable length of time. The nature of the punishment they had undergone had utterly suspended, and indeed almost destroyed, their powers of mind. Surely, punishment was never intended to affect the health of criminals to such an extent as to render them useless members of

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society. The noble Earl who last spoke had said they were beginning at the wrong end, and had urged the importance of imbuing the minds of the rising generation with such principles as would restrain them from the commission of crime; but he (Viscount Dungannon) would ask whether there ever was a period in the history of this country when greater attention was paid to the education of the community than at the present time? He was convinced that there were very few persons desirous of receiving instruction, who were unable to obtain it. He had heard with great satisfaction the statement of the Lord Chief Justice, that he would oppose the Bill which was now before the other House if provision were not made for the deportation of all incorrigible criminals. With regard to the system of tickets of leave, he also concurred in the suggestion, that one of the conditions upon which such tickets were granted should be that the recipients should not go within 100 miles of the places where their crimes had been committed, because, when convicts returned to the scene of their wicked exploits, they were almost forced, by the impossibility of obtaining employment, to resume their former pursuits, and they frequently seduced the young and inexperienced to follow their bad example. Without any reference to the question whether the repentance of those men was sincere or not, the public safety demanded that the experiment should be made elsewhere than in this country. He was sorry to find that the Bill introduced by the Government in the other House did not contain any provision in reference to tickets of leave, but he hoped that before it came up to their Lordships that omission would be remedied.

LORD RAVENSWORTH said, he rose to draw the attention of the House to two points in connection with the question—one of which he had given notice of a Motion on—namely, the construction of harbours of refuge on the north-east coast of England, and the employment of convict labour in their construction. He was, in the first place, disappointed to learn that the Government had not made any provision in the Bill introduced by the Home Secretary for the employment of convict labour on useful public works in this country. The necessity of harbours of refuge was proved by the fact that numerous deputations, representing the greatest amount of trade in the north of England, had already waited on the Government to induce them to pro-

ceed with their construction, and that every year numbers of ships, and lives, and a vast amount of property were lost on that coast. Last year, within three days, £100,000 worth of property had been lost by wrecked ships, and a great many lives lost. He (Lord Ravensworth) pronounced no opinion in favour of any particular locality; but he knew that harbours of refuge on that coast were greatly needed for the preservation of life and property, and he was satisfied that convict labour could be employed upon their construction with the greatest advantage to the general community. As regarded the employment of convict labour, he had been favoured by a noble and learned Lord (Lord Wensleydale), who approved of the suggestions which it contained, with a letter on secondary punishments, in which it was suggested that, as the great bulk of the criminal population of the country should remain in the country, it became necessary to provide a comprehensive scheme for the employment of their labour, and it then suggested the establishment of depôts in different parts of the country to receive that population, and keep them apart from their old associates, and that it would be desirable to employ them upon harbours of refuge and upon drainage, especially in Scotland and Ireland. The first object, therefore, of the writer's suggestion for the employment of the criminal population was the construction of harbours of refuge; and there could be no question that, under proper regulations, such employment could be made highly beneficial to the convict, by accumulating his wages against his discharge, as well as highly beneficial to the public, by removing the men from the temptation to relapse into crime. The only difficulty that he (Lord Ravensworth) had heard started was the expense. But ought such a consideration to be suffered to weigh with a great commercial country like England in an object of such importance as the absorption and possible reformation of its criminal population? The reduction made in the Naval and Military Estimates amounted to far more than would be required for the purpose of constructing harbours of refuge; but in time of war nothing was thought of pouring millions into that absorbing gulf; whereas in time of peace there was hesitation about a few thousands for one of the most important objects that could be conceived. It was not reasonable that such an object as the profitable disposal of the criminal

population of the country and the salvation of life and property by means of harbours of refuge should be rejected on the narrow ground of pounds, shillings, and pence. A mere modicum of the reduction in the Estimates would be quite sufficient for the purpose. But there were many modes of lightening, if not of defraying altogether, the expense in this case; for instance, the tolls levied on vessels taking shelter from bad weather. Look, too, at the annual loss of life and property sustained by the country from casualties which might be greatly diminished by proper exertions. Again, the large sum paid in tolls and dues by the commercial marine of the country gave it an additional right to the protection to be derived from harbours of refuge. Was there, too, no unreasonable expenditure in the maintenance of our convicts in a state of idleness? From the tenth Report on Prisons, it appeared, from the evidence of Colonel Jebb, that the annual cost of maintaining each prisoner at Millbank was £23 1s. 10d.; at Pentonville, £24 12s.; and at Dartmoor, £30 4s. 11d. At Portland, on the other hand, where the convicts were employed on public works, and where the value of their labour was taken into account, the annual cost of maintaining each prisoner was only £2 17s.; and at Portsmouth, where the convicts were also employed on public works, the annual cost of maintenance per man was £4 16s. When their Lordships looked at that estimate of the cost of keeping convicts employed, as compared with those who were unemployed, and when they had regard also to the enormous loss of property in shipping, from time to time, by disasters at sea, he thought the inference went irresistibly to support the suggestions he had made to the House. Again, let their Lordships look at the state of the workhouses in England and Wales, where at this moment there were 51,586 children of both sexes, of whom 6,000 were fit for public service. That was a serious consideration, and another reason, as he thought, why the Government in a time of peace, with the whole resources of the country at their command, should direct their attention to providing such facilities as he had ventured to suggest for the greater protection of the shipping of the country and of the lives of men engaged in seafaring pursuits. He might also remind their Lordships that, while there were no less than three or four different harbours of refuge

on the south coast of England, there was not a single one throughout the whole 260 miles of iron-bound coast on the north-east. He thought, when the question of how our convict population was to be dealt with was under consideration, it was a perfectly legitimate opportunity for him to make the suggestions he had done, and he trusted they would meet with such attention as they fairly deserved at the hands of the Government.

LORD STANLEY OF ALDERLEY said, he did not deny that the construction of harbours of refuge would be most useful to the commercial interest of the country, nor that the employment of convict labour on them, to a certain extent, might be of advantage; though he could assure the noble Lord that convict labour in Portland was not employed with such advantageous results as the noble Lord had supposed, inasmuch as it entailed a large amount of expenditure in establishment charges, which made it difficult to apply it in all cases where it might be desirable to have recourse to it. With regard to the formation of a harbour of refuge on the north-eastern coast of England, he readily admitted that it was desirable to have harbours of refuge to which vessels might have recourse in severe weather or under circumstances of distress; but whilst he said this, he could not see that the north-eastern coast had a greater claim to such accommodation than other parts of the coast. If, for instance, he were to admit its claim, he saw a noble Lord opposite who would at once put in a similar claim for the Welsh coast, and a noble Friend behind him who would put in a claim for the Bristol Channel; and both would pronounce it a hardship and an injustice if the Government began on the north-eastern coast works which they were not prepared to construct elsewhere. Already Her Majesty's Government were largely engaged in the construction of works of this description. He need only mention Portland Harbour, Dover Harbour, and the harbour at Alderney, where the works would prove not only extremely useful and beneficial to commerce and navigation, but had been strongly recommended to the attention of the Government as on many accounts highly essential for the defence of the country in time of war; and he was sure the noble Lord would agree with him that all these had priority of claim to the north-eastern coast. Extensive works were also being prosecuted at Holyhead,

Lord Ravensworth

with a view to the improvement of the communication between England and Ireland; and also at Portpatrick, for the improvement of the communication between Scotland and Ireland. Moreover, of all the great seaports of England, excepting Liverpool, those connected with the Tyne were the least in the position to come to ask Parliament to construct a harbour of refuge, seeing that for years past they had levied heavy contributions on the shipping which frequented the Tyne, a large portion of which was not applied to the improvement of either the navigation or the harbour, but to paving and lighting the town of Newcastle and other municipal purposes. Had that money been expended on the navigation and improvement of the harbour, they might by this time have erected twenty harbours of refuge in that part of the country. He repeated, that he was ready to admit the importance of establishing harbours of refuge, and should be glad to see the possibility and the opportunity of doing it; but at the same time it would be extremely difficult to place his hand on any one spot on the Eastern coast and satisfy the public that they should begin there in preference to any other. He hardly knew a single point of the coast, from the Humber up to the Frith of Forth, which had not put in its claim for the construction of a harbour. Now, he did not mean to assert that the existence of this difference of opinion as to the best position for a harbour of refuge ought to prevent the Government from devoting their attention to the subject. At the present moment, however, he was not prepared to recommend the commencement of any new work of this description, though he admitted that the whole question—not as to the establishment of harbours of refuge on the part of the coast pointed out by the noble Lord, but throughout the whole coast of England—was well worthy the consideration of the Government.

LORD VIVIAN expressed his strong opinion that there was no question which more deserved the attention of Government than that of the formation of harbours of refuge on the more dangerous portions of the coast, or an object for the accomplishment of which grants of public money might with more propriety and advantage be made.

On Question, *Resolved in the Negative.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 12, 1857.

MINUTES.] NEW MEMBERS SWORN.—For Greenwich, Sir William John Codrington; for Newport, Robert William Kennard, esq.; for Southampton, Thomas Matthias Weguelin, esq.
PUBLIC BILLS.—1^o Church Rates Abolition.
2^o Royal Marine Forces; Commons Inclosure.

CHARITABLE TRUSTS—QUESTION.

MR. MOWBRAY said, he wished to inquire of the right hon. Gentleman the Chancellor of the Duchy of Lancaster whether it was the intention of the Government to bring in any Bill to amend the Act of 1853 for the better administration of Charitable Trusts? And also, whether they intended to reintroduce the Bills for giving legislative sanction to various schemes of the Charity Commissioners which the Government abandoned last Session?

MR. BAINES, in reply, said, that it was not intended to alter the Charitable Trusts Act during the present Session. With respect to the second question of the hon. and learned Member, a Bill was prepared which he hoped would be introduced before Easter.

COMMUNICATION BETWEEN LONDON
AND DUBLIN—QUESTION.

MR. GROGAN said, he would beg to ask the hon. Gentleman the Secretary of the Treasury in what position the question of Postal Communication between London and Dublin stood?

MR. WILSON said, he was not at all surprised that considerable anxiety should exist upon the subject of the hon. Member's question. A Committee which had been appointed by that House for the purpose of investigating the subject in 1853, had taken the evidence of a number of Gentlemen in whose judgment, accuracy, and discretion the House could not fail to place reliance, but when that evidence came to be tested by endeavours to act practically upon it, the Government found that the views expressed by those witnesses had been exaggerated, and that it would be most difficult to come to any arrangement based upon them. It was quite clear that no advantage could be gained in facilitating the communication between Dublin and London unless it could be so arranged that letters leaving London in the morning could be conveyed to Dublin in time to be transmitted to the Irish provinces that evening; and that letters leaving in the

evening should be able to be so forwarded the following morning. The period of time in which the transit was to be made was very short, but the evidence which had been given before the Committee tended to show the feasibility of such a scheme of communication, and it had been the endeavour of the Government to carry it out; but he was sorry to say without success. They were at present, however, considering a variety of modifications of the original plan, and it was only just towards the railway and steam-packet companies to state that they had exhibited the utmost readiness to meet the wishes of the Government in the matter, who, so far as they were concerned, were prepared to pay liberally for the performance of the required service. Under these circumstances, he hoped to be able in the course of a very short time to inform the House that such a modified plan had been decided upon as would place the communication between England and Ireland upon a better footing.

WINDING-UP BANKRUPT COMPANIES
QUESTION.

MR. C. S. BUTLER begged to ask the hon. and learned Attorney General whether he intended to introduce any measure to facilitate the Winding-up of Bankrupt Banking Companies, to render speedy assistance to creditors, and to prevent the serious expenses and loss to the creditors and shareholders which existed under the present condition of the law? He also wished to inquire, although it was only right that he should mention that he had not had an opportunity of giving the hon. and learned Gentleman notice of this part of his question, whether it would be the object of any measure he might introduce upon the subject to prevent the conflicting jurisdictions of the Courts of Chancery and Bankruptcy so as to render the law cheap, simple, and adapted for its purpose?

THE ATTORNEY GENERAL said, that in order to answer the questions of the hon. Member for the Tower Hamlets, it would be necessary to remind the House that by an Act which had been passed in the last Session of Parliament all incorporated companies, present and future, with the exception of banking and insurance companies, had been subjected to rules for the purpose of winding up in the event of their insolvency of bankruptcy, which, he believed, would be found quite effectual for that object, and which rules, if capable of

being acted upon in the case of the Royal British Bank, would have prevented the gross scandal to English jurisprudence exhibited by the proceedings in reference to that matter. The old Winding-up Act did not contain the useful provisions to be found in the Act of last Session to which he had referred—provisions which would have prevented the conflict of jurisdictions, and enabled payment of the debts of the Bank to be made without the grievous oppression of every shareholder being exposed to actions at the suit of every creditor. The House would recollect, that in the last Session a Bill containing excellent provisions was brought in for the purpose of facilitating arrangements between shareholders and creditors of Joint-stock Companies in case of bankruptcy. That House, however, after it had come down from the House of Lords, refused to pass the Bill. It was his intention to consider whether the provisions in the Act of last Session, together with the provisions of the Bill he had just alluded to, might not be brought into one Bill, for the purpose of being made available to bankrupt banking and insurance companies; and, if the Lord Chancellor, under whose consideration the subject was, had no better plan, and that plan should receive the sanction of the Government, to bring in a Bill for the purpose, in the course of the present Session.

THE NELSON COLUMN—QUESTION.

MR. WARREN said, he would beg to ask the right hon. Baronet the First Commissioner of Works whether any and what steps remained to be taken by Her Majesty's Government to complete the monument to Lord Nelson in Trafalgar Square, and if so when the completion might be expected?

SIR BENJAMIN HALL said, there seemed to be a very general impression that the erection of the column in question had been originally undertaken by Government. The facts of the case, however, were that about the year 1840 some naval officers had been desirous of opening a subscription for the erection of a monument to Nelson, and had raised about £20,000 for that object. They seemed, however, to have undertaken the work without due regard to its ultimate cost; for he found that Sir George Cockburn, the chairman of their Committee, had, in 1844, addressed a letter to the Treasury, stating that a sum of £12,000 over and above the

amount already subscribed, would be required for the completion of the monument. That was in the early part of the year, and in the following July, Sir George Cockburn had written another letter stating that £14,800 would be the requisite sum, and between that time and the year 1850 that sum had been voted by the Legislature. The estimate had, however, been found to be incorrect, and the completion of the monument had been assigned to the Commissioners of Public Works. They had accordingly employed their architect, Mr. Rendel, in the work, and it appeared that since that time the sum of £15,464 had been expended upon it. From information which he had received within the last few days he believed that if the monument were to be completed in a manner corresponding with the original plan, a sum of £4,000 or £5,000 more would be required for the purpose. The bassi-relievi upon the pedestal had been executed under the superintendence of the Office of Works, and paid for, and all he had to say in direct answer to the question of the hon. and learned Gentleman was, that if Parliament would only vote the money, the entire work would be completed; but he must add that he did not think it would be expedient to ask the House—during the present year—to make any further advances.

CONVICT SETTLEMENT—BRITISH GUIANA—QUESTION.

MR. LIDDELL said, he begged to ask for information in reference to the Penal Settlement situated upon the Massarooni River in British Guiana,—first, when it was established; secondly, whether for Imperial or Colonial purposes; thirdly, whether it was still in use; if not, what causes had led to its abandonment?

MR. LABOUCHERE said, the settlement was established in 1842 for purely colonial purposes, and, so far from being abandoned, was in active and useful operation. It was under consideration whether it should not be made available for the reception of convicts from other parts of the West Indies.

SIR ROBERT PEELE'S LECTURE AT SALTBY.

MR. STAFFORD said: Sir, I rise to ask the hon. Baronet the Member for Tamworth whether the report of a speech of his (made on the 7th of January, at Saltby, near Birmingham), which appeared

in *The Times* newspaper, be correct, especially those passages which refer to the Grand Duke Constantine of Russia, M. de Morny, and the Prince de Ligne?

SIR ROBERT PEEL said, Sir, my hon. Friend has asked me a question, and I hope the House will allow me to say a few words in explanation. It is said that it has been "arranged"—and the word is a heavy one—to put a question to me whether a speech reported to have been delivered by me at Saltby is correctly reported in *The Times*. Now, I do not think, perhaps, that this is quite the tribunal in which I ought to be called to account for expressions used in another place, and totally unconnected with the business of this House. At the same time, I am quite ready to accept the challenge of the hon. Gentleman, and I am quite prepared to give him every facility for obtaining the most accurate information on this most important subject. The hon. Gentleman asks me whether I delivered the speech at Saltby which appeared in *The Times*. I beg to say that I did deliver that speech as the guest of the hon. Member for North Staffordshire. He invited me to attend a meeting on the occasion of the inauguration of the Saltby Literary and Scientific Institution, and I addressed that meeting. I admit that I am not in the habit of reading reports of speeches of mine after they are delivered. I generally rest satisfied with the favourable impression that I produce at the time. It is, therefore, rather difficult for me at this distance of time to pledge myself to the exact accuracy of every word that appears in that report. I believe I spoke for nearly two hours and a-half without notes, so that it is rather difficult for me to say whether that report is precisely correct. But this I am prepared to say, that such is the ability, the acknowledged ability, and impartiality with which the leading journal reports the proceedings of public meetings that I am quite prepared to accept the entire responsibility of every single sentence, except a particular phrase relating to a matter of merely personal interest, which I do not think I used, but which, if I had used, I should have been equally prepared to accept the entire responsibility of. I am sure that the House, as a great deal has been said about this speech, will give me ten minutes for a few remarks on it. I am very glad indeed to offer some explanation, as my phrases have been tortured a good deal from their true meaning, and a meaning

has been given to them that I never intended to convey. I did address the meeting at Saltby, and, as a great deal of comment has been made on my words, it will perhaps be right, as I occupy a public situation, to put them in their true and proper light. I am very sorry—I do regret that any inconvenience should have arisen from any expressions that may have fallen from me, and which have been misinterpreted on that occasion. It is very far from my wish, and I think I may say from my nature—and I am known to many Members of this House—to cause unnecessary pain to any one. But these sentences have been very greatly twisted—twisted improperly: and I would refer particularly to the allusions to the Count de Morny, the Grand Duke Constantine, and the Prince de Ligne. As regards the Count de Morny, I absolutely repudiate having said anything about him which might not have been said by any gentleman with reference to any friend or acquaintance of his own. I said that he was *le plus grand speculateur de l'Europe*. Now, I did not intend to imply anything detrimental to his honourable character by that phrase; and immediately on my arrival in town, when I heard that these expressions had been noticed, I wrote to Count de Morny to say that certainly envy and malice had done their best to twist these expressions of mine into something odious to him, but that I repudiated saying a single word against his character or the position he occupied. Now, I could not say more than that. As regards the Grand Duke Constantine, that is another matter. I certainly said that the appearance of the Grand Duke Constantine did not quite impress me with the feeling that I was looking at a "frank and open-hearted sailor." I said that; but those words were not mine; they had been used by the gallant Admiral sitting there (pointing to Sir Charles Napier), and in using them I did not mean to say one word against the Grand Duke Constantine, or any other member of the Royal family of that country. On the contrary, when I said that he did not give me the impression of being "a frank and open-hearted sailor," I meant that he gave me the impression of being a man of great powers of mind. What I intended to convey was, that he was not merely a simple sailor, but a man of greater grasp of mind. As regards the Prince de Ligne, I accept the responsibility of every phrase that I used. I certainly did say—

and I should be sorry to cause any unnecessary pain to any one—but I was talking in a familiar way, and I did use the expression that he was “as stiff and starched as the frill of Queen Elizabeth.” I cannot, however, accept the responsibility of every word in the report. I see my hon. Friend opposite (Mr. Adderley), who was chairman of the meeting, and I must appeal to him and to Lord Lyttelton, who was also present, whether a single word fell from my lips that might not have found an echo and expression in the mouth of the most straight-laced gentleman in this House. All I can say is that if, in the opinion of the hon. Gentlemen who may have considered this question—if in the attempt, the innocent attempt, I made to paint a few light and airy sketches of character—to, as Pope said, “hold the mirror up to nature” and

“Catch the manners living as they rise”—

if I have erred in the good opinion of those whose good opinion I honour and value, and whose judgment has weight, I beg to say, on this public occasion, as an earnest of the sincerity of my feelings, that, though I do not feel that I did err, still, if I did err in their opinion, I now offer the most ample expression of regret, and that is the most fitting *amende honorable* that I can offer.

ALLEGED TREATY BETWEEN FRANCE AND AUSTRIA—EXPLANATION.

VISCOUNT PALMERSTON:—Sir, I wish to set myself right with the right hon. Gentleman opposite and the House with reference to an assertion which I made the other evening in regard to the military convention to which I alluded. I stated that I had been informed that that convention had not been signed—and I believed such to have been the case. I think, however, it due to the right hon. Gentleman to state that I have since learned that in point of fact it was signed. The convention, however, being more of a military than of a political nature, and having for its object the regulation of the mutual relations between the French and Austrian troops which might happen to be quartered in Italy, in the contingency of Austria declaring war against Russia—that being the foundation of the entire proceeding—and Austria never having, in point of fact, declared war, the convention, although signed, has been a dead letter, and has had no application or effect whatsoever.

Sir Robert Peel

MR. DISRAELI said: Sir, although there is no question before the House, I hope I may be allowed to make a few observations—and they shall be of extreme brevity—in reference to what has just fallen from the noble Lord. Hon. Members will recollect that upon the first night of the Session I mentioned the existence of a secret treaty between France and Austria for a particular object. To that statement I received a direct contradiction from the noble Lord. [“No, no.”] Yes, the noble Lord said it was “a romance.” I do not wish to dwell on this topic, but as the assertion seems to be again met with a denial, I may just observe that the noble Lord was good enough to say that I was distinguished for my powers of invention, and, alluding to the circumstances of my having written some works of imagination in the course of my life, called this another romance. A week elapsed, during which the noble Lord did not appear in his place, and I seized the earliest opportunity, after his return among us, to vindicate myself. I made upon that occasion a statement to the House—which I hope from a sense of justice is still in its recollection—to the effect that I believed the assertion which I had made upon the first night of the Session to be correct—namely, that there had been a treaty entered into between Austria and France guaranteeing to the former the security of her Italian provinces. That was the statement which I submitted to the House on Tuesday last. I added that that treaty had been signed, and I gave the date of its signature; that it had been extensively acted upon; that troops had been withdrawn from Italy in consequence; and that at a subsequent period some alarm being felt by the Italian Governments, Austria had requested the permission of France to communicate to those Governments the existence of the guarantee in order to tranquillise their alarm. And yet this is the treaty which we are told was not acted upon, and whose very being was unknown to Her Majesty’s Government. And what was the answer which I received from the noble Lord on Tuesday? The noble Lord, who had upon the first night of the Session pronounced my assertion “a romance,” was, on Tuesday, obliged to own that there was a written document in existence, the object of which was to accomplish what I had previously stated; but the noble Lord added that I was mistaken in calling it a treaty, that it was simply a convention—a con-

vention, too, which had never been signed. Now comes the third act. We have it now from the noble Lord, not only that there is a written document in the shape of a convention between those two powers for this object, and that it is a secret document, but we have also an acknowledgment from the noble Lord that the only statement of his the other night which substantially saved him from refutation—namely, the statement that the convention was not signed, was incorrect, and that in point of fact it had been signed. Now, after these two admissions from the noble Lord, I am here again to re-state that which I stated on the first night of the Session. I say it was not a convention. I say it was a treaty. I say that it was not only signed, but that it was also extensively acted on. I say that every expression the noble Lord used describing that instrument so little applies to its real nature, as it has been represented to me, that I really believed at the conclusion of the discussion the other night that in consequence of this treaty there must have been concluded some military convention which had not been signed, and that the noble Lord had in that way been misled. I stated the other night, and I now state again, that the document I mentioned was a treaty, and a secret treaty, which was entered into between France and Austria, and the object of which was a guarantee from France to Austria of the security of her Italian dominions; that it was executed on the day I mentioned; that it was acted on—extensively acted on; and that to the best of my belief it conveys on its surface no limitation of its action, and that the description of it given the other night by the noble Lord is entirely incorrect.

VISCOUNT PALMERSTON:—I am aware that I have no right to trespass again on the indulgence of the House; but really, after the statement of the right hon. Gentleman and the manner in which he has attempted to cover an ignominious retreat, I hope I may be allowed to make a few additional observations. The right hon. Gentleman has mis-stated now what he said on a former occasion; I say he has entirely misrepresented his own statement, which must be still fresh in the recollection of the House. What was his statement? His statement was this—that there was a treaty between Austria and France for guaranteeing to Austria her Italian possessions. He said that that treaty was now in existence, and that it

had been recently acted on by Austria towards the King of Naples, in consequence of discussions between the Governments of France and England on the one hand, and the Government of Naples on the other, and that it had been concluded at the instigation of Her Majesty's Government.

MR. DISRAELI: No; at the instance of Her Majesty's Government.

VISCOUNT PALMERSTON: The right hon. Gentleman said that the treaty had been concluded not only with the knowledge, but at the instigation of Her Majesty's Government.

MR. DISRAELI: At the instance of Her Majesty's Government.

VISCOUNT PALMERSTON continued: The right hon. Gentleman cannot escape on that difference of syllables. I heard the word and recollect it; I am sure he made use of the word "instigation."

MR. DISRAELI: It is of no importance. What I really said was, "advice and instance."

VISCOUNT PALMERSTON: No, no; the word was instigation, but if it suit the right hon. Gentleman better to say advice, be it so. What he meant at all events was, that the treaty originated in advice and counsel given by the English Government to the Governments of Austria and of France. Now, Sir, I denied the whole of that statement, and the whole of that statement I now deny again. To my knowledge, and to the best of my belief, no such treaty exists; no such treaty was ever concluded. I say most distinctly that the British Government had no knowledge of such a treaty, and could not, therefore, have instigated its adoption. I stated the other night that if the right hon. Gentleman had seen such a treaty, and if he should assert its existence on his own knowledge, I should of course bow to his declaration, and, although I knew nothing of it, I should take it for granted that such a treaty existed. I said that a convention of a totally different character had been negotiated—a convention regulating the mode of action of the French and Austrian troops, which might happen to be in Italy at the time, in the event of Austria declaring war against Russia, and fighting in front, in concert and in combination with the English and French armies, as she naturally wished that her rear should be secure from molestation while she was engaged in the van in co-operation with the Allies. I said, further, that that convention having been founded

on the assumed case of a declaration of war by Austria against Russia, and that declaration never having taken place, the convention became a dead-letter and never had, and never could have, any effect. That assertion I still maintain, and, therefore, the right hon. Gentleman, notwithstanding the vapouring manner in which he has been pleased to follow up his statement, has, to the best of my belief, been imposed upon. [Hear.] I beg pardon, Sir, the right hon. Gentleman uses hard words himself, and I must frankly express my opinion, whatever he may think of the language I may find it necessary to employ. I say, then, that the right hon. Gentleman, to the best of my belief, has been grossly imposed upon. This military convention never had any operation, because the condition on which it was founded was never realised. It was represented to him as a thing which it never was, and never was intended to be, namely, as a guarantee obtained by Austria from France for the security of her Italian dominions; and it is utterly impossible that that convention could have been made use of in the manner in which he described, because Austria could not have said to Naples, "I have a permanent guarantee from France for my Italian possessions." The only document that was signed between France and Austria, as far as we are aware, was a convention providing for a case which never arose. And further, this military convention was not signed by our "advice," but it was communicated to us as an arrangement already settled between France and Austria, and the only question we had to consider was, whether we thought, upon the whole, that France was bound in honour to make such an arrangement as would leave Austria the free use of her forces in Italy while she was co-operating with the Allies in the war against Russia. So far, therefore, was what I said from bearing out the right hon. Gentleman, that that which I said, and which I still believe to be perfectly true, shows that the right hon. Gentleman was grossly and entirely misinformed as to the facts of the case.

DEPARTMENT OF PUBLIC JUSTICE.

ADDRESS MOVED FOR.

Mr. NAPIER:—Sir, I rise to move that an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration, as an urgent measure of Administrative Reform, the formation of a separate

Viscount Palmerston

and responsible department for the affairs of Public Justice. I am sure that the House must be well aware of the great importance of the subject I have to bring under their consideration. It was one which had already attracted a large amount of attention both in Parliament and in the country, and the change which I now advocate has received the earnest support of all our most eminent legal reformers. I do not wish by this Resolution to commit the House or the Government to any special plan for the formation of a separate department for presiding over the business of Public Justice; my only object is to obtain their assent to the principle of the necessity and the expediency of adopting some measure for the attainment of that object. Such an arrangement would lead to a proper division of the labour connected with the administration of Justice, and to a more efficient performance of the duties of that great branch of our public administration. At present those duties are distributed among such a variety of officers that no one knows to whom he should apply for guidance and information upon any particular subject. It is no longer necessary that we should institute any inquiry into the matter, and the time had unquestionably come for action. In the month of March, 1853, the present Lord Chancellor said

"that we had arrived at such a point that further speculation as to what might and what was convenient to be done was absurd; that these inquiries had ended, and always would end, in nothing."

The noble Lord at the same time declared his purpose to do what had been done in New York,

"where all the statutes of the Legislature are placed before the community in a compact and practicable form, and in language perfectly intelligible to the whole community."

Three-fourths of our present statute law consisted of mere superfluity; and he need hardly remind the House of the great services which a new Department of Public Justice could render in classifying and consolidating that law, and taking care that future legislative measures should be framed in consistent and intelligible language. Let us turn for a moment to the light which the philosophic genius of Lord Bacon has shed upon the question. Lord Bacon said—

"The leaving on the Statute-book Acts which are at variance with the spirit and temper of the

times in which we live, impairs the authority of the rest, and we ought not to have the living die in the arms of the dead."

The Statute Law Commissioners, in their second Report, recommended the appointment of a single responsible head, with a well-organised staff of assistants, to carry out the system which they advocated; and the House itself has agreed to the following Resolution—

"That in the opinion of this House, as a measure of administrative reform, provision should be made with a view to secure the skilful preparation and proper structure of Parliamentary Bills, and promote the progressive amendment of the laws of the United Kingdom."

It is impossible for any attentive observer not to perceive how desirable it is that a change should take place in our whole system of law procedure, and even in the mode of appointing our Judges. In England the Crown appoints some of the Judges, and the Lord Chancellor appoints others; in Ireland the nomination of the Judges is, I believe, placed in the hands of the Prime Minister himself, and in Scotland they receive their appointments from the Secretary of State for the Home Department. It would manifestly be better that the selection in all those cases should be left to a responsible head, acting upon uniform and well-considered principles. I believe that the time has come when a vigorous remedy is required for the incoherencies, the delays, and the other defects of our legal and judicial system. It would be a serious misfortune if Parliament were at present to refuse to adopt those reforms in the system which would place it in harmony with the new wants and the progressive spirit of the age. My belief is, that if prudent but liberal amendments are not effected in that department of our public administration, it must before long be subjected, in obedience to the public demands, to violent and ill-considered alterations. The wisest policy which Parliament can adopt in the case, as in all others where reforms are necessary, would be to reform at once, to reform carefully, but to reform largely and generously. All the feudalism of our law is dying out; the narrow precision on which our lawyers formerly insisted is at present generally condemned; and some new system should be devised to meet that altered state of feeling and of circumstances. I find that the remedy for the existing evil most generally recommended by law reformers is the establishment of a central office, charg-

ed with the general supervision of our whole legal and judicial business, who would be able to watch the working of the existing system, communicate with the Judges as to defects and requisite reforms, and receive, and if thought proper, act upon the suggestions which might be received from various quarters. At present, if any one had any suggestion to make with respect to legal reform, there was no Member of the Government who had the power to receive and act upon such suggestions. They had lately found it necessary to have a separate Minister for Public Education, and had previously experienced the necessity for separate departments for trade, war, and public health. Let the experiment which had succeeded in these departments be tried with respect to justice. Lord Bacon had suggested that Commissioners should be appointed to keep their eyes on the working of the laws, and that suggestion had been sanctioned by Lord Langdale in a speech which he delivered in 1836; and again in the last speech which he addressed to the House of Lords when he used the fact of the establishment of the local jurisdiction of the County Courts as a still further argument in favour of taking steps by the establishment of a central authority—whether in a Minister or a Board—to bring the law into harmony with common sense. I stated, when I brought the subject forward in 1855, that I would again bring it forward in the next Session; I then redeemed my pledge, and in 1856 I once more called the attention of the House to it. Just before that occasion the writer of an article in the 23rd volume of the *Law Review*, quoting an able article in *The Times*, also drew public attention to it. I was likewise supported on that occasion by the noble Lord (Lord J. Russell) the Member for London. Sir, the House then will not be surprised that, upheld by all these authorities, I should again bring the subject forward from a desire to improve the law and the legal profession. The Commission on the subject of legal education has called attention to that most important subject, on which the most enlightened principles have been laid down. Such principles should surely be honoured and recognised in Parliament. If we have legal education carried out on these principles—if we have statute law re-constructed on such principles—if we have also a Minister of Justice to carry out these principles, we shall

have a system of judicature which will do honour to our country, instead of one which exposes us to severe criticism, and is openly derided and decried. It is certainly a disgrace to such a country as this to have the profession of the law removed from what is enlightened and liberal; and the appointment of a Minister of Justice to give his special attention to the subject of law reforms, will at once elevate it into importance and secure it success. But what, Sir, are the objections against the measure? People say, "What, are you going to have a Minister of Justice in the French fashion?" Sir, I do not care about the name. I want the thing—a separate department for the affairs of justice; and we are unwise in supposing ourselves so entirely superior to our continental neighbours. I found, upon a recent occasion, upon a question of jurisprudence, on which our own text writers afforded not sufficient light,—I found full information on applying to foreign jurists, who at once solved the question by reference to legal principles recognised in their system of jurisprudence; and this gave me a lesson, and impressed me with the belief that it is very unwise to bolster ourselves up in the idea that we have nothing to learn from foreign nations. We ought rather to be ready to refer to any source of improvement, and be willing to learn in any quarter how to improve our legal system; and one way to do this will be to have a Minister of Justice, whose business it will be to devote his whole attention to the subject. It is said that it will be an expense. But, Sir, the people of this country never grudge the expense in order to attain a really beneficial object: and it is very gratifying to observe, in and out of the House, a growing desire for law reform. That great writer, Niebuhr, somewhere says, that two courses were open to England, either to endeavour to interfere and domineer over the Continent, or to busy herself with great moral, legal, and social reforms amongst her people. Let us take the latter course, by which this country will but fulfil the great mission assigned to her by Milton, of "teaching the nations how to live." We have no longer to lavish vast resources upon war; we have a peace budget promised, and I trust that we shall not grudge a moderate sum to carry out the great object of a good administration of justice. It is said it will interfere with the Lord Chancellor. But as to that—as

Mr. Napier

matters now stand we find that, for example, as to the Statute Law, some officer must be appointed to examine the statutes which are passed. The fact is that the Chancellor cannot do everything. As a witty Lord Chief Baron in Ireland once said, "Samson was a strong man, and Solomon a wise man, but both together could not pay their rent if they had not got it;" and the multiplicity of the Chancellor's avocations made it practically impossible that he should attend to all that concerned the administration of justice. Then, as to the law officers of the Crown, they also have enough to do with their ordinary duties, and my hon. and learned Friend (Sir F. Kelly) recently complained that he had found it impossible to get hold of the Attorney General for half an hour. Now, a Minister of Justice would be accessible to any one; would be always able to attend to drafts of Bills, &c., and would be on all occasions bound to make it his business to receive suggestions as to legal reforms and as to pending legislation. It is said by some that the measure would interfere with the Secretary for the Home Department. But it would not interfere with anything he can properly do. Neither he nor the Chancellor can pretend, even together, to make themselves responsible for all that regards the administration of justice. It is said we should interfere with the Irish Executive. Sir, I want to interfere with the Irish Executive. I remember the right hon. Gentleman the Member for Carlisle (Sir J. Graham) alluding to the "trickery" of "old Dublin Castle." There is no part of the United Kingdom to which such a reform is more vital than to Ireland. We want laws framed on English principles, and a system of justice like that of England. We want, in the appointment of Judges and other parts of our judicial system, to see an end put to the "trickery of the Castle." Let all our laws be Imperial. Let our judicial system and our jurisprudence be Imperial. That is the very characteristic and proud distinction of a great empire. I have recently read with great interest the report of the Minister of Justice in France. Nothing can be more admirable. It gives the state of every court in the country. It reveals the condition of every single tribunal. It shows what Judges are industrious and energetic, and which of them dilly-dally with their business and delay their suitors. If we had such a Minister in this country we should not have an Incumbered Estates

Court in such a condition. Last year we were assured here that two Commissioners could do the business of that court and also of the Court of Chancery and now it turns out that there were then 500 abstracts of title in one office unopened, 700 petitions unexamined, and 200 schedules unsettled. The consequences to the suitors have been most injurious, their money is locked up, and they were paying, meanwhile, ruinous interest. If we had a Minister of Justice such a scandal could not occur, or, if it did, we should not have to root it out by the slow process of reluctant returns; but we could easily extract the facts by inquiries of the Minister in his place in Parliament. He would be directly responsible, and would take care that there was a due discharge of judicial business. As to Ireland, then, above all, let there be an end of Castle trickery; and let there for that end be one great Department of Justice, guided by the same principles and regulating an Imperial system of judicature. It is said again, this would interfere with the freedom of Parliament, but how the having a proper and responsible Minister here to explain all matters relative to justice—how this should interfere with the freedom of Parliament, I am at a loss to understand. There may be difficulties in the way of what I propose, but, surely, none that are insuperable. It is an old adage, that where there is a will there is a way; and if the Government made up their minds to confer upon the country this great public benefit, they can easily do so. How long are we to go on in the present miserable state of confusion and inconsistency? Let the House look at the real merits of the question, and they will not surely hesitate to confer this great boon upon the country.

MR. COLLIER seconded the Motion, and said he feared that the House was getting tired of the very name of law reform; so much was said during each Session about law reform, and so little done, at the end of it, that the House might begin to think that there was an understanding among the lawyers to treat the question as the subject of talk rather than of action. If, however, the House had become indifferent to law reform, the people were sincere in their desire for it; and there was a general impression throughout the country that the administration of our law was behind the civilisation of the age. The country looked with little favour on courts of law and courts of equity

dealing with the same subject matter on opposite principles: with still less did they see a third set of courts, the ecclesiastical, acting on a third set of principles and by a third mode of procedure. Indeed, no spectacle could be more humiliating and disgraceful to our jurisprudence than to behold the machinery of the three sets of courts at work at the same time grinding, crushing, and tearing in pieces an unfortunate estate. They had seen with no edification the fight between the Courts of Chancery and Bankruptcy, over the dead body of the British Bank. If they looked to the highest Courts of Appeal, they had for certain matters the Judicial Committee of the Privy Council, which performed its functions in a satisfactory manner; and for other matters they had the House of Lords, which did not perform its functions in a satisfactory manner, which by the consent of all required alteration, but which it seemed impossible to reform. Turning from the tribunals to the law, they found the statute-book a rude undigested mass, defying all efforts to expurgate and consolidate it from the days of Lord Bacon down to those of Mr. Bellenden Ker. All that the country knew was that they had a heavy bill to pay, without being able precisely to ascertain for what. Then there was the state of the law as regarded the transfer of land, constituting a grievous burthen upon landed property. Our law of husband and wife was more discreditable than that of any other civilised country. By that law we prohibited divorce, while we granted a statutory indulgence to break the law to those who were rich enough to pay for it. Then there was the state of the law as to Church discipline, which was most unsatisfactory; then also the mercantile law of England and Scotland differed materially, and no attempt was made to harmonize them; and from the speech of the right hon. and learned Gentleman, it appeared that there was the same complaint as to the laws of England and Ireland. Measures of law reform were from time to time passed, which although undoubtedly beneficial, were rather adapted to the exigencies of the particular case than based on any comprehensive view of the law of England as a whole, and were commonly framed with little regard for the harmony of the different parts of the machinery for the administration of justice, or for the science of jurisprudence. The people were accordingly dissatisfied, and with reason, with the pre-

sent state of the law and the administration of justice in this country; and what had been done to remedy it? Recourse had been had to Commissions, but the inquiries of those Commissions were a vague and desultory mode of dealing with the question, and their reports generally proved abortive. Those Commissions were frequently composed of Members of different opinions, who disagreed, came to a dead lock, and then each man reported for himself. Every Session, however, there was promulgated a programme of law reform; the result of which was that the lawyers in Parliament had some field days, made long speeches, to which the House was not very willing to listen; the question was aired and ventilated, and then all the proposed measures laid on the shelf. He did not say whose fault this was. He did not say it was the fault of the Government. The noble Lord at the head of the Government no doubt wished law reform to be carried out, but it could not be expected that he would give as much attention to that subject as to measures on which the fate of his Government depended. The noble Lord knew that the right hon. Gentleman opposite did not expect to turn out the Government on the question of law reform, that right hon. Gentleman was no doubt profoundly indifferent whether or not there was a secret treaty between the noble Lord and the proctors guaranteeing to them their possessions in Doctors' Commons—which was a more likely thing than the other secret treaty of which they had heard so much. It was thought that in this Session, looking to the programme laid down by the Attorney General at Aylesbury, the question of law reform would have been really dealt with; but, contrasting the programme of the Attorney General with the speech of the Lord Chancellor last night, he must say that there was but little hope on that subject. The Ecclesiastical Courts seemed to have been dropped by the Attorney General and taken up by the Lord Chancellor; and, of all the abortive measures on that subject, that of the Lord Chancellor was the most abortive. As to the transfer of the jurisdiction of the Ecclesiastical Courts to the Court of Chancery, to that he was sure the House of Commons could never consent. The Attorney General had never wished that to be done, and it was desirable to remove an impression which was abroad that the hon. and learned Gentleman had any such desire. It was clear

that we had nothing to expect this year in the way of law reform. He did not blame the Government or the law officers of the Crown for this; the fault rested not with the men, but the system. The Lord Chancellor having no efficient staff to assist him, could not, even if relieved of all his judicial duties, be the Minister of Justice, which the right hon. Gentleman (Mr. Napier) proposed, nor be at the head of the department which it was sought to establish. It was equally impossible for the Attorney or Solicitor General to perform such functions. They could not be responsible for Cabinet measures, not being themselves in the Cabinet. The wonder was, not that the Attorney and Solicitor General had done so little, but that they had accomplished so much. Unfortunately the engagements of the Lord Chancellor and the other law officers were such that they had not time for the requisite communication with each other. They did not act with any unity or concentration, and, if he might be allowed to use the expression, he would say that in the shipwreck of law reform, the law officers of the Crown might be seen each clinging to his own plank, and drifting in different directions. Nobody being to blame in this matter, he would now proceed to the consideration of the question how could the system be altered, and that led him to the consideration of the proposition of the right hon. Gentleman. The right hon. Gentleman had abstained from using the term "Minister of Justice," but he proposed to frame a responsible department for the administration of justice. That was a proposition which he (Mr. Collier) had no hesitation in affirming, and he would endeavour to point out the functions which such a department would be expected to perform. To the office of that department there ought to be returned all the judicial statistics relating to the working of every tribunal throughout the country. It was a remarkable fact that no other country was so deficient in judicial statistics as England, and he trusted that if such a department should ever be established the collection of such statistics should form one of its duties. That office would be open to receive and record suggestions of improvement from the Judges and any other persons by whom suggestions might be offered. By that department might be conducted scientifically and methodically all those inquiries which had hitherto been delegated to a variety of Commissioners. The next great

and important function which such a department ought to undertake should be the progressive amendment of the law. Under that head he included the consolidation of the statute law. The system adopted by the Statute Law Commission was not the best and most expeditious mode of proceeding, and unless some alteration should be made, the House might look forward to a long series of consolidation bills stretching over a period of which no man now living could expect to see the end. It seemed to him that the more methodical mode of proceeding with the great work of the consolidation of the statutes would be to place it under the supervision of one officer, with a competent staff to assist him—that the work should be undertaken as a whole, and then submitted to Parliament for consideration. Instead of being brought forward in five hundred different Bills it would be much better that the great work should be confirmed by one Act of Parliament. Then, again, this Department of Public Justice ought to have the care of preparing and passing through Parliament such measures of law reform as the Government might determine upon, and for which the Government ought to be responsible. He should like to see questions of this kind dealt with by Government in a methodical manner. He should like to see them come down and make propositions for reforming the laws of the country, by which propositions they would determine to stand or fall. The department now proposed might perform the functions of correcting current legislation, which it had been suggested ought to be performed by a Board under the control of the two Houses of Parliament. He did not mean that any Department of Justice, or any Minister, should be allowed to dictate to any Member the course which he ought to pursue. He did not think it would be right to interfere with private legislation, but he believed that every hon. Member would be glad to have a responsible department to apply to for information. It was a matter for grave consideration whether the Minister of Justice, or the head of the department, might not be conveniently entrusted with the power of supervision over certain parts of the administration of justice—such as the County Court Judges and the Justices; and it would be most important to consider whether the functions exercised by the Home Secretary, amounting, in fact, to a decision on criminal appeal, might not be satisfactorily per-

formed by the head of the new department. He believed that these functions of the Home Office had never been better performed than at the present time; but the question was, whether it would not be more satisfactory to place in other hands the power of reversing the decision of a Judge and jury?—whether such a power ought not to be exercised by a high legal authority, and conducted by a more regular form of procedure? That seemed to him to be an outline of the functions which might be advantageously performed by the Department of Justice now proposed. The right hon. Gentleman's Motion did not specify whether the head of the department should be in the House of Lords or the House of Commons. Now, it would be perfectly consistent with the Resolution that the Lord Chancellor should be appointed Minister of Justice, and it would be for the Government to consider whether, with the assistance of a competent staff, he would not be able satisfactorily to perform the functions of the office. If the duties of the office should be too onerous for the Lord Chancellor, then it would be most desirable that the head of the department should be a Member of the House of Commons, and he thought, in many respects, that would be the most advantageous course. That question, however, was left entirely open for the consideration of the Government. It might be said that the Resolution was vague and that nothing ever came from abstract Resolutions. But it ought to be remembered that such Resolutions had frequently led to important results—such as the passing of the Limited Liability Act, and the measure carried out by the right hon. Member for Manchester. If this department were established it would accomplish what had been long earnestly desired by the greatest Law reformers of the age. He trusted the House would, by affirming the present Resolution, convince the country that it was in earnest on the subject, and that it was desirous of taking one of the most important steps of modern times towards rendering the administration of justice consonant to the wants of the country and advancing civilisation of the people.

THE ATTORNEY GENERAL said, that in his opinion the right hon. Gentleman opposite had done good service to the country by bringing forward the Motion now under consideration, and he thought the Resolution submitted to the House the other night by the noble Lord at the head

of the Government was a proof that the subject had not escaped the consideration of the Government. The rest of the Motion was the property of the right hon. Gentleman, who had called the attention of the House to the question in the year 1855. He did not complain that the Resolution was couched in general and what might be termed indefinite language, and it must be distinctly understood that in accepting it with a slight modification, the Government did not see in the language used by the right hon. Gentleman, neither did it recognise as a consequence of the adoption of that Resolution, the establishment of a separate officer as Minister of Justice. He did not think that there was any necessity for the appointment of any such officer at the present time. In his opinion all the objects of the Resolution might be more effectually carried out by means of the existing machinery than by introducing a change in the constitution which would require something more than was embodied in the present proposition. There were abundant means at their disposal for effecting all that had been required by the most comprehensive speaker on the subject, without the admission into the Cabinet of any such Minister. It was abundantly clear to those who had given anything beyond a mere superficial consideration to the subject, that it would be impossible to introduce into the Cabinet a new Minister of Justice, so long as the Lord Chancellor and the Home Secretary remained there, without introducing discordant functions, the possibility of disagreements, opposite views, and the absence of that unity which was so essential to the carrying on effectually the business of the country. It would be remembered that in 1851 measures were brought forward for the purpose of reforming the Court of Chancery, and a new tribunal was instituted called the Court of Appeal, or the Court of the Lords Justices. One of the reasons for constituting that tribunal was to relieve the Lord Chancellor of a considerable portion of his judicial duties, which then pressed heavily upon him, and to leave it in his power to discharge the duties which belonged to what might be called the Minister of Justice. He believed, therefore, that it would be in the power of that distinguished officer, if furnished with a sufficient staff, to accomplish all that was necessary to carry into effect the three great objects in view; first, a general superintendence over the admini-

nistration of justice in all its departments; secondly, the superintendence, and effective prosecution of the amendment of the law; and thirdly, the giving prompt, effectual, and complete assistance to the conduct of the business of current legislation. There was no subject necessary to be attended to which did not come under one of those heads, and which could not be performed by the officer at the head of the law, but it could not be efficiently performed save by one bred up to the law, and capable of taking part in its administration. If the unnecessary words, "as an urgent measure of administrative reform" were omitted, he was willing to accept the other part of the Resolution. He would endeavour to give a proof of the earnest views of the Government on the subject by briefly stating his opinions, which he trusted would be considered satisfactory by the House. There were in this country a great number of tribunals, none of them armed with the power of doing complete justice—and it was necessary for the people to resort to several of them, in order to obtain a little portion of justice in one and a little portion in another. There was no uniform rule of administration, either with regard to law or procedure. Those facts showed the necessity of establishing some great department to be charged with the duty of carefully watching and superintending the working of these numerous tribunals, and endeavouring to produce harmony and uniformity in a system which in theory and practice was in many respects altogether objectionable. A small portion of the law of insolvency was committed to the Insolvent Court—another portion of the law was committed to the Bankruptcy Court—another was committed to a speculative sort of tribunal under the Winding-up Act—another was committed to the Court of Equity. There were courts of law opposed altogether to courts of equity. The system of criminal procedure was utterly defective. Prosecutions were instituted and conducted without any control. There was no adequate superintendence in point of judicial authority over the sentences and procedures of our criminal courts. In fact the only hope of proper control rested in charging a responsible department with the duty of superintending the system, collecting details as to the working of that system, presenting these details annually to Parliament, and deducing from them those general conclu-

sions with regard to the amendment and alteration of the system, both with respect to alterations in principle and practice, which these statistical returns would necessarily suggest to philosophical minds devoted to their examination. There was one subject to which the Government wished to call the particular attention of Parliament, namely, the manner in which criminal proceedings are conducted. Under the present system, different departments instituted prosecutions according to their own judgment. There was no power of controlling them in any effectual manner, and there was no machinery capable of meeting the emergencies which might arise. In many other branches of the law also the same laxity and want of organised system were observable. With regard to the amendment of the law, the House had during the last two or three years, on different occasions, been placed in a very difficult position, on account of the want of a department to which measures of legal reform could be submitted, and from which they might come, *ex cathedra*, with the authority and recommendation of responsible and talented men. He would illustrate this by referring to what occurred during the last Session, when he had the honour of proposing a Bill on the subject of the alteration of the testamentary courts, and the providing a cheap and efficient mode of answering the purposes now discharged by the ecclesiastical, testamentary courts, and improving the administration of justice with regard to the distribution of the estates of testators. The hon. and learned Member for Suffolk (Sir Fitzroy Kelly) introduced a different scheme, and a third was added by the hon. and learned Gentleman the Member for Plymouth (Mr. Collier). Amid such conflicting measures it was almost impossible for the House to decide. Under these circumstances he selected the best features of all the Bills, and embodied them in an amended Bill, but at too late a period, considerable time having been lost in discussing the competing schemes. But if any one of the Bills had been presented with the recommendation of the head of a great department, all or most of those difficulties would have been avoided. With regard to current legislation, suggestions as to the measures to be brought forward, and as to the details of those measures, would properly be made in the Report coming from the Department of Justice. He would allude

to another circumstance which proved the absolute necessity of some arrangement. The law consisted of the written and the unwritten law. The written consisted of a variety of statutes, many of them inconsistent, obscure, and difficult to explain. But the unwritten law was in a still worse position. It was to be found in many hundred volumes of Reports, which were constantly being added to without any sufficient authority, without any proper superintendence or control. Any gentleman at the Bar who published a volume of cases, and prefixed his name to it, added to the law; and thus year by year, a very considerable number of volumes was produced, and when they were cited in the courts the Judges felt bound to recognise and act upon them as the law. The laws of the country should not be permitted to be embodied in such unauthorised and unauthenticated sources. If, then, the written law demanded revision, consolidation, and reduction, the unwritten law required the same process to be gone through in a tenfold degree. This could not be done except under the guidance of some such department as that which he wished to see established. He was quite sure the House would understand that in the observations which he had made illustrating the necessity of paying immediate attention to the question, he had stated more particularly his own views and opinions, to which the Government were not to be pledged beyond that pledge which resulted from the adoption (with the alteration he had suggested) of the Resolution of the right hon. Gentleman, and the assurance that the result would not be a mere barren matter, but that it would at once be taken into consideration by the Government, and he hoped be productive of the most valuable results.

LORD JOHN RUSSELL said: Sir, the speech of the right hon. and learned Attorney General appears to me to consist of two parts. The first and the larger part is a very powerful argument in favour of the proposition of the right hon. and learned Gentleman (Mr. Napier). The right hon. and learned Gentleman told us of the confusion existing, not only in the law but also in the various tribunals which administer the law in a different manner and upon principles which cannot be reconciled with each other; and he pointed out the defects of the criminal law, and the difficulty arising out of that multitude of statutes to which Lord Hardwicke alluded

in the quotation made by the right hon. and learned Gentleman, the difficulty lately described, too, by the Lord Chief Justice of the Queen's Bench, of extracting a clear and definite sense from the various Acts passed through Parliament. Upon that topic, and upon several others; into which I shall certainly not attempt to follow him, the hon. and learned Gentleman has shown the House, in a most convincing manner, not only that the right hon. and learned Gentleman's proposition is founded upon sound principles, but that it requires instant and urgent consideration. I cannot, therefore, but be satisfied at finding the very able arguments of the right hon. and learned Gentleman supported and confirmed, not only by the authority but by the reasoning of the hon. and learned Gentleman. But when I come to the principal question, namely—the adoption of the plan of the right hon. Gentleman—I find that the second part of the hon. and learned Attorney General's speech, in which he considers that question, is eminently unsatisfactory. Not only is it eminently unsatisfactory in itself; but the latter part of it does much to efface the effect of the hon. and learned Gentleman's own arguments and sentiments, for it contains the statement that they are not the arguments and sentiments of the Government, but only those of the hon. and learned Gentleman. When the hon. and learned Gentleman does not confine himself to a statement of his own opinions, when he does not draw his stores from his own knowledge only, but when he expresses the views of the Government, he tells us he is prepared to agree to the Motion with the omission of a few words which he does not think important, although it was evident from another portion of his speech, that their omission would in effect totally alter the scheme of the right hon. and learned Gentleman, and that, instead of having a Minister of Justice, or in the very well chosen words of the right hon. and learned Gentlemen, “a separate and responsible Department,” it is intended that we should have the Lord Chancellor, aided by certain officers to be appointed for that purpose. This, at least, is the way in which I understood the hon. and learned Gentleman. Now, it is quite true that by the Act passed in 1851, corrected by the Attorney General, the Lord Chancellor is assisted by two Lords Justices. It is true likewise that, whereas Lord Eldon had great difficulty in per-

suading Parliament to give him the assistance of one Vice Chancellor, there are now no less than three Vice Chancellors; but I remember very well that in introducing the Bill for the appointment of the Lords Justices, after consultation with various persons on both sides of the House competent to give me an opinion, I adhered to the general sense of the opinions I received, that the Lord Chancellor ought not to be taken out of a court which dealt with the current administration of justice. Accordingly, the Lord Chancellor remains at the head of the Court of Chancery and frequently sits in it, and thereby is kept completely in the current of judicial decisions; he likewise sits at the head of, and often at present alone, in the Court of Appeal in the House of Lords. The Lord Chancellor has very important duties besides these to discharge, duties interesting to every man in the kingdom; he is a member of the Cabinet Council, generally the only member conversant with the law, and he is, therefore, called upon frequently to give opinions relating either to the peace of the kingdom, or, as must lately have been the case, with regard to Persia and China, in consequence of our disturbed relation with these Powers, on questions of international law and the obligations of States. I do not think that the Lord Chancellor, having these various duties imposed on him, can be expected to be competent to preside over a separate department which is to superintend, not only the general administration of the law, but likewise, as the Attorney General has very clearly explained, all Bills introduced for the amendment of the law—in fact, the whole subject generally known by the name of law reform. I do not believe that the Lord Chancellor will have sufficient time at his disposal to undertake that superintendence. And I can attribute to nothing but the inability of the Lord Chancellor to devote his whole mind to the subject of law reform, the project recently brought forward by him for the reform of the Ecclesiastical Courts, including the question of divorce—a project which appears to me eminently inefficient and unsatisfactory. I will now allude to one part only of the important question with which that project deals. There is nothing more calculated to shock every one who is acquainted with the principles of law and of humanity than those actions of *crim. con.* which take place from time to time in this country, and in which the intimate letters

of a wife, written perhaps in the first month of her marriage, and the affection shown by a wife to her husband in various ways, are made matters of evidence and published to the world for the purpose of increasing by £400 or £500 the amount of damages sought to be recovered for the injury sustained by the husband. I cannot conceive any man devoting his whole attention to this subject, with the desire of reforming the law, who would not at once have swept away such an abominable disgrace. There are other kindred actions, such as actions for seduction, almost as offensive to every sound principle; but, with respect to that action which I have first mentioned, I find that the Lord Chancellor proposes not to abolish, but to limit and restrain it in some way or other. I cannot wonder that the legislation thus introduced by the Lord Chancellor should be imperfect, and I cannot admit that there is any sound ground for the statement of the hon. and learned Gentleman as to the inconvenience which would arise from the adoption of the Motion of the right hon. Gentleman the Member for the University of Dublin, who proposes the formation of a separate and responsible department for the affairs of Public Justice. The hon. and learned Gentleman says that the establishment of such a department would create the chance of discordance, and that there would not be that unity which at present prevails in all the plans for the amendment of the law. But, does that unity prevail, and is there not a good deal of that discordance, which the hon. and learned Gentleman dreads, at present existing? The hon. and learned Member for Plymouth has alluded to what more than once has taken place—namely, that while the Attorney General, like the cook to Sancho Panza, produces a great many excellent dishes, the Lord Chancellor acts the part of the physician, and says, “This is a great deal too much for your health; these dishes are too savoury; you had better not eat them;” and the noble and learned Lord accordingly proceeds some time in July to remove them from before our sight, and does not allow us to indulge our appetite by a taste of any of them. I think, then, that there is not that great danger of discordance arising from the adoption of the right hon. Gentleman’s Motion, for I am of opinion that some person, devoting the greater part of his attention to this subject, and consulting, of course, with the Lord Chancellor in the most intimate

manner, would be able to introduce and carry measures of law reform far more harmoniously and satisfactorily than we have of late been able to do. I trust, therefore, that the words which the hon. and learned Gentleman proposes to leave out of the Motion will not be omitted. I can understand that the Secretary for the Home Department, if relieved of many of the duties imposed on him of late years—if the inspection of factories and other duties of that kind were taken from him; and if, on the other hand, the Secretary for War were charged with those duties of preserving the public peace which press heavily on the Home Department—I can, I repeat, then conceive that no person could be more fit than the Home Secretary—certainly none better able than the present Home Secretary—to administer a great department for the amendment of the law and for the affairs of Public Justice. Of course he must have fit and competent persons under him, and this House would be found ready to vote the necessary salaries. But either in this way or by a Minister, according to the right hon. Gentleman’s proposal, this great Department of Public Justice might be conducted. I own I have no sanguine expectations of any great reforms in law being carried in any other way; and I fear that, unless we proceed by taking some step of this kind, those great objects to which the Attorney General alluded will hardly be carried into effect. I fear, for instance, that in this Session, as in former Sessions, plans will be proposed, will be very much discussed, disputed, and altered, and afterwards, when everybody’s attention flags, when men’s bodies are exhausted by labour and their minds by the consideration of various political topics, the Bill by general consent will be withdrawn. I wish to see the views of the Attorney General carried into effect. I think he has large and bold views, but I believe I shall assist in carrying them into effect more effectually by declining to accede to his present proposition and by supporting the Motion of the right hon. Gentleman opposite.

MR. H. S. KEATING hoped that on a subject with respect to which there prevailed so much unanimity, the Attorney General would not create a difference of opinion by insisting on his suggested Amendment. Everybody seemed to agree in the propriety of that being done which the present Motion proposed should be done; and the only point of difference

was as to who should preside over this great department. He concurred in opinion with the Attorney General that the Lord Chancellor would be the proper and legitimate president of the department. The noble Lord had suggested that the Secretary for the Home Department might be a proper person for such an office if relieved from some of his present duties; but, in his opinion, the Lord Chancellor was the legitimate and natural officer to be at the head of a department of this kind. That noble and learned Lord was connected with all those departments with which it would be essential to communicate under the scheme of the right hon. Gentleman, and, however efficiently the present Home Secretary conducted the duties of his office, still, whenever he had to interfere with those tribunals by which the administration of justice was conducted, his communications were carried on in a roundabout, indirect, and by no means satisfactory way. It was the absence of that staff which the right hon. and learned Member for Dublin University sought to have appointed, more than the numerous occupations of the Lord Chancellor, that prevented unity of action between the great officers of State on questions of law reform. That staff would furnish him with the means of doing what was at present impossible. The country was indebted to the right hon. and learned Gentleman for the persevering and able manner in which he had pressed his important proposition on the House. Until that proposition was effectually adopted, consolidation of the law would be wholly impossible, for to attempt to consolidate the law in the first instance was to begin at the wrong end. The current legislation must be brought into proper condition before consolidation could become possible. When control over that legislation was given to a department of justice, consolidation could go on gradually and concurrently with it. Her Majesty's Government would find that the opinions which had been expressed by the Attorney General were entertained by both sides of the House; and the Government would therefore be compelled to identify themselves with those opinions. The effectual adoption of the scheme of the right hon. and learned Gentleman (Mr. Napier) would put an end to those continually recurring debates about law reform which must have disgusted the non-legal Members of the House.

Mr. H. S. Keating

THE ATTORNEY GENERAL:—In proposing the omission of the words “as an urgent measure of administrative reform,” I did not for a moment desire to curtail the efficiency of the Resolution; but they struck me as being words unusual—and I might almost say a little unseemly—in an Address to the Crown. Inasmuch, however, as some apprehension has been entertained that the omission of those words might impair the efficiency of the Resolution, the Government have not the smallest objection to their remaining in it.

MR. WIGRAM thought it was essential that there should be at the head of the department some officer who would be able to give an undivided attention to the subject. There would be a great deal of business to be done, and it would require the undivided attention of any one, however great his ability might be. There was another essential point which would be this, that the department should be represented by an officer who should have a seat in the House of Commons, whose duty it should be to watch the progress of legislation—to check private legislation where it needed it, and where it did not harmonize with the general scheme of the law, and to conduct in his own person legal improvements.

MR. W. EWART congratulated the right hon. and learned Gentleman (Mr. Napier) on the success of his efforts, and concurred with the last speaker as to the necessity of the proposed Minister of Justice having a seat in that House, in order that he might answer the appeals made to him by the representatives of the people, as was already the case with regard to the heads of the Board of Health, the Poor Law Board, and other public departments. He regarded the scheme of the right hon. and learned Gentleman as the foundation of all law reform.

SIR ERSKINE PERRY thought that the suggestion of the Attorney General that the Lord Chancellor should be at the head of the proposed department was eminently subversive of the object of the Resolution. The headship of the proposed department was one of the questions at issue, and, for his own part, he attached great importance to the opinion which had been expressed by the noble Lord the Member for London, that the Home Office, which already exercised a superintendence over the administration of criminal law throughout the country, ought to be at the head of the proposed system of superin-

tendence. Whether, however, the headship of the department was given to the Home Secretary or the Lord Chancellor, no doubt a large staff would be necessary. One objection to making the Lord Chancellor the head of the department appeared to him to be, that he himself as a Judge would naturally fall within the supervision of the department, and it was not reasonable that he should be called upon to judge of his own acts. But there was another reason why he thought that it would be better for a layman to be at the head of the proposed department, which was the able lawyers of the country, from whom the Attorney and Solicitor General were chosen, were excellent practitioners, but not scientific jurists. It was from amongst men who studied the law in their chambers that they choose those who are to form a code. These were the men Napoleon chose to form the code which bore his name. The object of the Resolution would therefore not be fully carried out, unless a layman, assisted by a numerous and able staff, were placed at the head of the proposed department.

MR. MONTAGU CHAMBERS said, that this Resolution was of an extremely comprehensive character, and necessarily imported the appointment of a new and great public officer. It, as one of its objects, comprised a plan for consolidating the written and the unwritten law, one of the greatest efforts that had been made in modern times. They had had debate after debate with reference to the written law; it had been proposed to codify the statutes, to consolidate them, to strike out those which had become obsolete, to modernize and alter antiquated and technical language, and to add to the duties of the department the supervision of the current legislation passing through the two Houses of Parliament. This latter duty alone would require almost the undivided attention of the head or one responsible member of the department. But then there were other duties shadowed forth and suggested with reference to other branches of the law; its proceedings; its statistics of great extent and importance. Take, as one instance, the improvement and administration of the criminal law. Before the proposed department would be placed defects in the existing law, or in its administration. Immediate attention should be paid to all suggestions made on these matters, and there must be a man whose sole duty it was to give them due

and careful consideration. One subject had not been touched upon during this very interesting and instructive debate, namely, the expense that this department would be to the country. No doubt many economists would say, "You are about to establish a new department, with a man at the head of it at a salary of £5,000 a year, and, besides that, you are going to afflict the country with a numerous staff to assist that official." He answered no doubt it would turn out that they were desirous of giving the community that very great boon, and by doing that they would save the people an enormous expense. Just let them carry their minds back to the reforms proposed during the last thirty years. What was the course that had been adopted? In the first place, some private Member proposed a Committee. That sat; and then there must be a Royal Commission. They had had Commission after Commission, "dragging its slow length along;" but the results had been very small indeed in comparison with the expenses incurred. In fact, if we had had a competent department of justice at the first, we should have saved an enormous sum. With respect to the proposal to entrust the manifold and complicated duties referred to, to the Lord Chancellor, it was utterly impossible that he could discharge them, or efficiently superintend the new staff of officials that must be established. Assuming that the Lord Chancellor of the day invariably possessed the highest legal and intellectual attainments, great quickness, and untiring industry, his ordinary functions were sufficient to occupy the whole of his time, and exhaust all his energies. According to the opinion of many lawyers, the Lord Chancellor ought never to be withdrawn from the duties devolving upon him as head of the Court of Chancery, and considering the extent of these, and the high political functions he was called upon to perform, he would ask, could the Lord Chancellor, by any possibility, be held blameworthy if measures introduced into Parliament were open to the objections even of men who "read as they run?" It was impossible for the Lord Chancellor to give any or sufficient attention to many measures that were introduced; he was consequently obliged to seek for assistance elsewhere. He was compelled to use the services of confidential persons, to whom was entrusted the preparation of Bills, without any responsibility being attached to them. The

result was, that these persons being very frequently incompetent for their task their measures were unsatisfactory. The Lord Chancellor could not, therefore, arrange, or vigilantly, actively, and carefully direct and superintend the operations required for the proposed reform in legislative and administrative justice. Neither could his right hon. Friend the Secretary of State for the Home Department. With all his admiration for the abilities of his right hon. Friend—rejoicing, too, that he had had the advantage of a legal education, he (Mr. M. Chambers) would take leave to suggest that it would be utterly out of the question to cast upon him the duties contemplated by the measure before them. They were behind the world as far as some of their legal departments were concerned, but it was for very sufficient reasons. Timidity was useful sometimes, because timidity was but cautiousness; and in introducing new offices, and changing that which was regarded as our constitutional protection—the law of the land—it was wise and safe to be extremely cautious. The time, however, had come when every one must be perfectly satisfied that, with respect to the legal reforms which the country required, there was need of a department to mature and introduce them. It was said a measure of this kind would interfere with the privileges of private Members, and operate against their introduction of Bills; if that were likely to be the effect of the Resolution, it would have met with his decided opposition. His notion, however, was that it would lend energy and utility to the exertions of private Members; for instead of having crude and ill-considered schemes placed before them by the Government, measures would be introduced in a perfect state, and, as a consequence, they would have more open days, and more time would be allowed for the discussion and passing of Bills introduced by private Members.

Mr. MALINS said, that the hon. Member for Dumfries (Mr. W. Ewart) had expressed a belief that the Resolution was about to pass with the unanimous consent of the House. Now, he for one, at least, could not allow the Resolution to pass without expressing his impression that the whole affair would end in disappointment. They had to-night, undoubtedly, been discussing a most beautiful theory. There was to be a great public officer, who was to superintend all legislation, both home and colonial. Indeed, according to

the ideas of an hon. and learned Friend of his who had addressed them that evening, Acts of Parliament were henceforward to be so beautifully framed that the Judges would be perfectly unanimous in construing them, and all differences on points of law would cease. He rose to state his want of concurrence with any such views. With reference to the proper officer to superintend the legal reforms of the country, they had had for generations a great public officer in the Lord Chancellor, whose duty it was to superintend such matters; and the only excuse he had ever heard assigned for the non-performance of those obligations was that the Lord Chancellor had no leisure to attend to them. Now, he begged to say he thought that excuse proceeded upon an extremely erroneous hypothesis. The House was aware that in the year 1851 the Government of the noble Lord the Member for the City of London passed a Bill appointing two Lords Justices to sit in the Court of Chancery. That step was mainly taken owing to the long illness of Lord Cottenham, and the great arrear of business which had accrued in the Court of Chancery. He believed that at the time the number of appeals awaiting decision were between 70 and 100. However, the Lords Justices were appointed under the general impression that they were to bring to an end a system which had long been objected to—namely, that appeals lay from one Judge to another Judge sitting alone. He was well aware how his hon. and learned Friend the Attorney General had expressed himself against that system, both in public and private. Well, to the great surprise of the profession, those learned persons at once proceeded to sit in a separate court from the Lord Chancellor, and they had continued to do so down to the present time. The noble Lord the Member for the City of London and other hon. Members spoke of the Lord Chancellor as sometimes sitting alone. Why, the rule was the Lord Chancellor always sat alone. There certainly were some exceptional occasions when the full Court sat, either upon the petition of suitors, or at the suggestion of the Judges themselves, which occasions occurred about once a month. [Mr. WIGRAM: Once in three months.] His hon. and learned Friend the Member for the University of Cambridge, as well acquainted as he (Mr. Malins) was with the practice of the Court of Chancery, said the exceptions only amounted to once in three

months; however, he wished to be within the truth, and he would say that, at all events, the three Judges constituting the Court very rarely sat together. At the same time this he must state, that when they did sit together they constituted, in his opinion, as satisfactory a tribunal as had ever existed in this country. Well, but in consequence of the determination to sit separate, what happened? Why, the Lord Chancellor and the Lords Justices had divided the appeals between them—his Lordship hearing appeals from two of the Vice-Chancellors, while the Lords Justices took appeals from the Master of the Rolls and the remaining Vice-Chancellor. Now it had been said that the Lord Chancellor had no time to attend to the business of legislation. Well, he would venture to affirm that last year he need have been under no apprehension as to the arrears of the Court of Chancery. On last Monday morning sittings of the Court were commenced that would continue for seven weeks. Now, the Lord Chancellor had three appeals on his paper, while only six stood for hearing before the Lords Justices—one of which would not come on until Easter Term—so that there virtually were only five appeals before them at present. He did not mean to say there was no business for the Lords Justices. On the contrary, they did a great deal of business in bankruptcy and lunacy cases—in fact, there was always business fully to occupy their time. But that there was appeal business to occupy the Lords Justices and the Lord Chancellor he most emphatically denied. Nor did he think there was a greater farce being enacted at the present time than the attempt to keep up two Courts of Appeal in Chancery. He (Mr. Malins) had practised extensively before the Lord Chancellor; and this he would say, that a Judge more patient and more painstaking, a man who more thoroughly and more undividedly attended to the business of his Court, he never appeared before; and when he saw observations upon the noble Lord which he thought totally unwarranted, totally uncalled for, he thought it only fair to express that which was in his own knowledge. He might not always think the Lord Chancellor right; but this he would say, that whatever conclusions the noble Lord arrived at were the results of the most painstaking efforts that man could make. If, therefore, his conclusions sometimes seemed erroneous, it was not from

any want of due exertion on his part, nor through absence of ability to guide him, for assuredly he was a man of very considerable ability. And to this must be added, that the Lord Chancellor was, in the highest sense of the term, a gentleman—a man from whose lips no words ever fell which were not fit to be said by one gentleman to another. Having said so much as to individuals, he would address himself to the system, as one which he must thoroughly deprecate—that of an appeal being permitted from one man to one man. He was quite certain, at all events, that it was the intention of the Act of 1851 to put an end to that. He knew that a great difficulty had stood in the way arising out of the Lord Chancellor's political duties; for while the Lord Justices rise at four, the Lord Chancellor frequently rises at two o'clock to attend certain political meetings which take place. Still there were no arrears—no prospect of arrears which could not be disposed of by three Judges sitting together. Now, if one Judge were sufficient to hear appeals, why have two Judges sitting in an adjoining court discharging the same duty? The fact was, a single Judge sitting on appeals never could be satisfactory; neither even in his (Mr. Malins') opinion could two be satisfactory. He ventured to think that if the Lords Justices were to be continued, there was no longer any necessity for the Lord Chancellor sitting on appeals at all. If, however, the Lord Chancellor was the great head of the profession, he was properly from his position the Chief Minister of Justice. It was to him and his subordinates, the law officers of the Crown, that the country had been accustomed to look for the protection of the law, and he trusted the House would be slow to depart from that great constitutional principle. Well, but was the new Minister to be consulted by every Member in that House? Was he, again, to be in the Cabinet. His learned Friend the Attorney General had pointed out the difficulty of placing another great law officer in the Cabinet. What, then, was to be his position? He was to have a seat in that House. Why, how difficult it would be to have an opportunity of speaking to him; and, nevertheless, this law officer was to be the great settler of Acts of Parliament. But had they not already officers answering to that description—gentlemen who prepared Government Bills, and to whom might be referred all Bills introduced into that House? The

whole thing was the merest theory; for where could they find the man who could do all that would be required of him? He (Mr. Malins) had tried his hand at law reform. He had succeeded on two occasions in passing a Bill for the amendment of the law, which had been strongly called for, and was still strongly called for by the public. It was a Bill to enable married women to dispose of reversionary interests; and he would venture to say that thousands were watching for that change in the law. Well, in 1853, he succeeded in passing the Bill through that House, receiving for it the support of the law officers of the Crown. Well, the Bill went up to the House of Lords; but he could not find a noble Lord who would do him the honour of moving the second reading of the Bill. In 1854 he was pressed to bring the measure forward again; but his reply was that it was useless to do so, for, although it would pass the Commons, it would find no support in the House of Lords. However, in 1855, he was told he could find support in another place; so again, with the full assent of the law officers, the Bill passed through that House. It then once more went up to the House of Lords, and he was promised that the Bill would be surely read a second time. Well, after a fortnight's delay, he asked how was this? When would the Bill be read a second time? The reply was, "As soon as the Matrimonial and Testamentary Jurisdiction Bills were disposed of." After that he was told the Bill could not be proceeded with because Lord St. Leonard's was away, and he did not approve of the Bill. The Bill again, therefore, fell to the ground; and so, after having twice undergone the ordeal of passing through that House, he had not been able to find a person in another place to move its second reading. He had since received applications to persevere with the Bill, but his answer had been that until he could obtain an assurance of support from noble Lords in another place it was in vain to attempt to pass the Bill. He had, however, since received an intimation from his learned Friend the Attorney General that he would take up the subject now. He mentioned that merely to show the difficulties in the way of private Members in an endeavour to improve the profession to which he had the honour to belong. But why, then, it might be asked, not concur in the appointment of an officer who would remove the difficulties? It was because he believed

such an officer as was supposed would have to encounter the same doubts and difficulties as now opposed themselves to the law officers of the Crown. Moreover, if such an officer was appointed; was he to be allowed to continue the practice of his profession? If not, it was perfectly clear he would not be the fitting person to prepare legislation; for he was thus withdrawn from that practical experience of the working of our laws which alone would qualify him to be a practical law reformer. In conclusion, therefore, he would again warn them that, however admirable the plan of his right hon. Friend might appear in theory, in practice it must lead to the greatest disappointment.

MR. LOCKE KING said, he thought the fate of the Bill relating to the reversionary interests of married women, instead of telling against the present Motion, was one of the strongest possible arguments in its favour. If we had had a Minister of Justice, in all probability that measure would not have had to wait in vain for some one to take it up in the House of Lords. It was matter of sincere delight to him that the Government had adopted the Resolution of the right hon. Gentleman, because it was a practical measure, calculated to do more for the cause of law reform than anything else that had occurred for many years. It was earnestly to be hoped that the new Minister, whoever he might be, would have his seat in that House; in which case they would have the means of encouraging him when he did right, of urging him to do more when his performances were deficient, and of constantly putting questions to him as to the progress he was making in legal matters. It was highly gratifying to know that the Motion for the appointment of a Minister of Justice would be the means of effectually breaking up and doing away with the Statute Law Commission, which had already swallowed up too much of the public money. Many noble Lords and learned Gentlemen who had highly distinguished themselves were on that Commission, but they had not time to attend to its duties. His complaint lay against its working staff, who had positively done nothing. No less than £50,000 had been fruitlessly spent on these Commissions; and the present Commissions had degenerated into a job. A Friend of the Lord Chancellor had a sinecure place upon it with a salary of £1,000 a year; and a friend of the Lord Chancellor's friend was

its secretary, and attended to other work. The Commission, indeed, pretended to have done something, but the only practical result of its labours was one Bill which he (Mr. L. King) had himself been the instrument of passing for it. The other Bills prepared by it were full of every sort of blunder—one of them actually dealing with the subject of South Sea Stock, which had no real existence, having been done away with years ago, and another enacting penalties against societies which had been long obsolete.

MR. WARREN: Sir, the House need not fear that I shall trouble it at any length, for I cannot help expressing myself apprehensive lest the great cause of Law Reform should be talked to death by lawyers. So many of us have spoken this evening, that it must have been really quite refreshing to listen to the only two laymen that have addressed us—the noble Lord the Member for London and the hon. Member for East Surrey; and yet the great subject before us is really as capable of being usefully treated by able laymen, as lawyers. I hope the House will not be induced by the remarks of my hon. and learned Friend the Member for Wallingford, to lose sight of the vital importance of the question which we are considering. On no other are keen-sighted and determined thinkers out-of-doors more resolutely set than on this of Law Reform; and unless we here address ourselves to it in a practical, a liberal, and an enlightened spirit, the task of legislation may somehow or other come to be taken out of our hands, by those elsewhere who see that so much requires to be done that we cannot do it, and that they will yet have it done. Sir, the Resolution of my right hon. Friend makes not the slightest allusion to this formidable Minister of Justice, concerning whom we have heard so many misgivings. It is so guardedly worded as to avoid conjuring up that spectre which seems to haunt and oppress the perturbed imagination of my hon. and learned Friend below me (Mr. Malins). The Address to Her Majesty contemplates only “the formation of a separate and responsible department for the affairs of public justice;” and nothing in the able and suggestive speech of the right hon. Mover justifies the trepidation of my learned Friend, to whose own vivid imagination alone he is indebted for the existence of this awful functionary. I repeat it, Sir, that something in this direction must really be done, and done at once.

It is loudly demanded out-of-doors, and that demand is echoed unanimously here: and “when we are unanimous our unanimity is wonderful.” What I am most afraid of is, lest the Government, which I am glad to see now listening so attentively to this important discussion, should attempt to “keep the word of promise to our ear, and break it to our hope.” All I want is, that they should take the matter in hand, in earnest, in a sincere and straightforward spirit. We who sit on this side of the House are thoroughly in earnest on that matter ourselves, and friendly rivals to the other side in the removal of every proved evil, and devising a cautious and practical remedy permanent in its operation. I entreat the noble Viscount at the head of the Government to rise at once and assure us that in acquiescing in this Motion he and his colleagues mean what they say—that they are determined on doing something, and doing it at once: for I can assure him that if he means merely to stave off or quietly cushion the Motion—if his acquiescence be a matter of mere form—that if the Motion is taken up only to be let drop again, this House will deservedly sink in public estimation. Sir, as for that Motion itself, I go heart and soul with my right hon. Friend the mover. As far as I caught the drift and purport of his speech this evening, he aims, if I may so express it, at effecting organic as contradistinguished to functional improvement in our system of legislation. At present it is cumbrous and inconvenient almost beyond the comprehension of those who are not practically cognisant of the fact. I have seen enough of it myself in this House already, before its Committees, and in our Courts of justice. It is there that our blundering tells—pestering tribunals existing for the decision of questions of real and substantial importance, with everlasting doubts and squabbings as to what we meant by the slovenly, obscure, and inconsistent words we have used in the perfunctory discharge of our legislative duties. He tells us, and I agree with him, that there is something wrong with our very mainspring, and therefore the action of our whole machinery cannot but be defective and erroneous. Why should this go on? It is to the last degree discreditable to us. Let the House remember that that great people, the ancient Romans, were so refined and punctilious in cultivating the science of legislation—for they regarded it, as we do not, as a science—

that they had laws to instruct them how to make laws. The *Lex Licinia* and others provided checks against any law unintentionally containing any particular personal privileges, or impairing the force of former laws, or being crowded with multifarious and heterogeneous provisions. Why should not that be so with ourselves? Then, such a thing as came under my notice only this very day, could never have happened, and I will tell it to the House, as an instance, of the mischief we are constantly doing unintentionally. Not long ago, a trading company in the South of England obtained a private Act of Incorporation, and so far all was well. But behold! what does the House think? By a blundering reference in the Act, that constituting another public company of great importance in another part of England, was unknowingly repealed. It had no legal existence. It was, in fact, so to speak, nowhere; and another Act of Parliament was passed in a subsequent Session, indirectly, but effectually remedying the disastrous error, the knowledge of which was confined to three persons only; and this fact is now mentioned for the first time in either House of Parliament. Now I pledge myself to the truth of this statement, and I ask, is it creditable that such a thing could have happened—that great interests should be thus at the mercy of such inconsiderate legislators? It never could have happened had a separate and responsible department for the administration of justice been in existence, and I hope that such a thing never will happen again; but that a tribunal will be called into existence for the deliberate, methodical, and scientific preparation of all new laws of either a public or private nature. One word on another topic touched on by my right hon. Friend, one of very great interest and importance, and I shall sit down. I think he was right in linking with the subject which he brought before us, that of legal education. Sir, ever since I have been able to form an opinion on any question of importance affecting the welfare of the legal profession and of the public, I have been strongly impressed with the necessity of improving our present system of education for the Bar, by instituting a compulsory examination. Unless this be effected, depend upon it all other schemes for promoting the efficient and scientific study of the law will be futile. Let the House just consider, Sir, one thing nearly touching every one of ourselves. Is the House aware

Mr. Warren

that a young gentleman of barely three years' standing is eligible for the office of Revising Barrister—and in that capacity must decide questions of vital importance affecting the elective franchise? And that a blunder of his, in respect of facts, cannot be set right but by a ruinously expensive appeal to a Select Committee of this House, while a blunder in point of law must be rectified by an expensive appeal to the Court of Common Pleas? but observe, it is entirely discretionary with the youthful functionary to grant the liberty of so appealing! Now, have not the public—have not we—a right to some protection or guarantee in a matter thus affecting our vital interests? That those entrusted with matters of such transcendent importance, should come to the discharge of their duties only after having passed the ordeal of a *bonâ fide* examination into their fitness? I assure the House, and my right hon. Friend, that this is a matter which has long occupied the anxious attention of the Benchers of the four Inns of Court; but a grave difference of opinion exists between them on the subject. In that with which I have the honour to be connected, the Inner Temple, there exists such a difference of opinion; and I appeal to my right hon. Friend opposite, the Chancellor of the Duchy of Lancaster, who is one of the Benchers of that Inn, whether the subject has not occupied our attention long and anxiously, and occasioned repeated discussion. I say again, that I am myself strongly in favour of the compulsory system, and have always been so; but some of the most distinguished of my brother Benchers—two of whom I will take the liberty of mentioning, and their names will be received with the highest respect in this House—I mean Dr. Lushington and Mr. Hallam—are, I believe, of a different opinion. I mention this only to show that the subject is one of real and serious difficulty, and at this moment is under the anxious consideration of the Benchers of all the four Inns. I venture to submit that the matter should be left in their hands, as those of persons deeply interested in maintaining the efficiency and dignity of the legal profession, and thoroughly competent to deal with such a subject. I have little doubt that a satisfactory conclusion will soon be arrived at. In conclusion, I sincerely thank the House for their attention, and again express my hope that we shall receive from the noble Lord opposite an assurance that he will take up the matter before us

promptly, and in a right spirit, not as a matter of mere formal and passive acquiescence, but as a real substantial tribute of enlightened deference to public opinion out of doors,—disregarding which, this House may depend upon it, that it will be shorn of all moral power.

VISCOUNT PALMERSTON: Sir, agreeing as we do with the Motion of the right hon. and learned Gentleman, I am quite ready to say, that we agree in it, not simply with a view of disposing of the Motion by our acquiescence in it, but for the purpose of endeavouring to give effect to the principles embodied in the Resolution, which appears to receive the general concurrence of the House. That principle I take to be, that a real effort will be made to organise departmental arrangements, for the purpose of providing for and of promoting reform and improvements in the law. With regard to any particular method of effecting these objects, that which has already passed in the course of the debate is sufficient to show how impossible it is for Government at once to state it. It is very easy for persons to agree in regard to existing defects, but when we come to propose a remedy there arises every sort of difference of opinion. Unfortunately, we have been witnesses to this difficulty on many former occasions, and even in this debate we are again witnessing it. According to the old saying—

“What to avoid does little knowledge need,
But to find a remedy, is a task, indeed.”

Everybody must admit, that we have made, during the latter years, some great improvements in our system of laws. Unfortunately there is, I believe, great room for further amendments. Those amendments, as has been well observed, require the combined efforts of a number of men who have turned their mind, as I may say, to the philosophy of the law. We do not require so much men who have distinguished themselves in the active duties of their profession. What we want are men who have thought deeply, not men who have distinguished themselves by their eloquence, but men who must have the principles of law engraven upon their minds, so as to point out the needed reforms, and direct the course that should be taken for their attainment. Well, we have heard a discussion as to whether there should be a new minister, called a Minister of Justice, or whether we should not build altogether

on the existing foundations, and make the most of the organisation we already have, by attaching this new department to that of the Lord Chancellor, or to the Secretary of State for the Home Department. I will not, however, go into this question now, but I think, before we should agree to adopt foreign models, and make what is called a Minister of Justice—before we introduce any new officer into the House, who must be, to a certain extent, a lawyer—who will be called upon to abandon his profession—become a minister of the Administration of the day, and who will be entitled, upon the retirement of such Government, to fall back upon a provision previously made for him—before, I say, the House resolves to adopt an arrangement of that sort, I think it will be right for us to see whether we cannot accomplish our object by attaching the department to some now existing branch of the executive. I can assure the right hon. and learned Gentleman it shall be the duty of the Government to give their most earnest attention to this subject. It is, however, one which he himself admits is surrounded by great difficulties, and which, therefore, demands the most mature consideration. That consideration shall be given to it, and I am not without hopes that those difficulties will be overcome. I am quite sure of one thing—namely, that the right hon. and learned Gentleman is rendering a great service to the country by calling attention to a measure of this character; and if the Motion shall result in being the foundation of a great system of legal improvement to be yet erected, the right hon. and learned Gentleman will, I am sure, deserve the thanks of the country, and will, no doubt, feel that satisfaction within himself which the consciousness of having effected so important an improvement in the laws of the country must necessarily confer. We shall therefore agree to his Resolution as an earnest pledge of the Government to meet the wishes of the House, as well as those of the country, on a subject than which no topic, I believe, can be more interesting. We will endeavour to do our best to give effect to this Resolution, and I therefore most cordially concur in the Motion.

MR. HADFIELD said, he would consent to almost any change that might be proposed, as it was almost impossible matters could be worse than they were at present. The most necessary legal reforms could not be carried without the utmost

difficulty. Take the case of testamentary jurisdiction. Bill after Bill had been brought forward on this subject by the Lord Chancellor, but the public expectations had never been satisfied, and he asked the law officers of the Crown whether they thought the measure which had just been brought into the other House had the slightest chance of passing. The law of mortmain, too, which affected every charity and educational institution in England, called for amendment, and though Bills for that object had passed that House, they had always been dropped in the other House for the want of some person to take them up. He hoped, therefore, that the Motion of the right hon. Gentleman the Member for the University of Dublin would give them some relief by clearing the way for these rather important reforms.

MR. NAPIER said, he was gratified to find that he had the almost unanimous opinion of the House in his favour, and that the noble Lord had given an assurance that the Resolution would be taken into consideration in a *bonâ fide* manner. That was all he could possibly expect. He had worded the Resolution so as not to have the appearance of dictating either to the House or to the Government, and had purposely framed it in general terms. Nothing, in his opinion, could more strikingly exemplify the necessity for some such measure as he proposed than the case of the Bill referred to by the hon. Member for Wallingford. He said, the Lord Chancellor was the true Minister of Justice, and yet, no doubt in consequence of the great amount of business the noble and learned Lord had to perform, his hon. and learned Friend had not been able to communicate with him on the subject of his very useful Bill; but if there had been an office or department such as he now proposed, his hon. and learned Friend would have had no difficulty in carrying his measure. He had not said whether a layman or a lawyer should be appointed. He should be sorry to say he should not be a layman; he would be equally sorry to say he should not be a lawyer. What concerned him most was, that the duty should be efficiently discharged. He agreed with the noble Lord in thinking that they should first try to make use of such means as now existed, and see how far they could accomplish the object in view; and if these were found inadequate, that then such additions should be made as circumstances rendered

necessary. He was sanguine that, however small the beginning might be, it would be a most useful reform—one that would add to the credit of the Government, the honour of that House, and the welfare of the country.

Motion agreed to.

Resolved—"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration, as an urgent measure of Administrative Reform, the formation of a separate and responsible Department for the affairs of Public Justice."

CHURCH RATES ABOLITION.

SIR WILLIAM CLAY said, he rose to move for leave to bring in a Bill for the Abolition of Church Rates, the Bill to be limited to total abolition of such rates, and a provision saving existing legal obligations. The Bill, he said, had not only the same object, but was identical in terms with the measure which he had introduced on the same subject during the last Session of Parliament, and the only difference was that a portion of the former measure was omitted from the present Bill. He therefore felt it unnecessary to trouble the House with any observations, but when he moved the second reading he would explain the reasons which had induced him to make the omission to which he had referred, and he would also feel it his duty to comment upon the important returns relating to the subject which had been laid upon the table in compliance with the Motion of a noble Lord opposite.

MR. SPOONER said, he did not rise to offer any opposition to the Motion of the hon. Gentleman; at the same time he hoped that it would not thereby be supposed that those with whom he generally acted gave their assent to the measure. He hoped, however, that the Government would now state what their intentions were respecting it. The right hon. Baronet the Secretary for the Home Department had already declared that the Government had no Bill of their own to introduce upon the subject; and further, that they were not prepared to say whether they intended to move an Amendment to a Bill not actually before the House. The nature of the present measure was now clearly explained; it was absolutely and unqualifiedly for the total abolition of church rates. It would be most satisfactory to the country to learn at once whether the Government were prepared to give their assent to a Bill for the unqualified abolition of church rates or not.

Mr. Hadfield

MR. LABOUCHERE observed that his right hon. Friend the Secretary for the Home Department had stated on a former occasion that the Government had no intention of introducing any measure on this subject during the present Session; but he said that when the question was brought before the House that would be the proper time for the Government to declare what course they intended to pursue. He (Mr. Labouchere) hoped the hon. Gentleman would not expect the Government now to go out of the way to express their opinion, as the proper time for so doing would be when the second reading of this Bill came on, and then no doubt his noble Friend (Viscount Palmerston) or the Home Secretary, would state the views entertained by the Government.

Leave given.

Bill to Abolish Church Rates *ordered* to be brought in by Sir WILLIAM CLAY, Mr. HUTT, and Mr. MIALL.

Bill read 1^o.

GENERAL SIR GEORGE POLLOCK.

MOTION FOR PAPERS.

CAPTAIN LEICESTER VERNON, in moving for a copy of all correspondence relating to the removal of General Pollock, G.C.B., from the Direction of the Honourable East India Company, said that some time ago, when he called the attention of the House to the employment of General Officers in the scientific corps of the army, he mentioned the name of Sir George Pollock as an officer of artillery of extraordinary merit, and stated that that officer had been selected from officers of every arm in the service of the Crown and of the Company to re-establish the supremacy of the British arms in India, and to restore to those arms the lustre which had been tarnished by the ignominious disasters of Cabul. He also stated that General Pollock achieved those objects in as brilliant and decisive a campaign as was recorded in the history of this or any other country; it was no part of his business at that time to dilate upon that gallant officer's services, but it had now become necessary for him to mention them, and he would do so as briefly as possible. In January, 1842, the British army, nominally commanded by General Elphinstone, but unfortunately actually under the control of Sir W. M^cNaghten, having for sixty-five days endured greater humiliations than had ever before been suffered by British troops, surrendered their position, and on

the 6th of that month 4,500 fighting men, encumbered by thrice that number of camp followers, prepared to retreat from Cabul. On the 12th of January a solitary horseman, the messenger of death, crawled into Jellalabad. He was, with the exception of a few prisoners, the sole survivor of 17,000 persons who had left Cabul only six days before, thus verifying to the very letter the singular prediction of Colonel Denny, who had given it as his opinion, that if the retreat was undertaken only one man would survive, who would bear to the British posts the news that the rest of the army had perished. This intelligence paralysed the Executive, cowed the military spirit of the sepoys, and shook to its very centre that huge mosaic—the British Empire in India. The panic-stricken authorities had then to look for a man equal to the emergency. That man they found in General Pollock. With whatever faults Lord Auckland might be chargeable, he had to a great extent retrieved them by selecting General Pollock, against the advice of some persons, to command the army which was to liberate the captives and restore the *prestige* of the British army in Afghanistan. General Pollock was then an artillery officer, and had given thirty-eight years of valuable service to the country; he had served at the storming of Bhurtpore; he had been selected by Lord Lake to command the artillery sent in pursuit of Holkar, and he had commanded the Bengal artillery at Rangoon in the first Burmese war; and for these services he had been made a Commander of the Bath. He (Captain L. Vernon) did not wish to trouble the House with reference to many documents, but he would ask permission to read about six lines from Kaye's *History of the War*, descriptive of the merits of General Pollock. He was anxious that the House should know the gallant officer by his glorious deeds, as he (Captain L. Vernon) did, for he confessed he had never seen the general in his life. Kaye says.—

“The appointment of General Pollock gave the greatest satisfaction to the Supreme Government, and not one murmur of disapprobation arose from the general body of the army. The nomination of this old and distinguished Company's officer was believed to be free from the corruption of aristocratic influence and the taint of personal favouritism. It was believed that in this case at least the selection had been made solely on the ground of individual merit. He was thoroughly conscientious, he was actuated in all that he did by the purest motives—by the highest principles. He was essentially an honest man. The force now

to be despatched to the frontier of Afghanistan required the superintendence and control of an officer equally cool and firm, temperate and decided, and, perhaps, in the whole range of the Indian army the Government could not have found one in whom these qualities were more eminently combined than in General Pollock."

General Pollock being an Indian officer, the Horse Guards, of course, cavilled at his appointment, and the Commander in Chief in India, Sir Jasper Nicholls, had to defend the appointment, and wrote to Lord Fitzroy Somerset a letter which contained the following extract in reference to General Pollock:—

"When Major General Pollock arrived at Peshawur he found 1800 men of the 4th Regiment in hospital, the Sepoys declaring that they would not advance again through the Khyber Pass, the Sikh troops spreading alarm, and in all ways encouraging and screening their desertion, which was considerable. It was well that a cautious, cool officer of the Company's service should have to deal with them in such a temper 363 miles from our frontier. General Pollock managed them exceedingly well. Any precipitancy on the part of a general officer panting for fame might have had the worst effect."

Before General Pollock appeared upon the scene, disaster had followed upon disaster. England had been defeated, Ghuznee had been taken, the army was destroyed, and General Wyld had been beaten back from the Khyber Pass. General Pollock forced the Pass at the point of the bayonet, relieved Jellalabad, beat the Affghans in three battles, liberated the captives, planted the British flag on the Bala Hissa of Cabul, and then led back his victorious army through the formidable Passes in triumph and safety. The whole empire rang with his achievements, for all men felt that by him India had been saved. The House would be able to contrast by the list which he was about to read the manner in which services in India were rewarded before General Pollock's time, and the manner in which they were rewarded in his person. For his successes against the Mahrattas, General Lake was made Lord Lake; General Harris was made Lord Harris for the capture of Seringapatam; Sir Stapleton Cotton was made Viscount Combermere for the capture of Bhurtipore; Sir John Keane was created Lord Keane, for the capture of Ghuznee; Sir Hugh Gough and Sir Henry Hardinge were raised to the peerage for the Sutlej campaign; General Willshire was made a baronet for the capture of Khelat; General Sir Harry Smith, a baronet for the battle of Aliwal; General Ochterlony, a

baronet for Nepal; General Gilbert, a baronet for successes against the Sikhs; General Campbell, a baronet for services in Burmah; and Lord Ellenborough created an earl and a G.C.B. for the successes in Afghanistan, China, and Scinde. For saving India General Pollock received the thanks of Parliament, and was made a Grand Cross of the Bath, of which order he was already a commander; and his second in command was also made a G.C.B., though he had not received the intermediate distinction. Twelve years afterwards, in 1854, it became the duty of the Government to appoint three Directors to the Board of Direction of the East India Company. The right hon. Member for Halifax (Sir Charles Wood), the then President of the Board of Control, signified to General Pollock his intention to name him as one of the Directors, in the following letter, which was as honourable to the right hon. Gentleman as gratifying to the gallant general:—

"India Board, April 7, 1854.

"My dear Sir George,—The time for the nomination of three Directors of the East India Company by the Crown having arrived, it becomes my duty to recommend to Her Majesty the persons whom I believe to be most capable of discharging the important duties of Directors, and to possess such qualifications as will complete the Court in full efficiency for the performance of the various functions intrusted to them in reference to the government of India. Among those duties one of the most important is the superintendence of the large military force of the Company, and I am anxious to see a tried soldier among the Directors, well acquainted with the requirements of the military service in India. No one has more triumphantly led that army, and under the most trying circumstances, than yourself, and I shall have great pleasure in marking my sense of your services in that army by recommending you to the Queen as one of the Directors to be named by Her Majesty. You will be the senior of the three whom I shall recommend, and, according to the course adopted by the Court as to the Directors whom they have chosen, I shall propose to place your name the first on the list, and for the period of two years, as I must name the period in conformity with the Act. They have named the seniors for the shorter period, and I shall thus have placed the nominated and elected Directors as far as possible on the same footing.

"I am, &c.,

"CHARLES WOOD."

These three Directors nominated, by the Government, it must be observed, were equally eligible for reappointment with the Directors elected by the Company. The post of senior Director was given to General Pollock for his unpayable services in India, and in order to place the two other Directors on an equal footing with their

Captain Leicester Vernon

colleagues they were nominated for four and six years respectively. Neither of these two gentlemen had saved India, and it was therefore fair to assume that it was intended to reappoint General Pollock at the end of the two years. Had it not been so, he being the person who had the greatest claims, would naturally have been named for the longest period. That was the generally received opinion, and it was General Pollock's own opinion. But the present President of the Board of Control (Mr. Vernon Smith) had acted in a different spirit, for on the 20th of March, 1856, the right hon. Gentleman wrote to Sir G. Pollock the following letter:—

"India Board, March 20, 1856.

"My dear Sir George,—I think it due to the high consideration I entertain for your character and services to inform you, before the period arrives, of the course I think it my duty to pursue upon the vacancy that will be created in the Court of Directors by the expiration of the term of your appointment. Upon a careful revision of the discussions on the Act of 1853, in which I took part myself, I am convinced that it was the intention of the Legislature that a fresh appointment, and not a reappointment, should be the general rule to be followed by the Minister of the Crown in his recommendations to Her Majesty. As this is the first occasion on which the exercise of this discretion has occurred, I think it most desirable to maintain the principle whereby, in my opinion, the direction will be made most valuable, and therefore, in spite of the high value I set upon your services, it is not my intention to propose your reappointment. I am unaware at this moment whether, if I had found it compatible with my public duty to offer you the office again, you would have wished to accept it, and therefore it is quite open to you to let it be considered that you would not, if more agreeable to you: at any rate, I trust that you will understand that my course is entirely prescribed by public principle, and that nothing in it can in the least detract from that high renown which places your name among the first in Indian annals of warfare.

"I am, with the sincerest respect,

"Yours very truly,

"R. VERNON SMITH."

Now he (Captain L. Vernon) would ask, was this a creditable document to come from the India Board, signed by a Minister of the Crown and one of Her Majesty's Privy Council? The right hon. Gentleman's justification of himself on grounds of "public principle" was only separated by a colon from the proposed subterfuge of the gallant General's letting it be understood that he was not anxious to be reappointed. It was rather astonishing that the right hon. Gentleman should have come to such a conclusion as to the non-reappointment of nominated directors in the face of two clauses of the Act of Parliament regulat-

ing the Government of India. The right hon. Gentleman did not appear to have read very carefully this passage in the 7th section of the 16 & 17 *Vict.*, c. 95:—

"And every person who shall, or but for reappointment or re-election would, cease to be a Director by the expiration of his term of office, shall be capable of being forthwith reappointed or of being re-elected at the election holden on the day of the expiration of such term."

Nor this in the 8th section:—

"And it shall be lawful for Her Majesty from time to time, upon or after the expiration of the term of office of any Director or Directors by Her Majesty by warrant under the Royal sign manual, to appoint or reappoint a person or persons to fill such vacancy or vacancies."

However, the reply of Sir George Pollock was just such a one as might have been expected from so gallant an officer and honourable a man:—

"East India House, March 24, 1856.

"My dear Sir,—I have to acknowledge the honour of your communication of the 20th inst., stating that you are convinced it was the intention of the Legislature that a fresh appointment, and not a reappointment, should be the general rule, and that therefore you feel it to be your duty not to recommend me to Her Majesty for reappointment, but to establish the rule and maintain the principle on this first occasion of a vacancy. I beg you will accept my best thanks for the very flattering allusion to my services in India which accompanied the communication. I was appointed by Sir Charles Wood in a private letter (extracts from which I enclose), without any solicitation on my part, and (although I need hardly say that, had I anticipated removal on the expiration of my two years' tenure of office, I should have hesitated to accept the office) it was not my intention at the present time either to request a reappointment, or to decline it if offered; I was content to leave the decision in the hands of Her Majesty's Ministers, under the confident expectation that it would be in accordance with what is due to me and advantageous to the State. The expression of your intentions certainly caused me some surprise. I am obliged by the consideration for me with which you suggest that (if more agreeable to me) 'it is quite open to me to let it be considered, that I would not accept office if again offered;' but in answer to this, I beg to say, that with reference to the policy you assign, as a reason for the course you pursue, I do not see why any disguise should be adopted; and, as I certainly should have accepted the reappointment had it been offered to me, I think it is better for the public service and more honourable to you and myself that the truth (whatever it is) should appear.

"I remain, my dear Sir,

Yours very truly,

"GEORGE POLLOCK."

This letter required no comment. It was a plain, straightforward, soldierlike, honourable letter, and would well stand com-

parison with the document of the India Board. The right hon. Gentleman the President of the Board of Control ought to thank him for this opportunity of explaining his extraordinary letter, and of making known to the Indian army on what principle it was that the services of a distinguished soldier like General Pollock had been so unworthily dealt with. He did not expect to gain redress for General Pollock, but if this Motion were granted at least this point would be gained. The history of Sir George Pollock would stand in the records of that House from the hour when he received the thanks of Parliament for his deeds to that in which those deeds were ignored by the Board of Control, and in the same pages would be found the narrative of his great achievements and of the small consideration which they had gained him.

Motion made, and Question proposed—

"That there be laid before this House, a Copy of all Correspondence relating to the removal of General Sir George Pollock, G.C.B., from the Direction of the Honourable East India Company."

Mr. VERNON SMITH: Sir, my answer to the Motion of the hon. Gentleman is simply this:—There is no official correspondence in existence as to the non-reappointment of Sir George Pollock, and that Sir George Pollock never was removed from his office, and therefore the hon. Member is doing Sir George Pollock a wrong in speaking of his removal from office. Such a thing was never contemplated, and never done. That, Sir, would be a sufficient answer to the Motion of the hon. Gentleman to prevent it being put in point of form from the chair, but he has entered with considerable detail into a question upon which I think it is my duty to follow him. As regards the preliminary part of his speech, in which he spoke of the achievements of Sir George Pollock, it is utterly impossible for any one to deny the splendid victories achieved by Sir George Pollock in Affghanistan, and I should be the last man to attempt to do so. I had the satisfaction to mention them in public when I met Sir George Pollock at a dinner at the East India House, upon which occasion I said that gallant officer had executed the magnificent manœuvre which drove the Khyberes from their precipitous fastnesses, and added that Nadir Shah had only accomplished by corruption what Sir George Pollock had done by force of arms. There is no statement which can be made of the

glory of that officer's career which I am not ready to endorse. If the honours which Sir George Pollock has received from the Crown have been an inadequate reward, the proper course would have been to move an address to the Crown, praying that further honours might be bestowed, but I must say I have the greatest reason to complain of the conduct of the hon. Member towards me. This is the first instance in my experience in which when an hon. Member has thought it his duty to read private letters, he has not at least given notice to the person whom they chiefly concerned. Those letters were private, as all who know the course pursued relative to the exercise of the patronage of the Crown are well aware. The hon. Gentleman did not say whether he had the consent of Sir George Pollock to read them, and I should doubt much whether that gallant Officer would have sanctioned such a course. That, however, is a question between the hon. Member and myself, but, nevertheless, it leaves me completely disarmed, as I have had no opportunity of referring to any notes of my own to ascertain whether there were other letters than these which have been read, or to make myself acquainted with the contents of those that have been read. As far as I recollect, the circumstances were these: I knew I should be called upon in April 1856, to appoint a Director of the East India Company. Several private communications took place between myself and the Chairman of that Company, who asked me whether I intended to reappoint Sir George Pollock; to which I replied, decidedly not; and in conversation I expressed to him, what I now repeat to the House, my extreme pain that I should not find it consistent with my duty to reappoint that gallant Officer. I put the question whether Sir George Pollock was willing to make any intimation to me, or whether he had any wish to be re-appointed, but I never heard either from the Chairman or Sir George Pollock upon the subject. I am sure the House will believe that the most painful situation a public man can be placed in is when he is called upon by his public duty to act with what may appear harshness towards a person for whom he entertains the highest respect. If it is a charge against me that, in endeavouring to soften as much as possible any feelings of irritation which Sir George Pollock might entertain, I went too far in the letter which has been read, I bow to the charge, and

Captain Leicester Vernon

say, I would have gone thrice as far to avoid causing him pain. My impression in writing that letter was that I was paying Sir George Pollock every compliment I could think of. I repeat it. It was my duty to choose the fittest man, and I did not think Sir George Pollock the fittest person to be reappointed; and, in writing that letter, I did all I could to lessen any irritation which he might feel. It was a painful duty to make such a communication to a man of his rank and character, but I did not choose to shrink from it. In 1853 a discussion took place in this House upon the India Bill, in which I and others who took part in it expressed opinions that the object to be gained by a new mode of selection of East India Directors was the infusion of fresh blood into the direction; and my hon. friend the Member for Huntingdon went so far as to propose that no person should be elected a Director under this method who had been absent more than five years from India. Thus, when it became my duty to make a selection, I felt I could not recommend the re-appointment of Sir George Pollock, and in his place I recommended Sir H. Rawlinson, a man of world-wide reputation, and a diplomatic as well as military character. Soon afterwards Mr. L. Melville died, and I then recommended the appointment of General Vivian, upon the sole ground of advantage to the State, from his recent experience of warfare as well as his service at Madras. Surely I cannot be charged with improper motives or sinister objects in making those recommendations. Can any one accuse me of corruption in this, or the consultation of either my own interest, or even my own ease? If I had wished to consult my own convenience in the transaction of business, there are no Directors a President of the Board of Control would prefer to gentlemen who never interfere with him. The hon. Member seems to consider the Board of Directors as a place of honourable retirement. ("No!") The hon. Gentleman asked, was that a reward for Sir George Pollock's services? No one meant it as a reward. His rewards were the dignities conferred upon him by his Sovereign and country. My duty was to supply the direction with new vigour, to select the most useful men for the office. I have done so. The public and the press at home and in India have approved my choice. This Motion is a proof of the difficulty which a Minister experiences in the performance of his duties. There is

an outcry for Administrative Reform, and hon. Gentlemen are continually watching the actions of the Government to see whether they put "the right man in the right place;" and yet, when it becomes my misfortune to be compelled to supersede a gentleman whom I do not think competent from his infirmities of age to discharge the duties of the office, I am charged with an improper dismissal. I did not dismiss Sir George Pollock, nothing made it necessary for me to do so, but the two years for which he was appointed having expired I declined to reappoint him, as, if I had, it must have been for the six ensuing years. The hon. Member says I should thank him for having brought this matter forward; but I do not think he has given either Sir George or myself any reason for thanks, as he has compelled me to state opinions which I have been most unwilling to utter. My main desire has been to avoid wounding the feelings of Sir George Pollock. If I outstepped prudence in proposing that he should resign instead of not being reappointed, or if there be anything illogical in my letter, it arose from that motive. I shall never regret, nor am I now ashamed of the suggestion I made, or of the course I pursued. I consulted my noble Friend at the head of the Government, and am convinced that I acted rightly in placing in the direction of the East India Company men who are able to carry out with vigour those schemes of improvement which all Indian reformers press upon us, and which cannot be accomplished if the direction is allowed to become an effete and languid body. I presume the hon. Member will not press his Motion, as the papers are private documents which he has obtained I know not whence, but which I cannot believe, unless he tells me so, that he has obtained from a gallant and honourable officer like Sir George Pollock. I should be sorry to put on the Journals of the House a statement that Sir George Pollock was removed,—which, I repeat, never was done. His time of service had expired, and I did not shrink from what I believed to be my duty to appoint a person better qualified by great abilities and greater activity.

MR. DISRAELI: When the Indian Bill was first submitted to this House in 1853, I supported a Motion of my hon. Friend, then Member for King's Lynn, by which that Bill would have been defeated, and I remember on that occasion we had

the valuable support of the present President of the Board of Control. I thought it an ill-conceived measure, that would not only disappoint public expectation, but instead of improving tend rather to injure the administration of our Indian empire; and all that I have observed since, and all that I can calculate as to its effects, entirely confirm the opinion I then formed. I believe it is a most unsatisfactory state of affairs, and that the attention of Parliament must necessarily be speedily called to the subject. I do not doubt that now the President of the Board of Control generally agrees with me in these views, because I cannot suppose that his having attained, quite honourably, the high office which he holds, and the duties of which I am willing to believe he performs with satisfaction, can in any material manner affect the opinions resulting from considerable thought and study which he then entertained. Therefore, Sir, upon the affairs of India the President of the Board of Control and myself probably have many opinions in common. Though it was a minor point, I was in some degree reconciled to the passing of the Act of 1853, by the judicious manner in which the highest patronage of the office over which the right hon. Gentleman presides—namely, the nomination of Directors—was exercised by the Government. There was a general opinion that the appointments were made without any undue influence, and that the Gentlemen chosen were the best who could be selected. A very short time, however, has elapsed, and we are called upon, under circumstances which I am sure every Gentleman feels to be very painful, to canvass the case of a Gentleman whose appointment, which gave very general satisfaction when it was made, but whom, on the termination of his period of office, the Government declined to reinstate. I am not surprised, after what has occurred, that General Pollock wishes his case to be laid before Parliament, and I am bound to say my hon. Friend has shown great spirit and Parliamentary talent in the manner in which he has brought it under the notice of the House. In what a strange position do we find ourselves to-night! I am willing to believe that the right hon. Gentleman (Mr. V. Smith) has acted upon the purest convictions of what he thought to be his duty. A Minister must act on his own responsibility; and the right hon. Gentleman has vindicated, in a manly and spirited manner, the exercise of his discretion; but

in doing so he has made an attack upon one of his colleagues. General Pollock, a man of more than European reputation, of world-wide reputation—to use the epithet of the President of the Board of Control—was appointed only two years ago, with the approbation of the public, by the present First Lord of the Admiralty. If General Pollock, from age and infirmity, is now incapable of holding office as a Director of the East India Company, why was he appointed by the colleague of the right hon. Gentleman? It is not possible that in two short years those abilities which gained great victories, and that high character which commanded general approbation, should dissolve. If Sir G. Pollock is incompetent now, it was a bad appointment two years ago. But what evidence have we that he is incompetent? Is it to be found in the letter read to us by my hon. Friend? It appeared to me to be a dignified letter, expressed in manly and proper language, and to be the production of a man fully equal to any position he might be called on to occupy. I do not question the right of the President of the Board of Control to act on his own responsibility, but, having no evidence before me that Sir George Pollock is not as capable as he was two years ago, I must say I deplore that he is no longer a member of the direction of the East India Company.

VISCOUNT PALMERSTON: Sir, I think that the House will agree with me that though it may not be unusual, it is very inconvenient for discussions of this kind to turn on the personal merits of individuals, but I must say it is very incorrect to describe the course of my right hon. Friend as one implying anything derogatory to the high qualities of Sir George Pollock. Nor does it at all follow that, because my right hon. Friend (Mr. V. Smith) in the course of last year thought it his duty, on a comparison of qualification, to prefer another person to Sir George Pollock, my right hon. Friend the First Lord of the Admiralty did not act perfectly right in the appointment of Sir George Pollock two years ago. I should hope the hon. Gentleman who made this Motion will not place upon our records the assertion, inconsistent with fact, that Sir George Pollock was removed from the direction of the East India Company. My right hon. Friend might have removed Sir George Pollock before the time of his service had expired. If my right hon. Friend had done that, it would have been necessary to

have shown grave reasons for such an exercise of the Royal prerogative. But he did not do so. Sir George Pollock was placed in the direction for two years. The term having expired, it was the duty of my right hon. Friend to consider the relative qualifications of different persons who might be appointed, and if, on a balance of considerations, he thought another person was fitter from age and other circumstances to discharge the duties of Director, it was his duty to prefer that other person. It was no disparagement whatever to the high character of Sir George Pollock that another was preferred. The position of official men who have to fill up appointments is exceedingly difficult, but the difficulty will be aggravated if, when they make the best selection according to their opinion of the candidates, their conduct is to be called in question in the House of Commons, and the House of Commons is, as it were, to make itself the judge of the relative merits of persons who are appointed by the responsible officers of the Crown. I hope it will be clearly understood that the high professional character of Sir George Pollock and the professional reputation he enjoys for the important services he has rendered are in no degree whatever disparaged by the exercise of discretion which my right hon. Friend has made. Sir George Pollock's period of service expired, my right hon. Friend chose another person; but Sir George Pollock was not removed, and really it would be very unfair to him to record a removal which, in point of fact, never took place.

CAPTAIN LEICESTER VERNON said, he had no wish, after the explanations which had been given, to insist on the word removal. With respect to the letters, it was sufficient for him, as a British Officer and a Member of the House of Commons, to say that they fell into his hands, and he was willing to undertake the whole responsibility of using them. But, of course, if there were no other correspondence than that which he had read he had nothing to ask for, and his Motion fell to the ground.

Motion, by leave, *withdrawn*.

WEIGHTS AND MEASURES.

LEAVE.

MR. LLOYD DAVIES said, he rose to submit to the House the necessity for legislation to prevent the gross inequalities in the Weights and Measures of the United Kingdom. Parliament had intended to

make the use of weights and measures uniform, but the Act had been inoperative in consequence of a proviso in one of the clauses. The 6th clause in the 5 & 6 *Will. IV.* abolished the use of all local and customary measures, but the intention of the Act was defeated by the following proviso:—

“Provided always that nothing herein contained shall prevent the sale of any articles in any vessel, where such vessel is not represented as containing any amount of Imperial measure, or of any fixed, local, or customary measure heretofore in use.”

The result was that at Bedford wheat was sold at 62 lb. to the bushel; at Chester, 75 lb.; at Launceston, 62 lb.; at Truro, 140 lb.; at Hereford, 60 lb. or 80 lb. This difference, which was equal to 20s. a quarter between the North Riding and Hereford, made it impossible to depend upon the corn averages. He trusted that the Government would bring in a Bill to render the law operative, and make it compulsory to sell by the Imperial measure, and no other, since it was difficult, if not impossible, for a private Member to pass such a measure. He would suggest that grand advantages would result from buying and selling all dry goods by weight, and adopting 10 lbs. as the stone, making ten stones or 100 lbs. the hundredweight, and twenty hundredweight the ton, as at present. A great deal of discussion had taken place on the decimal coinage, but the simple adoption of 10 lbs. for the stone and 100 lbs. for the hundredweight would be easily carried out, and would do much to accustom the public to the advantages of decimal calculation. The hon. Member concluded by moving for leave to bring in a Bill to amend the law relating to weights and measures.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that every hon. Gentleman present must concur in the observations of the hon. Member as to the desirableness of uniformity of weights and measures. It was one of those maxims easily laid down, and which, when laid down, commanded universal assent. But unfortunately the Legislature upon this matter often experienced its powerlessness in contending with the inveterate habits of different localities. There was hardly any spot in the rural districts that had not its own peculiar habits in buying and selling. Each locality perfectly understood its own customs, and they did not lead between persons accustomed to them to uncertainty

and difficulty. When the Legislature attempted to enforce one universal system of weights and measures it was met by the passive resistance of persons habituated to their own weights and measures. That had been the reception of the imperial bushel and quarter. In many parts the imperial measures were used simply, in other districts other measures were used in combination with the imperial measure. It might be suggested, indeed, whether in selling corn it would not be better, on the whole, altogether to discard measurement, and, instead of selling by the bushel or the quarter to sell corn by weight. But then it must be remembered that the averages of the Tithe Commutation Act depended on the quarter, and that if the bushel and the quarter were discarded it would be necessary to reform their legislation in this and other respects. The decimal system was introduced at the French revolution. The introduction of those decimal weights and measures was a matter of slow progress in France, and even now was not universally established in all parts of the country. It was, however, a matter well worthy of attention, and he might remind the hon. Gentleman (Mr. Lloyd Davies) that the decimal coinage was now under the consideration of a Commission. When he (the Chancellor of the Exchequer) received the Bill of the hon. Gentleman he could assure him it should receive his attentive consideration.

MR. ADDERLEY said, that from first to last a great deal had been attempted but nothing material had ever been done in reference to the subject of weights and measures. A Committee sat on the question in 1790, and three others subsequently; Acts were passed upon the subject in 1824, 1826, and 1835; but the last-named Act had not only a loop-hole in it so large that a coach-and-six might be driven through it, but it contained an unfortunate *proviso* which rendered the whole legislation upon the matter perfectly valueless. The Chancellor of the Exchequer said that certain localities in the country had their own peculiar kinds of weights and measures. That was not only so, but even in particular localities the variety of weights and measures and the difference in the customs of the people were so marked as to occasion a degree of confusion exceedingly detrimental to the trade of the country. While all that variety existed on the subject it was clearly the interest of the trading community at large to act on a prin-

The Chancellor of the Exchequer

ciple of complete unison. His own constituents felt the present system so detrimental to their interests that a short time ago they urged him to undertake some legislation on the subject, and he fully intended to have made an attempt early in the present Session; but, on seeing that the hon. Member for the Cardigan district (Mr. Lloyd Davies) had a Motion on the paper, he (Mr. Adderley) left the matter for the present in his hands. The hon. Member had now brought the subject before the House, and he (Mr. Adderley) hoped he would not relax in his efforts to carry his measure in spite of the poor encouragement he had received from the Chancellor of the Exchequer. All that was wanted was, that a stone, pound, bushel, yard, or foot, should be the same, and should be a fixed quantity in all parts of the country. After all, it was not so large a measure as the Chancellor of the Exchequer supposed, and he thought the hon. Member himself (Mr. Lloyd Davies) rather travelled out of the record when he sought to mix it up with the question of the decimal coinage. What he (Mr. Adderley) understood to be wanted was a far simpler thing,—namely, that the standards of weights and measures and the lineal standards in this country should be laid down by law, and should be intelligible to everybody and imperatively uniform. Besides the short-comings of the existing law, the penalties imposed by it were such that they were seldom or never likely to be enforced, and, indeed, there was no adequate machinery for enforcing them; so that practically the law was almost inoperative. However simple the proposal of the hon. Member (Mr. Lloyd Davies) was, it was nevertheless one which could only stand a fair chance of being carried with the assistance of the Government, and he (Mr. Adderley) trusted it would meet with their best consideration.

MR. M'CANN said, that the proposition before the House was not capable of being carried so easily as the hon. Member (Mr. Adderley) seemed to think. The greatest diversity of practice prevailed throughout the kingdom in reference to weights and measures. It was difficult to wean people from old customs. In London, for example, corn of all kinds was sold by measure, while in Liverpool everything was sold by weight. If it could be arranged that all dry goods should be sold by weight all over the kingdom, and all liquids by measure, the thing desired would be very easy of accomplishment and intelligible to every

person. It was not worth while to make a change here and a change there unless a grand change was made all over the country, and that, in his opinion, should be the introduction of one uniform decimal system.

Mr. LLOYD DAVIES in reply, said, he hoped the Chancellor of the Exchequer would introduce a measure making it imperative to sell corn by weight. If the right hon. Gentleman would not do so he should bring a proposition before the House to carry out that object.

Mr. ROEBUCK said, the question now before the House was not whether corn should be sold by weight or by measure, but whether there ought not to be a uniformity of measures. The Legislature ought to get rid of irregularity in weights and measures, but it ought not to command people to do a thing in a certain way when they were the best judges of how it ought to be done.

Mr. BASS said, that at present he did not know the meaning and real value of the various measures employed within twelve miles of his own manufactory. He thought this was a state of things disgraceful to us as a commercial community, and that means should be adopted to secure uniformity. He doubted whether any Gentleman there could tell the precise amount of a sack of wheat in England, a barrel of wheat in Ireland, and a boll of wheat in Scotland. This was not a state of things which should continue, and he regretted that the Government were not disposed to take up the subject. He doubted the principle of making corn saleable otherwise than by measure, as that practice was adopted in the greatest corn market in the world—London.

Mr. MICHELL observed, that poor people, who bought wheat by measure, were liable to be cheated by the farmers.

Leave given.

Bill—to amend so much of the Act of the 5th & 6th years of William the Fourth as relates to Weights and Measures throughout England and Wales—*ordered* to be brought in by Mr. LLOYD DAVIES and Mr. ADDERLEY.

MOLDAVIA AND WALLACHIA.

MOTION FOR PAPERS.

LORD CLAUD HAMILTON moved that an Address be presented for a Copy of the Treaty concluded by his Majesty the Emperor of Austria with the Sublime Porte, on the 14th day of June, 1854, relative to

the military occupation of the Principalities of Moldavia and Wallachia. He said that his object in making this Motion was to call the attention of the Government to the fact that no treaties, however important they might be, and however they might affect the interests of Great Britain, appeared in the volume of *State Papers* published every year, except those to which Her Majesty's name was attached as one of the high contracting Powers. Copies of other treaties could only be obtained by the cumbrous process of a Motion for an Address. He had selected this treaty because it was one still in operation, and because Her Majesty's Government was, to a certain extent, a party to it, inasmuch as a distinct allusion to it was made in the second article of the treaty signed at Vienna in 1854. The Principalities at the present moment occupied the attention of a Commission; their form of government was a subject of discussion, and so strong was the difference of opinion which prevailed on this point that he had read but to-day, in a letter from one of those intelligent correspondents whose letters appeared in the London journals, that Austria was said to be prepared to resist by force the junction of the Principalities. All these things rendered it desirable that this treaty should be readily accessible in the library of the House, as the course of events would probably lead to frequent references to it.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of the Treaty concluded by His Majesty the Emperor of Austria with the Sublime Porte, on the 14th day of June, 1854, relative to the military occupation of the principalities of Moldavia and Wallachia."

VISCOUNT PALMERSTON observed, that the particular treaty referred to had already been laid before Parliament, and it would only be putting the public to additional expense to reprint it. With regard to the general question raised by the noble Lord, it was undoubtedly proper that Parliament should be made acquainted with all treaties containing engagements on the part of the British Crown; but with regard to engagements entered into by other Powers between themselves the Government had no official knowledge, and such treaties were not laid before Parliament because they did not bear on any action of the British nation. But if any particular treaty were concluded between

two foreign Powers, which by its nature was thought to bear in some degree on the policy of England, then, if any Member moved for its production, the Secretary of State applied to the contracting Powers for an official copy, which was laid before Parliament. He apprehended that the noble Lord desired some arrangements to be made by which all international documents of interest should be collected and placed in the library. That might be done, no doubt, if Parliament desired it, and assigned a sufficient remuneration to some responsible person for performing the duty; but it was a question for the House itself to determine. Under the direction of the Foreign Office there was a particular collection made and printed for sale, containing not only treaties, but all European documents of interest. There was a volume of these for each year. This work was undertaken some years ago, and was continued backwards and forwards from the period of its commencement and a large number of volumes had been published. It was a work of great labour and required great research, the documents being collected from every source. The work was in the hands of a very intelligent gentleman, and, as far as it went, he believed it might be relied on for perfect accuracy. He had only to repeat that if the House wished to have a collection of its own of treaties and documents of international interest, that was a matter which the House itself must determine.

MR. DISRAELI said, that in the library of the House there was a great want of documents of international interest, but he was sure the noble Lord, in making his Motion, meant no reflection on the gentleman engaged in the duties of the library, for he did not think that there was any library managed better than the library of the House. What had fallen from the noble Lord at the head of the Government was apart from the question. The collection of the Foreign Office was in every respect satisfactory, except that it was always in a state of great arrear. Now, instead of the House appointing an officer of its own at some expense to originate a work, if a representation were made to the Foreign Office to show a little more energy in the production of their valuable collection, and if that office were to transmit a copy of each of its publications to their library (paying whatever additional remuneration might be just to the officer engaged), the object of the noble Lord

who made the present Motion would be accomplished.

Motion, by leave, *withdrawn*.

THE COMMITTEE ON THE BANK ACTS. NOMINATION OF COMMITTEE.

THE CHANCELLOR OF THE EXCHEQUER rose to move the nomination of the Committee on the Bank Acts. The right hon. Gentleman said, I will trouble the House with a few remarks relating to the nature of the Committee I propose to appoint, namely, a Committee of Secrecy. The actual difference between an ordinary Committee and a Committee of Secrecy is not, in fact, very wide. It is competent for a Select Committee—and it often exercises the power—to exclude the public during the reception of evidence. All Select Committees exclude the public during their deliberations, which constitute the only part of their proceedings of which an authentic report by a shorthand writer is not preserved. To a Committee of the sort I now propose it is not probable that the public would be admitted during the examination of witnesses; but a complete report of the evidence would be taken, and the Committee would have the power of laying it on the table of the House. The only difference between a Select Committee, not admitting the public during the examination of witnesses, and a Committee of Secrecy is this—that it is the privilege of Members not belonging to the Committee to be present at an ordinary Select Committee, if they so think fit, while the public are excluded. But, if the Committee be a Committee of Secrecy, then Members unconnected with the Committee have not that privilege. That is the whole extent of the difference. In looking through the series of Committees appointed to inquire into the Bank Charter and other questions of a similar nature, I find it to have been the invariable practice to constitute them Committees of Secrecy. In 1819, the Committee on the expediency of the Bank resuming cash payments was a Secret Committee. In 1832, a Secret Committee was appointed to inquire into the expediency of renewing the Bank Charter. In 1836, the Committee on Joint-stock Banks was also secret, and the Committee on banks of issue, in 1840, and that on commercial distress, in 1848, were likewise Committees of Secrecy. With respect to the arrangements between the Government and the Bank of England there is nothing which, as far as I am

aware, might not be published to the whole world, and, as far as Government is concerned, there is no reason to wish that any departure should take place from the usual mode of examination in Committee. But the House must be aware that, in a Committee of this sort, questions may arise affecting the credit of particular commercial establishments, with respect to which it might not be desirable that any publicity should occur; and that, I apprehend, is the principal reason why this course has been invariably pursued with respect to Committees of this kind. Therefore, I have thought it desirable to adhere to what seems to have been the invariable practice, and I propose that this should be a Committee of Secrecy. With respect to the Members of the Committee, it has been my study to propose as fair a list of names as possible, and one which would insure a complete and searching investigation of the matter referred to the Committee. I think the House will admit that there are scarcely any discussions so disagreeable to the feelings as those which arise with respect to the preference of one Member to another for appointment on a Committee, and if the House should be of opinion that, on the whole, the list I propose is a fair one, I trust that, without going into the merits of other Members, it will be disposed to adopt the list I submit. Two Gentlemen—the hon. Members for Wallingford and Perthshire (Mr. Malins and Mr. Stirling)—have intimated their inability to serve on the Committee, and I shall therefore give notice of a Motion to substitute two other names instead of theirs. The right hon. Gentleman concluded by moving—

“That the Committee be a Committee of Secrecy, and do consist of twenty-two Members—namely, the Chancellor of the Exchequer, Mr. Disraeli, Sir J. Graham, Mr. Spooner, Mr. Gladstone, Mr. G. A. Hamilton, Mr. Cardwell, Mr. Wilson, Mr. Hildyard, Mr. Glyn, Mr. Beckett, Mr. Hankey, Mr. Pollard-Urquhart, Mr. J. L. Ricardo, Sir C. Wood, Mr. Cayley, Sir F. Baring, Mr. M. T. Smith, Mr. Wilkinson, and Mr. Fergus.”

MR. PEACOCKE said, he protested against the fairness of the proposed Committee. There were opinions upon this subject entertained by two schools, if he might call them so, which were diametrically opposed to each other. There was the school which wished to preserve the Bank Act in its present integrity, and which had on its side the high authority of Lord Overstone. There was the school which wished to in-

roduce considerable modifications in the Act, and which had on its side the still higher authority of Mr. Fullerton, Mr. Tooke, and Mr. Wilson. The last-mentioned gentleman, indeed, had almost deluged the country with the variety of pamphlets, articles, and publications, which he had issued on this subject during the last fourteen years. On looking at the names that composed the Committee, he (Mr. Peacocke) found one or two members of what he might call the Birmingham school, and he found one or two of what he might call the Overstone school. He found the names of some Members who, he believed, had never expressed any opinion on this subject, if, indeed, they entertained any. But he did not find a single member of what he might call the school of economists, which had the very high authority of Messrs. Tooke, Fullerton, and Wilson. He listened to a great portion of the not very lively or instructive debate on this subject the other evening, and of the portion which he had not the felicity of hearing he read a report the next day. He found that during the whole of the debate there was only one hon. Gentleman who broached doctrines at all approaching to that school. That hon. Gentleman, who was the hon. Member for the Wick Burghs (Mr. Laing), spoke most ably, but his name was not on the Committee. Perhaps, however, he (Mr. Peacocke) might be told, as he had been reminded by his right hon. Friend the Member for Buckinghamshire, that the name of the hon. Member for Westbury (Mr. James Wilson) was upon the Committee; but he must take the liberty of asking whether he was a Wilsonite, for he was probably no more a Wilsonite than Wilkes was a Wilkite. He (Mr. Peacocke) was rather inclined to believe that the hon. Member for Westbury was inclined, like Wilkes, to repudiate his disciples, and he therefore begged to ask whether it was really his intention to take his place upon the Committee; and, if he should do so, whether he would do so as the author of *Capital and Currency*, or as the Secretary for the Treasury; because, with the single exception of the hon. Gentleman himself, there was no representative of the school of which he was once the apostle, but of which he (Mr. Peacocke) believed he was no longer a disciple. If there was one question more than another to which the attention of the Committee ought to be directed it was that of country issues. On looking over the

debate of the other evening he found that that subject was alluded to by only one Gentleman—namely, his hon. Friend the Member for Inverness-shire (Mr. H. J. Baillie). But that hon. Gentleman's name was not on the Committee. There was another most important point. He believed that it was a very general opinion that it was the intention of the Bank Act that the bullion in the issue department should be exclusively for the purpose of securing the convertibility of the note, and that the holder of a bank-note should have a special lien upon it. Now, if the Bank should break, was the holder of such a note to be paid *pari passu* with every other creditor? That, the Chancellor of the Exchequer must admit, was a very important question for the consideration of the Committee, but not one of those hon. Gentlemen whose names had been proposed had alluded to it. And yet he (Mr. Peacocke) was told that this was a fair and impartial Committee for the purposes of inquiry. He declined to propose any alteration of it. He thought that the play was amusing as it stood, and he did not wish to interfere with the performance or the distribution of the parts in this most solemn comedy.

MR. DISRAELI said, he begged to repeat the appeal which he made the other evening to the Government, that they should introduce a Bill at once, without the intervention of a Committee, as he thought that all the information that might be needed could be furnished during the discussion of the Bill in its several stages in that House. The Government had matured their opinion on the subject, and he thought it was most unadvisable to appoint a Committee to investigate a subject with respect to which the Government was prepared to undertake, on its own responsibility, the introduction of a Bill. He (Mr. Disraeli) was not disposed to divide the House upon the appointment of a Committee unless he should receive more encouragement than he then anticipated. But there was another point which was scarcely less important which he would urge upon the Government, and that was, the expediency of not only changing the names, but reducing the size of the Committee, which was unwieldy. All the opinions that ought to be represented, might be represented by a Committee exactly half the size. Why not have a Committee of eleven, as they chose elevens at cricket?

THE CHANCELLOR OF THE EXCHEQUER said, it appeared to be the general

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wish of the House that a Select Committee should be appointed on this subject; and, although he thought there was no necessity for one, yet he would yield to that desire. Even if he had determined to introduce a Bill in the first instance, he believed that the majority of the House would have referred it to a Select Committee. There was a general desire, both within the House and out of doors, that the subject should undergo investigation before a Committee. On referring to former Committees upon this subject, he found that they were generally composed of twenty-six or twenty-eight. The last Committee was composed of twenty-six. In proposing, therefore, a Committee of twenty-two, he did not choose an unreasonable number. The many applications which had been made to him by hon. Members desirous of being appointed on the Committee induced him to believe that it was the general wish that the Committee should be composed of at least twenty-two Members.

MR. HADFIELD complained of the absence from the list of every hon. Gentleman representing the manufacturing districts in the north of England.

MR. TITE expressed his approval of an inquiry by a Select Committee as a preliminary step to the introduction of a Bill.

Then it was *Ordered*, That the Committee be a Committee of Secrecy, and do consist of twenty-two Members:—Committee *nominated*:—The CHANCELLOR of the EXCHEQUER, Mr. DISRAELI, Sir JAMES GRAHAM, Mr. SPOONER, Mr. GLADSTONE, Mr. GEORGE ALEXANDER HAMILTON, Mr. CARDWELL, Mr. WILSON, Mr. HILDYARD, Mr. GLYN, Mr. BECKETT, Mr. HANKEY.

Motion made, and Question proposed, "That Mr. POLLARD-URQUHART be one other Member of the said Committee."

MR. GROGAN proposed the substitution of Mr. Vance's name for that of Mr. Urquhart, on the ground that the latter represented an agricultural, while the former represented a mercantile constituency.

Amendment proposed, to leave out the name of "Mr. POLLARD-URQUHART," and insert the name of "Mr. VANCE," instead thereof.

Question proposed, "That the name of 'Mr. POLLARD-URQUHART' stand part of the Question."

After a few words from Mr. NEWDEGATE, THE CHANCELLOR OF THE EXCHEQUER thought that it was not the first time that the hon. Gentleman had made a

Motion of a similar nature with respect to his colleague; and he also thought that his colleague had made a similar Motion with regard to himself. He himself would adhere to the names which he had set down, and, as among those names were the names of the hon. Member for the University of Dublin, an accomplished financier, and of the hon. Member for Westmeath, who had on previous occasions exhibited considerable acquaintance with the subject, he did not think that Irish commercial interests were not fairly represented.

MR. VANCE disclaimed any intention of placing himself in antagonism with the hon. Member for Westmeath, but at the same time he begged, in reply to the Chancellor of the Exchequer, to state that he had never proposed his colleague to serve on any Committee, and he hoped that his hon. Colleague would now withdraw his Motion.

Amendment, by leave, *withdrawn*.

Question, "That Mr. POLLARD-URQUHART be one other Member of the said Committee," put, and *agreed to*.

MR. JOHN LEWIS RICARDO, SIR CHARLES WOOD, MR. CAYLEY, SIR FRANCIS BARING, MR. MARTIN TUCKER SMITH, MR. WILKINSON, and MR. FERGUS, nominated other Members of the said Committee:—Power to send for persons, papers, and records. Five to be the quorum.

The House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Friday, February 13, 1857.

MINUTE.] PUBLIC BILL.—1^a Property of Married Women.

INCUMBERED ESTATES COURT (IRELAND)—QUESTION. MOTION FOR RETURNS.

THE MARQUESS OF CLANRICARDE said, that the question, of which he had given notice, was one which affected the whole landed property in Ireland. The observations which he had then to address to the House would be brief, but he reserved the power of bringing the matter again before their Lordships, if he did not receive a satisfactory answer. He hoped, however, that that would not be the case, and that he might receive an assurance that some arrangement would be completed. He might, perhaps, be told, that

the answer given by the Lord Chancellor on a previous evening to Lord Belper had imparted all the necessary information on the subject. But their Lordships would recollect, that the reply of the noble and learned Lord had reference only to the filling up the vacancy in the Court, caused by the retirement of Baron Richards. Now that was but a small part of the matter. In July, 1855, he (the Marquess of Clanricarde) had put a question on this subject, and had received for answer that it was under consideration in all its bearings, and that a Committee would be appointed, previous to bringing a Bill before Parliament. Last year a Committee of the House of Commons was appointed, which collected a great mass of evidence, and what was its first recommendation? The first three paragraphs of its Report recommended that the system of conferring indefeasible titles should be perpetuated, that it should be extended to unincumbered estates, and that a tribunal should be established in Ireland for the purpose of conferring indefeasible titles on such estates as on examination might be found to deserve it. There had, therefore, been a full consideration of the subject, and what reason could there be for delay in acting in reference to it? The delay which had taken place in the matter had been highly injurious, and the grievances which landed property in Ireland suffered from this state of things were great. Those grievances did not arise from the owners of that property; they arose from that House, which had the remedy in its own hands. Three Commissioners had been at first appointed, after which it was proposed to limit the number to two; yet from the evidence collected by the Committee it would be seen that the business of the Court had overgrown the constituted machinery of the Court. Large sums still remained to be disposed of; and the opinion of the Commissioners with regard to the machinery was, that it would take, practically, three years to close the business which they had in hand. Instead of reconstructing the Court, or of transferring the business to another Court, the only steps taken by the Government were to reduce the staff of the original one. He could not understand on what principle the Government did this. Considering the vast amount of property and the vast number of suitors, this would inflict a grievous wrong. There were above 300 abstracts of titles in the office of the late Chief Commissioner which

had never been opened. In the sales which had actually taken place, the money had been lodged in Court, but was undistributed, and still remained in the Court. He knew one case of a sale completed in November last; the money was still in Court, and the proprietor was paying 6 per cent interest to the creditors. Last year, when the Court was in full force, there was not less than £500,000 lying for distribution in the Court, while the owners were, of course, paying 6 per cent to the creditors. The Court was not working as it ought to do for the benefit of the country; and he defied contradiction, when he said, that at that moment the Incumbered Estates Court had increased the number of incumbered estates in Ireland. It was a notorious fact, that people intending to procure a better title than the original owner could show, borrowed money, in order to effect purchases through the Court, and that thus in some cases the estates became more heavily mortgaged than they were before the sale. There was no excuse for continuing the exceptional tribunal. If it was to be continued, there ought not to be the delay of a single day in bringing in a Bill for the purpose of granting indefeasible titles to all property in Ireland. It was notorious that estates had been incumbered for the very purpose of bringing them under the operation of the Court, and thus obtaining the more advantageous title. There were at present the two chief law officers of the Crown in Ireland, who were perfectly competent to undertake such a Bill. It should be considered how the matter affected other persons. The titles given by the Court enabled the proprietors of estates readily to raise money, while other estates had to go to considerable expense for that purpose. But was it just and equitable that a man who chose to call his estate incumbered should get an indefeasible title, while another man was denied any such privilege unless he sued as it were *in formâ pauperis*. This opened the great question of the registration of loans. There was another case to which the Government ought to pay attention, and especially his right hon. Friend the Chancellor of the Exchequer. Ordinary estates on their transfer had the expense of stamps to bear, but property which passed through the Court was exempt from all such charges. It was a practical fraud on the public revenue. This exemption was utterly monstrous. It made

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the dealing with these estates particularly agreeable to attorneys and solicitors, who had not to pay the cost of stamps out of their pockets. Trustees and surveyors ran up bills, trusting to the chances of getting the money when the purchase was completed. Every Court to which arbitrary powers were entrusted ought to be above suspicion, but this Court was not above suspicion. Its locality ought to be changed, its practice ought to be thrown open to all solicitors, and the Court ought to be made accessible, not only to the public at large, but also to the legal public. At present the public were admitted to the ordinary proceedings, but not to those who were to be brought before the Judges. It was reported that the Chief Secretary for Ireland intended to ask Parliament for £30,000 for the expense of erecting new Courts. Now, the Court was only to last by law till 1858, and yet it was intended to ask for this large Vote of money. He entreated their Lordships to proceed to immediate legislation. The Courts were not working in the manner in which they were intended to work, and required immediate attention. He would ask his noble Friend the question of which he had given notice, namely, What was the intention of the Government respecting the Incumbered Estates Court in Ireland? and would also move for a Return of the number of Abstracts of Title in the office of the late Chief Commissioner of the Incumbered Estates Court in Ireland not investigated at the time of the retirement from that office of the learned Baron; and of the number of cases in which estates had been sold, but the proceeds of the sale not distributed at the same date; also, for a Copy of a recent Correspondence between the Commissioners and Her Majesty's Government upon the state of business in their Court.

THE LORD CHANCELLOR said, that with regard to that part of the question which related to the immediate filling up of the place of the late Chief Commissioner, he would state, that the evil would be remedied at once, and the vacancy filled up. It had been intimated to the Government during the course of last year, that two Commissioners would be sufficient to perform all the duties of the Court; but that was now found to be impossible. The place, therefore, of Baron Richards would be immediately supplied. With regard to the other matters, as to the permanency of

the Court, he himself (the Lord Chancellor) had said some years ago, that the Court, with some modification, ought to be permanent. The Government then issued a Commission to report whether the power ought to be entrusted to an independent Court, or whether it ought to be given to a Court connected with Chancery. The Commission suggested, that the Court should be connected with the Court of Chancery, and a Bill framed on the recommendations of the Commission had been introduced into the House of Commons, and had been referred to a Select Committee; but ultimately it had not been adopted. Since then, a Commission had further inquired what ought to be done. It was not a creditable sort of legislation to give Parliamentary titles to owners of incumbered estates, so that that should be a better title to them than to unincumbered estates. The Government had introduced a measure of remedy then, but it was not successful in the other House of Parliament. Measures were now under consideration. What might be the solution of this most difficult subject, he was not prepared to say, but that steps would be taken, was all the answer he could give at present to the noble Marquess.

Motion agreed to.

PROPERTY OF MARRIED WOMEN.
BILL PRESENTED. FIRST READING.

LORD BROUGHAM*: In rising to address your Lordships upon the subject of which I have given notice, I cannot abstain from referring in the outset, to a most important event that has happened since I last had the honour of appearing among you—an event on which I would fain express my gratification if it were not unspeakable—I mean the Resolution come to by the other House, and which I have a right to know from its votes, come to with a rare unanimity, and with a degree of enthusiasm which no votes can record, in favour of at length establishing a great Department of Public Justice. Your Lordships are aware how often I have pressed this upon your attention, year after year, in every form—by Motion, by Amendment, by Resolution, by suggestion, down to the last time, a few hours ago, that I addressed you; and how constantly it has happened that from various points of view the same necessity has been perceived, that from measures in so many quarters the road has always led to the same point,

when we would amend the Law or supply its defects, that point being a Minister of Justice; and now the Commons, to their signal honour, have announced their conviction of this necessity, and embodied their opinion in a Resolution affirming it without a dissenting voice. They wisely follow the opinion of the illustrious men who have gone before us, pondering upon it, when they traverse their vestibule, and walk among the sculptured forms of the Bacons, the Seldens, the Hardwickes. They have remembered the advice of the great orator to his Attic countrymen, that they should not gaze on the statues of their ancestors with a bootless wonder at the skill of the artist, but with a useful resolve to imitate the virtues of his subject. So the Commons have pursued the course which the wisest of those whom I have named powerfully recommended. And truly, my Lords, as there now seems every reason to believe that we shall at length possess the inestimable advantage of having this great officer to superintend the reformation of our laws, I might almost abandon the Motion of which I had given notice, and leave the subject in his hands. A noble and learned Friend (Lord Lyndhurst) more than once, with good humoured reference to diplomatic proceedings, and with his wonted kindness towards myself, has answered my calls for the appointment of such a Minister by saying, that until his arrival I have performed the duties of *chargé d'affaires*.—[LORD CAMPBELL: My noble and learned Friend will, it is to be supposed, be himself the Minister.] Heaven forbid! No earthly inducement could make me even dream of undertaking that or any other office of labour and responsibility, at my more than mature age. Indeed, I lately declined either to preside over the Charity Commission under one Government, or over the London University under another, with every feeling of deep interest in both these departments, in the foundation of which I had been so much concerned, and the administration of which would have been so light a burden. But infinitely more is the contemplated new office of Justice, with its labours, duties, and heavy responsibility, for me utterly and in every sense absolutely out of the question, in what way soever the department may be arranged, and the admitted difficulties in its formation be overcome. I fear me, then, that I must continue to act until the Minister's arrival as *chargé d'affaires*; and in this

capacity I have now to direct the attention of your Lordships towards the important subject of my notice, the grievances of married women, especially in respect of their rights of property and its administration.

It may be in the recollection of your Lordships that I last Session presented a petition, with which I had the honour to be intrusted, from two thousand and upwards of our fellow countrywomen of all classes; some supporting themselves by the wages of their daily labour; some having property bestowed upon them by the kindness of friends, or the testamentary bounty of persons deceased; others earning gains to a considerable, even to a large amount by their industry and their talents, not a few even by their genius in letters and in the arts, as authoresses, as painters, and as sculptors; and the names of several of these adorned the list of signatures to the petition, while they gave weight to its prayer. Now it must be remembered that all such earnings, whether the gains of the ordinary labourer who toils for the daily, the scanty supply of her own and her children's wants, or the Linwoods whose needle rivals the pencil of the Kaufmans—and all such gains are only in name theirs of whose toil and whose skill they are the produce. All in reality belong by our law's decrees to the husband, all are vested in him by right, and he may at his own good pleasure vest them also in possession; nay never having in the least degree helped their production, he may without the delay, the respite of an instant, or one word of notice or warning, or even demand, seize upon the whole, sweep all away, and leave her who created the whole stript of them to the very last farthing. He may squander them upon his pleasures, lavish them on his paramour, employ them to support his spurious progeny, and there exists not the possibility of his being in any the very least degree either controlled or even called to account for the heartless cruelty of his robbery, or his profligate use of its fruits.

Such is the law of England, and of this law we complain. But I have the greater confidence in my prospect of obtaining the concurrence of this House in our views, because your Lordships and your connections are not those on whom its pressure weighs so heavily. In your fortunate position, with the protection which settlements and the interposition of trustees afford, the grievance is felt, but it is com-

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paratively slight; above all the worst part of the evil can hardly be felt in any way, for that refers to the earnings of labour and of skill, for the exertion of which for their support your wives are happily relieved. It is not upon the families of those whom I now address, or of persons generally in the upper ranks of society, but upon the middle classes and the humbler order of our fellow citizens that the evil falls, to crush their most deserving members, while it protects and even encourages the worst in their idleness or their profligacy. The instances which I have once and again given in this place, to show how certainly the fact corresponds to whatever might have been most confidently expected beforehand to follow from the state of the law, I need not now repeat; they were truly heart-rending, and I gladly spare your feelings with my own the pain of their rehearsal. An instance or two may suffice, and I select the least painful of purpose. My noble Friend opposite (the Marquess of Lansdowne) stated one of them in his place. It was that of an industrious and honest woman who had married a good-for-nothing husband; he deserted her and went to live with another. The wife took to the occupation of a ladies' shoemaker and earned a pittance for her own support: when the husband found that she was thriving by her successful labour he returned to her, but for the moment only; he seized the little fund she had scraped together, collected the money due from the customers, sold her furniture, and went back to his paramour, leaving her as helpless as before, except for the resources of her own industry.—Another case came to my own knowledge, at least I saw the party and took pains to inquire into the truth of the statement. Here the parties were of higher rank. A gentlewoman had been deserted by her husband, who went with another woman to Australia upon a speculation of a mining kind. The wife, a well-educated person, most meritoriously took to school keeping for her support rather than throw herself upon the bounty of her relations; she was eminently successful in forming an establishment, and had been able to lay by some portion of her gains. The husband's speculation proved unsuccessful, and he could barely find the means of returning home. Home he came, and at once rushed upon the mine which his wife's labour, prudence, and accomplishments had created; seized the whole, collected the debts due, sold

the furniture and the lease of the premises, and returned to enjoy the fruits of her toil, if enjoyment, such a thing in such circumstances, can be called—but his perverted taste might so feel it—at any rate he returned to squander the proceeds of his spoliation upon his mistress.

I freely admit, however, that though the recital of such outrages upon all right feelings as upon common honesty be serviceable by way of example, in showing what the state of the law may lead to, yet they may possibly be treated as exceptions, as extreme cases, and it may be alleged that in the great number of married persons, some such instances of profligacy are likely to occur, and may be deemed singular and only possible. I therefore go at once to what cannot fall within the scope of such an observation. I go to the manufacturing districts, from which our information is as precise as it is striking. From persons intimately acquainted with one of these resorts of labour, persons residing on the spot, we learn (and the case is the same with all the Lancashire country) the operation of the law upon the comfort and the morals of the working classes. You have only, it is said, to approach the premises of any of the manufacturers upon the Saturday night and observe the crowd of men that surround the door from whence issue the workwomen after receiving their week's wages at the pay-table; all who have husbands are seized by the hand, and with what in many instances proves anything rather than a soft violence, a gentle pressure, compelled to surrender their gains. In passing, I stop to remark that the scenes which have been represented as witnessed near the pay-room on these occasions, afford a sufficient answer to the objection raised against giving women the property in their earnings, from an apprehension that we should thus promote discord in the married pair; for those who have witnessed the struggles that so often take place in the immediate neighbourhood of the Lancashire pay-tables, affirm that there is little fear, indeed, of more discord being engendered by the law that should protect the honest industry of the woman from the combined fraud and violence of the idle or dissolute husband.

There were other instances given at a meeting on this subject held under the patronage of the Law Amendment Society, last summer; ill-health prevented my attendance, and my right hon. and

learned Friend Sir Lawrence Peel, who had undertaken to preside in my absence, was prevented by an accident; but there was no reason to lament certainly my absence, not even Sir L. Peel's, for the chair was filled most ably by my right hon. Friend Sir J. Pakington, the able and enlightened supporter of so many good measures of legal and social improvement. A more detailed statement was produced than those to which I have hitherto adverted, and it is also material, like the Lancashire case, as referring to an extensive and continued experience. A respectable manufacturer of an article, in producing which women are employed, Mr. Musgrave, of Mill Street, Berkeley Square, has for many years employed a great number of young persons, earning from 20s. to 30s. and as high as 40s. a week. But these wages, he says, have too often the effect of attracting husbands who are minded to lead an idle, and not rarely a dissolute life, upon the gains of their unfortunate partners. He gives this as the ordinary case, and describes in detail, by way of explaining the grievous operation of the law, ten instances taken from the whole which came within his knowledge. The trades and professions of the husbands are given in his list (for some I grieve to say are professional men), or rather the pretended trade and profession, for they scarcely work at all, and seizing upon the hardly earned gains of their wives often leave them destitute, and always let their children frequent the streets instead of profiting by the schools so generally to be found in the neighbourhood, but to attend which would require decent clothing, and that must come out of the mother's earnings, which the dissolute father appropriates to himself.

Now the question only can arise as to the remedy for an evil of which no one can deny the existence and the pressure; and here I would take leave to draw the distinction which I took the other day in describing to your Lordships the proceedings of the Mercantile Law Conference. You are not to be concluded in the choice of measures for amending the law by the suggestions, however unanimous, of the great mercantile bodies; but from their experience of the evil there is no appeal, because they are those whom the law was framed to protect, and their suffering under it amounts to a demonstration of its imperfections. So here—the classes who suffer under the marriage law may possibly

be wrong in the kind of alteration which they claim for their relief, but their universal and loud complaints are the irrefragible proof of their suffering and their grievance. The opinion most generally entertained by those who had well considered the subject, pointed to one, and certainly the most simple remedy. It was said at the general meeting to which I have referred, and the Law Amendment Society have adopted the principle as then laid down by my hon. and learned Friend Mr. Commissioner Hill, that as in case of intestacy the law makes a will for whoever dies without making one for himself, so where parties enter into the married state without a settlement, the law should vest the property, both before and after acquired, in the wife—of course, whenever the parties made, or contracted to make, a different arrangement that must be the governing rule, and equally of course provision must be made for securing the husband against his wife's debts contracted before marriage, as well as against those contracted during the coverture. In other words, it is proposed as one mode of altering the law for the wife's protection, that where there is no settlement, she is to have the rights as regards property of a *femme sole*. [A noble LORD: The children?] The children should, it was proposed, be maintained by both parties, the wife being equally liable with the husband when she had property of her own, either acquired before or after marriage. But this is not an untried law: it exists in the greater part of the United States. Originally the English law prevailed there universally; but for many years past it has been changed, as I have described, in the majority of the States, among others, in New York, Pennsylvania, the New England States; in a word, the North and Central States. It is found, according to the united testimony of both the ablest lawyers and others independent of the profession, to have answered perfectly; and they all deride the apprehension sometimes expressed that its tendency might be to increase the frequency of domestic quarrels. Indeed, they justly observe, that if such a fear was well-grounded, it must follow that quarrels between married persons would be promoted by the settlement, or the gift, of property to the wife's separate use, the ordinary case under our English system; and yet the general opinion is that discord is rather prevented than promoted by such arrangements.

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In France a different plan is pursued. It is a great mistake to suppose, as one often hears said, that the French law differs widely from our own touching the rights of married women. As regards these rights by law there is but little difference; but there is a very great advantage enjoyed by the wife as regards her remedy in the difference of the judicial procedure; and this leads me to the other course which your Lordships may take for the amendment of the law and the relief of the suffering class, should you not feel prepared to adopt what, upon the whole, I am inclined to consider as the most safe and effectual solution of the difficulty, giving the wife the property, notwithstanding coverture, where there is no settlement. Of that system we have the experience of America; of the other we have that of France. It consists in giving the wife access to the Judge not only in the suit for separation of property generally (*separation de biens*), as independent of separation of person (*separation de corps*), but an easier and more summary protection by what is termed *autorisation*. This is not an *ex parte* proceeding; the husband is cited, and heard if he thinks fit to oppose it; but it is expeditious and summary, and offers a most valuable remedy. Mr. Macqueen, in his admirable paper, gives a striking instance of its application, which will more clearly bring the matter to our knowledge than any general description. A washerwoman belonging to the hotel in which he lately lodged was married to a man who had deserted her. He was apparently an idle, dissipated person; and his creditors came upon the wife's earnings, claiming to be paid out of them. When wanted in the way of her business at the House, she was not to be found; and it turned out she had obtained leave of absence for half a day to attend a Court. Before night-fall she returned, having been before the Judge and obtained an order of *autorisation*, which at once effectually protected from the worthless husband's creditors, her money, probably in the hands of her employer the landlord of the hotel. Of that money those creditors could not touch one farthing. Had the case occurred in this country I need hardly remind your Lordships that the poor woman would have been without protection or relief; all her gains must have gone to the husband or his creditors. The contrast between the two systems on opposite sides of the Channel I

can illustrate by a case which was stated at the general meeting I have alluded to, by my hon. and learned Friend Sir Erskine Perry, to whose strenuous assistance this question owes the greatest obligations, especially to his learned and able Report as chairman of the committee of the Society, and who I hope may be induced to take up the subject in the other House, of which he is a distinguished Member. To his labours indeed in that Committee I am indebted for the details of the Bill which I am about to present this day. The case which he described, and which I give as illustrating the contrast of the French and English laws in practical application, was that of a milliner in Paris, whose professional talents had attracted the notice of an English lady, from whom the narrative proceeded, and had induced her to recommend that this Parisian acquaintance should come over and settle in London. She came accordingly, and established herself here; she proved successful, and for sometime carried on a flourishing business. The husband heard of her success, came suddenly over, pounced upon her earnings, sold her stock in trade, carried off the proceeds, collected the debts, and returned to Paris, leaving her to follow when she could find the means of conveyance—"Oh, Madam," said she on her departure, to her English friend, "how can you bear to live in such a country?" [A noble LORD: "So barbarous a country."] My noble Friend is quite right in his recollection. Those were the expressions, and I cannot deny their justice; for this country is, though not *simpliciter*, yet as the lawyers say, *secundum quid*, deserving to be called barbarous.

I feel it unnecessary to trespass farther upon the House by entering into the arguments to which the Resolutions of the Bill that I am about to propose may give rise. Ample opportunity will be afforded for discussing these in the further stages of the measure. At present I shall content myself with moving three Resolutions before presenting the Bill. These will contain the principle of the measure—First, affirming that the state of the law on this important subject imperiously demands alteration, a proposition not admitting of any doubt. Secondly, that the new rule should be to place the married woman, where there is no settlement, in the position of *femme sole* with regard to property; and on this a difference of opinion may be ex-

pected to exist. Thirdly, until that improvement of the law can be effected, to give the wife protection for her property against the exercise of the husband's strict rights by the interposition of a court to which her access is rendered easy, and from which a speedy aid may be obtained.

I am well aware, my Lords, that the change in our law which I now venture to propound, may be deemed by many too extensive and too sudden; and some there doubtless are who will seek to discourage the friends of this measure with the prediction that it cannot be entertained, and never will be sanctioned by the Legislature. But I have too often met with such discouraging admonitions, such gloomy forebodings, to be cast down by them. I derive the greatest comfort now, as on so many former occasions, from the counsels and the achievements of those who have gone before us—from the counsels of the Cokes and the Bacons, and emphatically from that most consolatory saying of one of these illustrious men, that no good proposal for amending the law ever was made in vain, because how hopeless soever of acceptance it might at first seem to be, yet in the end it was sure to produce good fruits. But we have facts and deeds in our own day to encourage us, as well as words of good import from those of other times.—How well do many of us remember the history of the sacred war so long waged with the greatest practical evil in the annals of our race, as it was justly termed by Mr. Pitt, the African Slave Trade! When Clarkson had dragged this infernal traffic before the public view, and Wilberforce had immortalised his name by bringing it to condemnation amidst the universal execration of mankind, all at once the horrors of West Indian insurrection, and the alarms of revolution in Europe, so entirely abated the prevalent feeling, if not changed the general opinion, that for many long years, the cause of abolition was, by all but the most sanguine of philanthropists, regarded as hopeless, and its prospects of success as a thing out of date, gone by. Then came the Government of my noble Friend opposite (the Marquess of Lansdowne), and his colleagues, the Foxes, the Grenvilles, the Greys, the Hollands; and the traffic was by Act of Parliament declared unlawful, and forbidden. A few years after, it having been found that pecuniary penalties were ineffectual to the destruction of so gainful a traffic, I had

the unspeakable satisfaction of obtaining your consent to the Bill, which treated it no longer as a trade but a crime, giving it the name of felony and denouncing against its perpetrator the punishment of a felon. This Bill passed without a dissentient voice through all its stages; and but a few years before, the traffic was regarded as not only an innocent, but a most meritorious, because most gainful, branch of British commerce. But no measure could as yet be attempted for the extinction of slavery, even by those most hostile to the traffic. Mr. Stephen, however, toiled for years to put that down also; and though he lived not to see the fruits of his pious labours matured, Heaven be praised, by acts both of the Imperial and Colonial Legislatures, slavery soon ceased to pollute the soil of the British dominions—a consummation deemed impossible for full twenty years after the first abolition. In later times, and in other respects, we find the like grounds of hope for the zealous and untiring amenders of the law. It is impossible to pronounce the name, the beloved and revered name of Romilly, without deeply lamenting that he was not spared to witness the successful issue of his efforts to improve our jurisprudence; but also it is impossible to forget how very inconsiderable were the measures to which he wisely confined his first attempts, and how hopeless his plans of reforms were, when such very moderate proposals were received with a storm of reprobation that seemed to shut out all hope of any change, any improvement being effected. His first proposition was nothing more violent than compelling all men to do what every honest man does—pay his debts out of his freehold estates; debts probably contracted for the sums with which those estates had been purchased, in order to be left to his heir, without a farthing being paid to the men whose money had been so employed. This proposal was met with the cry raised expressly for the purpose of extinguishing it, the cry of the wisdom of our ancestors—a wisdom it should seem not much associated with honesty: and my noble Friend opposite (the Marquess of Lansdowne) may recollect that no less an authority than Sir W. Grant lent his countenance to the senseless clamour, when my noble Friend distinguished himself by undertaking the adventurous office of answering that truly great speaker. Again, when in attempting to amend the Criminal Law, and ex-

cept from its infliction of capital punishment certain very trifling offences, the illustrious lawyer, whom I have named, wholly failed to prevent death being inflicted upon the offence of stealing five shillings in a dwelling. Could anything wear a more discouraging aspect than the often-repeated failure of such attempts to take some very small step in advance of the age; and who could then have believed that within less than a single generation after Romilly's plan had been taken up by Sir J. Mackintosh and the Government had come into the hands of Lord Melbourne and Lord J. Russell, we should have lived to see not only those Bills of Romilly carried without the least opposition, but all capital punishment abolished except for three peculiar offences, and the English law become the model of humanity and mercy, which in his time had been justly likened to the laws of Draco, written in blood! It is a fit study for the Legislature as well as for the unshrinking friends of legal improvement, to mark how many of the great English reformer's plans, once deemed hopeless, have since become law; and while the individual derives the comfort of hope in his pursuits, the State may derive a lesson in favour of those other schemes of Law Amendment which Romilly framed, but which have not yet received legislative sanction.

I can cite other instances of the same kind, inspiring the like hopes, and teaching the same lessons—instances within the recollection of all your Lordships. I might go back to earlier proposals of mine before the Law Amendment Society was established. But I shall confine myself to the Bills presented to your Lordships in one Session, 1845. I then laid nine Bills on your table for removing great defects in our law, and asked your attention to the grounds on which these measures were proposed. I doubt if there was more than one of the Bills which most men did not deem it impossible to carry; and I was met in almost every quarter with the charge of attempting impossibilities. Yet seven of the nine Bills were passed, and their provisions are now the law of the land; including that blessed measure for the better administration of justice, the allowing parties to be examined as witnesses in all civil causes but two, a proposition at the time deemed more hopeless than any of the whole number brought forward, and which yet passed into a law within six

years from the time of its being denounced as wild and desperate. From another of those Bills almost, though not quite, as much denounced as the rest, I lived to hear the law agent of a noble friend of mine, a member of the society, declare in his Grace's presence there, that a saving of £4,000 had been effected in one year in the administration of his extensive estates.

Such, my Lords, are the grounds on which I venture to build my sanguine hopes, let me say my confident expectation, that measures for the amendment of our laws like those for which I now crave your favourable attention, may ere long be sanctioned by your approval and that of the other branches of the Legislature, in accordance with the decided opinions and loudly expressed feelings of the community at large. The encouraging advice of the great men whom I have named, but still more the recollection of the success that has ultimately attended efforts once deemed hopeless, bears us up under the partial disappointments which occasionally afflict us; and inspires the zealous promoter of improvement in our legal system with the sanguine hope, that he may not have lived in vain, when he has arrived at the term of his natural course, and is about to render his great account, as one in whose removal mankind has lost a friend and no man got rid of an enemy.

My Lords, I move you to give this Bill a first reading, and to resolve as its foundation:—

1. "That the Laws affecting the Property of Married Women in this Country are imperfect and unjust, and operate with peculiar Severity on the Women of the Working Classes, and that such Laws urgently require Amendment;
2. "That such an Amendment ought to be grounded on the Principle of allowing every Married Woman (in the Absence of any Settlement or Contract), to deal with her Property and Earnings, and compelling her to meet her own Liabilities, as if she were a Feme sole;
3. That while the Incapacities of Married Women continue as at present by Law constituted, it is fit that they should be enabled, by Application to Courts of easy Access, to obtain Protection for their Earnings from the Claims of their Husbands or their Husbands' Creditors."

EARL GRANVILLE said, it was matter of deep regret that the noble and learned Lord should be obliged to leave this country, and that it would not be in his power to assist their Lordships in the consideration of those most important measures of law reform to which their attention would

be drawn. With regard to the question of the rights of married women, to which the noble and learned Lord had just directed their notice, he had summed up in a most lucid and satisfactory manner, and illustrated with his peculiar talents, all that had been previously said in their Lordships' House on that subject. The evils to which he had referred were admitted on all hands, and, though some of them were, no doubt, incidental to the relations that existed between the sexes, yet it was universally admitted and acknowledged that the law did create artificial difficulties and artificial evils of its own. But he thought that the Bills of which his noble and learned Friend on the woolsack would shortly move the first reading, would in some degree provide a remedy for them. With regard to the Resolutions proposed by his noble and learned Friend, he presumed that he only took that mode of leaving on record his views of the subject, and that it was not his wish to commit the House in any way to the expression of an opinion regarding it. He could only say that he had listened with great interest and admiration to the statement of the noble and learned Lord, who was so well entitled to be heard, considering the great and extraordinary efforts he had made in the cause of law reform. The noble and learned Lord's noble peroration was altogether in his ancient manner, and he believed the hopes and expectations entertained by him rested on a solid foundation. The resistance to reform in the times alluded to by the noble and learned Lord was of a stolid, immovable, absolute, and unreasonable character. Now it was altogether different. It was universally admitted that there was great room for improvement in the law; but the chief obstacle that arose to the removal of admitted evils lay in this—that when any practical measure with that object was brought forward, such differences of opinion arose among those who were connected with the profession of the law as to what was the best practical method of dealing with an admitted wrong, that insuperable difficulties were frequently found in carrying any measure at all. He hoped the speech of the noble and learned Lord on this important subject, would enable both sides of the House to approach it with a desire to obtain the best practical result, and so, by narrowing the differences that might separate them, to enable them to arrive at some satisfactory solution of it during the present Session—perhaps

by the time the noble and learned Lord returned.

LORD CAMPBELL said, he hoped to see his noble and learned Friend speedily back in his place, and aiding in the work he had so long and so faithfully performed. He felt that this was not the time to enter into the details of the proposal of his noble and learned Friend; but he was ready to concur with the first Resolution to remove all present restrictions on the possession of property by married women in case of desertion or cruelty on the part of the husband; for the law on that subject was, in his opinion, barbarous, and ought to be abolished. He was above all desirous to see a better mode of enabling women to separate from their husbands who deserted them or used them cruelly. But he was opposed to the proposition that the husband and wife should have the power of dissolving their marriage by their mutual act. The former case would be met by the Bill before the House, which proposed to give protection to the property of married women upon their legal separation; but to give separation at the will of the parties would be in his opinion subversive of the domestic habits of the people of this country. His noble and learned Friend seemed to feel the difficulty in such a case, for he could only reply to the question of the noble Earl (the Earl of Derby) what was to become of the children? that they would form no obstacle. That was a very natural question, and as it appeared to him (Lord Campbell) conclusive to show the impolicy of any such proposition. If, for instance, the wife neglected or refused to pay her share towards supporting them, was the husband to drag her before a magistrate, or to proceed by law against her? Such a state of law would lead to perpetual discord; and it was a proposal shocking to all the habits of the people of this country. He (Lord Campbell), should, therefore, give this proposal his most decided negative.

Further debate on the Resolutions adjourned.

LORD BROUGHAM then presented a Bill to amend the Laws with respect to the Property of Married Women.

Bill read 1^a.

CLERK OF THE CROWN IN IRELAND.

MOTION FOR PAPERS.

THE EARL OF LEITRIM moved for a copy of the applications made to the Lord Lieutenant of Ireland for the office of the

Earl Granville

Clerk of the Crown of the county of Leitrim, together with the recommendation of the several candidates, and the correspondence with reference to the recent appointment to that office.

EARL GRANVILLE submitted to the noble Earl that it was impossible to furnish a return of that nature; but offered to supply a copy of the correspondence which had passed between the noble Earl and the Government on the subject.

THE EARL OF LEITRIM said, the correspondence would be useless to him without the rest of the papers.

Resolved in the Negative.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 13, 1857.

MINUTES.] NEW MEMBER SWORN.—For Bute-shire, Right Hon. James Stuart Wortley.

PUBLIC BILLS.—2^o Ionian Subjects' Commissions; Passing Tolls.

THE ARCTIC MEDAL—QUESTION.

MR. GRANVILLE VERNON said, he wished to ask the First Lord of the Admiralty whether the design of the Arctic Medal had been decided upon; how soon the Medal would probably be issued; and whether it was to be conferred upon any Foreign as well as British officers and men who had been engaged in Arctic Discovery Service?

SIR CHARLES WOOD said, he believed the most complete answer he could give would be to read from a notification which appeared in the *London Gazette* of that day fortnight, stating that a medal had been granted, and would be distributed as follows—

"1. To the officers, seamen, and marines of Her Majesty's ships and vessels employed on the several voyages to the Arctic Seas, during the specified period (between 1818 and 1855, inclusive), and also to the officers of the French navy, and to such volunteers as accompanied those expeditions.

"2. To the officers, seamen, and others who were engaged in the expeditions to the Arctic Seas equipped by the Government and citizens of the United States.

"3. To the commanders and crews of the several expeditions which originated in the zeal and humanity of Her Majesty's subjects.

"4. To persons who have served in the several land expeditions, whether equipped by Her Majesty's Government, by the Hudson's Bay Company, or from private resources."

The medals, he understood, would be ready for delivery in about a month.

REVENUES OF GREECE—QUESTION.

Mr. JAMES MACGREGOR said, he would beg to ask the First Lord of the Treasury if any and what steps had been taken by the Government to ascertain the present Revenues of Greece; how they were disposed of, and the probability of their being adequate to relieve the Consolidated Fund of the £47,000 paid annually for the interest and sinking Fund of the Greek Loan guaranteed by this country under the Act 2 & 3 Wm. IV. c. 121, and 6 & 7 Wm. IV. c. 94, or any part thereof?

VISCOUNT PALMERSTON said, that several communications had passed between the British, French, Greek, and Russian Governments upon the subject of the hon. Member's question, and the result of those communications had been that a Commission was to be appointed consisting of the three representatives of the protecting powers at Athens, in conjunction with a representative of the interests of Greece. Those Commissioners were to examine into the financial condition of that country, and to report to their respective Governments the results of their inquiry; and he had no doubt that the investigation would be found to be as beneficial to the financial interests of Greece as to those of England.

CHAPTERS AND CANONRIES—
QUESTION.

Mr. SYDNEY HERBERT said, he wished to ask the First Lord of the Treasury whether it was the intention of the Government to bring in any Bill during the present Session to regulate Cathedral Chapters; and whether it was intended to renew the Act 16 & 17 Vict. c. 35, by which all appointments to capitular offices were made subject, for two years, to the provisions of any measure which might be passed, founded on the Report of the Cathedral Commission of 1852; and whether any stipulation had been made with the Canons lately appointed that they shall hold their Canonries subject to the provisions of future legislation?

VISCOUNT PALMERSTON said, the Government had not, at present any intention of proposing a Bill upon the subject. Since he had been in office he had appointed, he believed, one canon; but it did not occur to him to enter into stipulations, and no stipulations of the sort had been made.

NATIONAL GALLERY—QUESTION.

Mr. OTWAY said, he would beg to ask whether the report was correct that stated that Mr. Ford, one of the Royal Commissioners appointed to determine the site of the National Gallery, had resigned his appointment, and if so, whether it was the intention of Her Majesty's Government to recommend any other gentleman for the vacant office?

THE CHANCELLOR OF THE EXCHEQUER said, it was quite true that Mr. Ford, who was appointed a member of that Commission, had been unable to act, and it was not the intention of the Government at present to fill up the vacancy.

Mr. GRANVILLE VERNON said, as he also had given notice of a question on the same subject, perhaps he might be allowed to inquire still more emphatically of the First Lord of the Treasury whether the Government would not think it right to fill up the vacancy which many persons much regretted was caused by the refusal of Mr. Ford to act on that Commission.

VISCOUNT PALMERSTON said, his right hon. Friend the Chancellor of the Exchequer had stated that, as far as the Government were informed, it was not necessary to appoint any one in the place of Mr. Ford. If it should appear to be desirable the Government would then fill up the vacancy.

SUPPLY.

'Order of the Day for the House to go into Committee of Supply read,

On Question, "That Mr. Speaker do now leave the chair;"

RELATIONS WITH PERSIA—QUESTION.

Mr. LAYARD: Before you leave the chair, Sir, I wish to ask a question of the noble Lord at the head of the Government on a subject to which I attach great importance,—I mean our relations with Persia. It would doubtless be in the recollection of the House that at the beginning of this week I gave notice of a Motion on the subject. I did so notwithstanding the right hon. Gentleman the President of the Board of Control had stated negotiations were taking place at Paris, and a selection of papers would be laid on the table. My reason for persisting was this: It is almost unprecedented that a war should be entered on virtually while Parliament is sitting, and peace concluded

while Parliament is sitting, without Parliament having an opportunity of expressing its opinion upon so important a subject. Another reason was that I am led to believe we are about to enter into treaty engagements with Persia, which may involve us in hostilities with most of the nations of Central Asia. I believe that there are many Gentlemen in this House and in the country who agree with me in that opinion. I therefore think, before the treaty is signed at Paris, and this country forms engagements which may lead hereafter to serious complications and to many wars, that the House of Commons should have an opportunity of expressing an opinion upon our Central Asian policy. I certainly have been told privately that the negotiations are in such a state that a debate in this House might lead to their interruption and perhaps to the continuance of war. The greatest of all evils is the continuation of war, and, as I should be most imprudent under such circumstances to press the debate, I beg to ask the noble Lord at the head of the Government whether he will state seriously and positively that a debate in this House upon the Persian question would so far interfere with the negotiations as to prevent their successful issue, and to lead to a continuation of the war. If the noble Lord make that statement I must throw myself upon the House, at the same time protesting against the policy of the war as dangerous and bad. If, on the other hand, the noble Lord will not state that a debate will lead to the interruption of negotiations, I trust that the House will enable me on the earliest day—perhaps on Monday next—to bring forward the subject so as to obtain the opinion of the House upon a question of the most vital importance to the interests of the country.

VISCOUNT PALMERSTON: Of course, Sir, it is impossible for any person to say what will necessarily be the result of any debate which may be raised in this House. We are, however, in negotiation at present with Feroukh Khan at Paris, and I think, upon a general view of the matter, that persons less experienced in diplomacy than my hon. Friend must see that a debate upon the subject of negotiations could not fail to produce very injurious consequences. Whether it would occasion a continuance of the war is more than I can possibly tell, but certainly I can undertake to say, as a Minister of the Crown, that negotiations

having been commenced, and having been hitherto conducted in a promising manner, such negotiations must be very much damaged and the public interests must be injured by a discussion in this House founded upon imperfect information, and bearing upon many points which may, perhaps, be settled in negotiation. Speeches by persons who are imperfectly informed of the facts must necessarily have an injurious effect, and I assure the House that it is the anxious desire of the Government to conclude peace with Persia upon conditions which shall be honourable and satisfactory to both countries, and which shall give some fair security for a continuance of peace. Under these circumstances I certainly consider that any discussion on the subject at the present moment will lead to embarrassment and great public inconvenience.

MR. BAILLIE: Sir, I wish to ask the noble Lord whether he has any objection to lay upon the table of the House the *ultimatum* which was sent by the Persian Government previous to the declaration of hostilities? This is, I believe, the first time in which the people of this country have engaged in a war without knowing what they were fighting about. As far as we can learn up to the present period, it would appear that we are fighting because Persia took possession of the town of Herat; but Persia says that that is not the point now in dispute; that England has made fresh demands; that the question about Herat might have been settled long ago by Lord Stratford de Redcliffe, and that Feroukh Khan had full instructions when at Constantinople to enable him to effect that object. Fresh demands had, however, it seemed since been made by Her Majesty's Ministers, and I ask is not the House of Commons to know in what those demands consisted? The questions which, under these circumstances, I wish to ask the noble Lord at the head of the Government are, whether he is prepared to state to the House the nature of those new demands, and whether he will lay upon the table of the House the *ultimatum* to which I referred?

VISCOUNT PALMERSTON: Sir, I regret that I cannot answer the questions of the hon. Gentleman in the affirmative. To give him the information which he seems to desire, would be to adopt a course dangerous, if not fatal, to the success of the negotiations in which we are at present engaged.

MR. ROEBUCK: Sir, the situation in which the House is placed in reference to this subject seems to me to be most absurd, for the boasted supervision of this House is a farce. Let us consider for a moment the circumstances of our position. War is declared, and of that war the House of Commons knows nothing. War has been carried on, and of the mode of its prosecution we are in total ignorance. We are told that negotiations are now in progress. Of their nature this House knows nothing; and still more, this is a point upon which we are told we ought to know nothing; so that we are now in this situation—if we put a question before hostilities take place, we are told that we are too soon; if while they are in progress, we are told that we are intermeddling; and if after they have come to a termination, we then are told we are too late. Now, I will ask when it is that the House of Commons is to inquire—if not before the mischief takes place, while it is going on, or when it has come to an end? The House, I again repeat, is placed in a most absurd position. Its influence, I repeat, is a mere farce. We pretend to govern the country, to overlook the conduct of Ministers; yet we sit down quietly at a moment when the best interests of England are at stake, and dare not say anything, because the Minister rises in his place and tells us that we are either too soon or too late.

LORD JOHN RUSSELL: Sir, the circumstances of the present time, with regard to the Persian war, appear to me to be unusual. I will not now raise the question whether the Government ought to have assembled Parliament before they gave orders for hostilities against Persia; but that question being set aside, we are in this peculiar position, that at the same time that we are informed of hostilities having been ordered and undertaken, we are likewise informed that negotiations have been commenced at Paris, and, as my noble Friend at the head of the Government has just stated, they have been opened in a promising manner. It appears to me that that position is quite peculiar, and I certainly think that it is one which requires the forbearance of this House. I can well conceive, if all the papers were now produced, and a discussion were to arise upon them, that the terms demanded by England before the war might be commented upon by some hon. Gentlemen as impolitic and excessive, and it is clear that such observations might tend to embarrass and disturb the negotiations which are now

in progress. I can conceive, for example, that Feroukh Khan, or any one who is negotiating with Lord Cowley, might take encouragement from such a discussion in this House, and might not be so ready to agree to reasonable terms as would otherwise be the case; and therefore, though the circumstances are very peculiar, and though in an ordinary case it would be right to ask for the papers, I can very well imagine that the Government may be justified in withholding them at the present time. I believe, however, that this state of suspense cannot be of very long continuance. The majority of the points at issue were discussed repeatedly at Constantinople, and the Government must be well aware what the terms are which they mean to insist upon, and what those are which they will not press. I imagine, therefore, that we shall either hear before long that there has been a rupture of the negotiations, or that we shall be informed of the terms which have been agreed upon between Feroukh Khan and Her Majesty's Plenipotentiary. In either case the silence of the Government may then be broken, and every particular respecting the negotiations and the circumstances which preceded hostilities can then be communicated to Parliament. It may happen, even if peace should be concluded, that the circumstances under which hostilities were undertaken may not appear to be such as to justify the Government for having commenced warlike operations, and then it will be open to my hon. Friend the Member for Aylesbury (Mr. Layard), or to any other Member, to raise a discussion upon the subject without any danger of that injury to the public interest which might now arise.

MR. GLADSTONE: I confess, Sir, it appears to me extremely difficult for the House to arrive at anything in the nature of a final or conclusive understanding, at the present moment, with respect to a discussion on the Persian war, and I fully admit the force of the general considerations which have just been urged by my noble Friend the Member for the City of London, that it is most undesirable that we should incur any risk of frustrating negotiations which may possibly eventuate in the establishment of peace. I am, however, at the same time, bound to observe, that there are certain questions which must be anterior in the order of discussion to any which are involved in those negotiations. We stand in the very peculiar position of being made aware that a

war, involving extensive political interests, has been commenced by Her Majesty's Government upon their own responsibility, and without the knowledge or sanction of Parliament. If I understand aright, papers are at present in course of preparation, which, while not containing anything which, in the opinion of the Government, would be likely, if debated, to interrupt the progress of negotiations, are to exhibit to us the causes for which the war was undertaken, and to put us in possession of such information as will enable us to exercise our constitutional functions of judging whether Her Majesty's Ministers did or did not outstep the powers with which the constitution invests them, in entering, without the knowledge of the Legislature, into the contest in which we are involved. I frankly own that I, for my part, can form no judgment upon this point until I see the papers which will inform us as to the time at which instructions were sent out for the despatch of the expedition from Bombay, and which will, I apprehend, disclose to us the cause of the war. When we are in possession of that information, then, I think, will be the time for this House to consider whether it be necessary to raise any question with regard to the policy in relation to the war which Her Majesty's Government has pursued. With respect to the negotiations, it appears to me at the same time that it is impossible for this House at present to give either by expression or by silence any absolute judgment upon the subject, but that we must, in the first instance, see the papers, and that until we have seen the papers relating to the war, and considered the origin of the war, it will be impossible for us to know how far the Government are in a condition to ask for the confidence of the House in reference to this question. The hon. Gentleman the Member for Aylesbury (Mr. Layard) will, of course, take what he may consider the most prudent course with regard to any immediate discussion upon the subject; but I think it is plain that we cannot be precluded by anything that may take place to-night from raising a question with respect to the origin of the war. I am not sure whether I rightly heard my noble Friend the Member for the City of London, when I understood him to say that the question was set aside. I must confess that it appears to me that the question has not been in any way set aside, but that it remains entirely open for the future consideration and judgment of Parliament.

Mr. Gladstone

LORD JOHN RUSSELL: I have evidently been misunderstood by my right hon. Friend. What I said was that I thought the question remained entirely open.

MR. DISRAELI: It appears to me, Sir, that Parliament ought to look with the utmost jealousy at the negotiations conducted by the Government after a war has commenced. Before a war has been undertaken, and while there is merely a misunderstanding between the representatives of this country and the representatives of a foreign State, the greatest forbearance ought to be extended to the Government by an assembly like the House of Commons; but when hostilities have commenced, when they are in progress and raging, Parliament, I maintain, ought not to be prevented from criticising the cause of the war or inquiring into the mode in which it has been prosecuted, on the allegation that the subject was not to be discussed because a declaration had been made on the part of the Government that some agent, obscure or otherwise, was negotiating, or attempting to negotiate, with them a peace. It is well known that Prussia was overrun and conquered by Napoleon while negotiations were pending between the Government of that country and the Government of France. It is of the utmost importance that the House of Commons should be given to understand that the negotiations now being conducted between England and Persia are negotiations which present a fair probability of their being brought to a successful and honourable termination. At present, all that we know is, that they are conducted on the part of the Persian Government by an envoy who failed in his attempt to effect a settlement of the question at Constantinople; and although I agree with the noble Lord the Member for London, that this is a subject which on the whole demands our forbearance, I think, at the same time, it is one on which the House should view the conduct of the Government with jealousy, because we might find that the Persian war had been continued, and that we had become involved in more than one campaign, while the Government could allege the existence of negotiations as a reason for preventing any inquiry into their policy by this House. There is one subject, Sir, upon which I think I may ask for information, without at all embarrassing the negotiations; and that is with reference to our interference in the affairs of the kingdom of the Two Sicilies. I cer-

tainly understood from the language used in Her Majesty's Speech, at the commencement of the Session, that these papers would have been laid at once before the House; but although nearly a fortnight has since elapsed they are not yet in our possession. Under these circumstances I must urge the noble Lord at the head of the Government to produce those documents without any further delay.

MR. MILNER GIBSON: Sir, I beg to remind the House of one declaration which the First Lord of the Treasury has already made to us—namely, that this country is to pay half of the expenses of the war with Persia. Now, seeing that the Government have pledged the industry of England to pay for the Persian campaign, I think they ought, when the war was commenced, to have given some little information to Parliament with respect to the origin and causes of the war.

Motion, "That Mr. Speaker do now leave the chair," put and *agreed to*.

COMMITTEE OF SUPPLY—FINANCIAL STATEMENT.

House in Committee of Supply.

MR. FITZROY in the chair.

THE CHANCELLOR OF THE EXCHEQUER: Sir, however conscious I may be of the difficulty of the task which I am about to discharge, I can assure the Committee that my feelings would be altogether misconstrued if it were supposed that I had any reluctance to lay before them, at the earliest possible opportunity, a statement of the expenditure and of the Revenue of the country. The Committee are well aware that the ordinary course adopted upon this subject is that the House should first consider the Estimates for the great branches of the public service—for the Army and Navy especially—in a Committee of Supply, and that when some progress has been made in those Estimates, that the Chancellor of the Exchequer should submit to the House the Ways and Means by which the expenditure of the ensuing year may be met. Such is the course which is usually pursued. But as soon as I became aware that it was the general wish of the House that the financial statement should be made before the Estimates for the Army and Navy were considered in Committee of Supply, I gave notice that I would make that statement to-day. I wish the Committee to observe that this is the earliest day on which the

financial statement could be made. It was only on Monday last—the last Government night—that, in a Committee of Supply, an Address was agreed to for the production of the Estimates for the Army and Navy. These Estimates have since been presented. This is the second Committee of Supply. The Estimates are now on the table of the House; but as up to the present moment no Vote has been taken in Committee of Supply, no Committee of Ways and Means has been appointed; so that this is the first occasion on which it was competent to me to make the statement which I am about to submit to the Committee. I hope, Sir, therefore, that the Committee will be satisfied that there has been no delay or reluctance upon my part to lay before them the annual financial statement. In ordinary years, no doubt, it is desirable that the consideration of the Army and Navy Estimates should take precedence of that statement. I fully admit, however, that in an extraordinary year, such as the present one, it may be convenient to adopt a different course. The reason for the course usually followed is this—that the House fixes what amount of expenditure is necessary for the service of the year, and after that amount has been fixed, it becomes the duty of the executive Government to lay before the House the plan by which they propose that that expenditure should be defrayed. But although a considerable portion of the expenditure of the country may be regarded as essential and inevitable for the service of the year, there is also a not inconsiderable portion of it with respect to which a discretion may well be exercised. There are certain expenses which may not be thought necessary in one year, and may be postponed to a future year. There are also certain purposes to which the expenditure may be applied to a greater or less degree, and which may be accomplished in a more or less complete manner, and as to which, therefore, the House may reasonably say—"We wish to know what is the pressure of taxation on the country—we wish to know whether there may be any impost that is exceedingly grievous and oppressive, before we sanction that portion of the expenditure which is not strictly necessary, but with respect to which we may exercise a reasonable discretion." Now, Sir, this is undoubtedly a period to which that description applies. We are passing from a state of war to a state of peace; we are passing from a

period of large expenditure to a period of comparatively limited expenditure; and it is not an unreasonable demand on the part of the House of Commons that they should be informed of the probable taxation—the probable ways and means of the ensuing year—before they enter into a consideration of the Estimates. My hon. Friend the Mover of the Address (Sir John Ramsden), on the first night of the Session, bestowed much commiseration on what he described as the condition of a plethoric Chancellor of the Exchequer suffering under the pains of repletion; he spoke of the numerous claimants for his favourable consideration at a period when it is thought probable that there will be an excess of revenue over expenditure; and he extended to me a large amount of commiseration for the position in which I should be placed during the first weeks of the Session. I accept with much gratitude the sympathy of my hon. Friend; but at the same time I cannot but feel that I have a far more agreeable task to perform this year than that which devolved upon me on those preceding occasions on which I have had to ask the House to agree to measures of increased taxation; on which I had to represent to them the necessity of imposing additional burdens on the country, and when I had to request them to sanction loans and the issue of Exchequer bills for the purpose of covering a large deficiency in the annual income of the State. That, Sir, is an additional reason why I should not be unwilling to avail myself of the earliest opportunity of submitting to the Committee a statement of the finances of the year.

Sir, I will begin by calling the attention of the Committee to the expenditure and the revenue of the current financial year, that is to say, the financial year which began on the 1st of April last, and which will end on the 1st of April next. I wish to direct their attention to the expenditure and revenue of the current year, not merely for the purpose of comparison and information, but also for the purpose of removing some important misapprehensions which, from what I have observed to pass in this House since the beginning of the Session, appear to prevail with respect to the expenditure and taxation of the current year. In the statement which I made last Session after Easter, I estimated the revenue of the current year—that is to say, the year ending on the 1st of April next—at £71,740,000. I ought, however, before I

proceed further, to remind the Committee that at the period at which I make this statement—the financial year being still incomplete—I am compelled to determine the revenue and the expenditure of the unexpired portion of the year by an estimate, that is to say, I can at present only make an estimate of the amount either of the revenue or of the expenditure of the year during the next month, and during the remaining portion of the present month. I believe, however, that the estimate which I am able to form approaches with sufficient closeness for all practical purposes to what probably will be the public receipts and the public outlay from the present moment up to the termination of the financial year. In following, however, the figures I am about to read, the Committee will remember that a portion of the calculation, embracing a period of about six weeks, rests on estimate, and not on account. The estimate which I made after last Easter of the revenue of the current year was £71,740,000. The actual and estimated receipts are somewhat more than that sum, but they are not very much more; they will probably amount to £71,885,000. The only important branch of the revenue which has produced a sum less than my estimate is the Customs. I estimated the Customs' revenue at £23,850,000; but it will probably produce not more than £23,600,000. That deficiency appears to be principally owing to a short stock of sugar, and also, in some degree, to a check in the consumption of tea. I will now read the details of the estimated revenue of 1856-7, and the sums actually received, together with the estimate of the further sums to be received up to the 31st of March next:—

Service.	Estimate per Budget.	Actual and Estimated Receipts to 31st March next.
	£	£
Customs	23,850,000	23,600,000
Excise	17,170,000	17,600,000
Stamps	7,185,000	7,265,000
Taxes	3,110,000	3,110,000
Property and income tax	16,355,000	16,250,000
Post Office	2,810,000	2,800,000
Crown lands	260,000	260,000
Miscellaneous	1,000,000	1,000,000
	£71,740,000	£71,885,000

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The expenditure for the current year, including a loan to Sardinia of £1,000,000, and a Vote of Credit for £2,000,000, was estimated by me at £82,113,000; showing, therefore, as compared with the estimated revenue, a deficiency of £10,373,000. That sum represents the estimated deficiency for the present year, including a margin for contingencies to the amount of £2,000,000; and, deducting that margin of £2,000,000, the deficiency on the expenditure of the year as voted by the House amounts to £8,373,000. In order to cover that deficiency, certain loans were effected. In the first place, there was a receipt of £1,499,000 as part of the loan of £5,000,000 which was effected before last Easter; there was a second loan of £5,000,000 effected after Easter; and further, there was an issue of Exchequer bills to the amount of £1,000,000; making a total amount of money borrowed during the current year of £7,499,000. A power was conferred on the Government of borrowing on Exchequer bills to the extent of £4,000,000; but that power has only been exercised to the extent of £1,000,000, and we shall not require for the service of the year any further exercise of that power. The Act of last Session was intentionally so drawn that the power should expire on the 1st of April next; but the Government will wholly surrender the power of borrowing any portion of the remaining £3,000,000 for the service of the year. The total sum raised by revenue, and by loans and Exchequer bills, during the year, we now set down at £79,384,000. The expenditure of the year, including the payment of the loan to Sardinia, will probably amount to £78,000,000; thus leaving a balance of £1,384,000 to be carried over to the service of the next year.

Sir, on the first night of the Session the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) stated that we were at present in the extraordinary position of having a war taxation during a time of peace. Now, if that epigrammatic sentence has any very distinct meaning, I apprehend it must be understood in this sense—that we have war taxation during a year of peace expenditure. If that be not its meaning, it can involve no censure of the course which has been taken by Her Majesty's Government. Now, I am desirous of impressing on the Committee the fact that this has not been a year of ordinary peace expenditure, but that it

has been a year of extraordinary expenditure—a year in which the charges necessitated by the war terminated now nearly a year ago had not yet ceased. I say that that fact was fully within the cognisance of Parliament—that they were aware, when they agreed to the financial plans of last Session, that this would not be a year of ordinary expenditure. That must, I think, be within the recollection of every Gentleman I have the honour of addressing. But lest there should be any doubt upon a matter of such importance I will, with the permission of the Committee, read an extract from the statement I made last year at the time I proposed the Government financial plan. I am naturally unwilling to repeat my own words; but they are important in this instance, as showing what was my understanding of the case, and to satisfy the House that, as far as I was able, I brought the state of the case clearly under their notice. On the 19th of May last I addressed to the House the following observations:—

“Although peace has been happily concluded and ratified, and although we are not now in a state of war, nevertheless the present year, for all practical purposes, must be looked upon, to a great extent, as a year of war expenditure. The preparations which have been made for a campaign, both by land and by sea, during the winter and early part of this year, were such, that had the war continued we were in a condition to carry on this year's campaign most effectively, both with our land and sea forces. That expenditure, I rejoice to say, has proved unnecessary; we have not been called on to enter on a third campaign; but, nevertheless, the expenditure was incurred—it will become payable during the present year, and we shall not reap the entire benefits of a return to a state of peace until another year. There will also be the expense of transporting our troops home from the Crimea; there will likewise be the expense of paying off the troops, and all the other expenditure connected with disbanding the army and navy, the whole of which will have to be defrayed during the present year. To these must be added the expense of the re-transport of the Sardinian troops from the Crimea, which, though not necessarily a part of our war expenditure, is yet connected with it, and is an expense which we ourselves undertook, and will be effected by our ships.”—[3 *Hansard*, cxlii. 334.]

I think that these remarks must have brought most distinctly under the notice of the House the fact that this would not be a year of ordinary peace expenditure; and as these remarks were acquiesced in by the House, I assume that no doubt could be entertained that the current year could not, as regarded its expenditure, be regarded as an ordinary one. In addition to the extraordinary payments to which I

have already adverted, there has been a sum of £1,000,000 paid as a second instalment of the loan to Sardinia, which falls entirely on the revenue of the current year. There has also been a payment for the redemption of an hereditary pension effected under the authority of an Act of Parliament passed last Session; that payment amounted to £91,000; but it may be considered as the redemption of so much debt and in the nature of an extraordinary payment, altogether independent of the extraordinary charges of the year. In addition to the extraordinary charges of the year there is also a loss occasioned by the cessation of the war duty on malt. The war duty on malt was limited by Act of Parliament to the "5th of July next after the ratification of a definitive treaty of peace." Now, the definitive treaty of peace was ratified on the 27th of April last; and therefore the war duty on malt expired at the beginning of the following quarter, which was the earliest period at which that expiration could possibly take effect. There is a credit given on malt, and the whole of the revenue is not lost in the first year; but there will be a loss, I think, of about £200,000 in the revenue on malt this financial year; and there will be also — what is the principal cause of the defalcation in that branch of the revenue — a payment of a drawback on the stock in hand, which has become necessary, amounting to £840,000; so that the loss on the article of malt from the cessation of the war duty during the current year exceeds altogether a sum of £1,000,000. That is a deduction from the revenue of the year which has already taken place in anticipation of a peace expenditure; and, therefore, it is not correct to say, that in the present year no reduction in the war taxation has been made.

I am now desirous of calling the attention of the Committee to a few figures, which I believe are of considerable importance, as illustrating the elasticity of our national resources, and the spring which the trade and industry of this country have taken immediately on the removal of the pressure of the war. We know that even during the war the resources of this country exhibited themselves in undiminished power, while those of our enemy underwent a sensible abatement:—

"Secto corpore firmior
Vinci dolentem crevit in Herculem."

These are facts which do not rest merely on general assertions—they admit of being

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reduced to arithmetical proof; and, with the permission of the Committee, I will briefly call their attention to some of the most remarkable results of the returns that have lately been laid before Parliament. I think it of material importance that the Committee should bear in mind the present state of our trade as compared with its state in former years; and the more so as we are told that the pressure of taxation has been so great in this country as sensibly to diminish its productive force and energy. I will begin by calling the attention of the Committee to the increase which has taken place in the value of our exports in the year 1856. The declared value of our exports in that year exceeded that of any previous year, and reached the sum of nearly £116,000,000, being an increase of £20,000,000, or 21 per cent over our exports of 1855, and an increase of £16,957,000, or of 17 per cent over those of 1853—the year immediately preceding the war; in which, however, there was an unprecedented increase in our exports. With the permission of the Committee I will read the figures, which show the declared value of the exports of Great Britain and Ireland in the three years 1853, 1855, and 1856. In the year 1853 it was £98,933,000; in the year 1855—a year of war—it had fallen to £95,688,000; and last year it rose to £115,890,000. I will take two of the principal branches of the manufactures of this country, and state what has been the amount of the exports in those branches during the same years, and we shall find the result equally encouraging. The first of those branches embraces all sorts of textile fabrics. The declared value of the exports of those fabrics amounted,—

In 1853.	In 1855.	In 1856.
£52,299,000	£51,123,000	£59,915,000

The other item I shall select comprises all kinds of metal fabrics. The declared value of the exports of these fabrics amounted—

In 1853.	In 1855.	In 1856.
£19,563,000	£17,892,000	£23,538,000

I have only to add that these items afford fair examples of the value of our exports of other manufactured goods, and of the general increase which will be found to pervade the whole export trade of the country. With respect to our imports I will take but one article for the purpose of showing the alterations which have taken place in their amount during the

same years; and the article I am selecting is the important one of raw cotton. Our imports of raw cotton, retained for consumption, amounted to—

In 1853.	In 1855.	In 1856.
746,709,000 lb	767,406,000 lb	877,814,000 lb

The general result is, that our exports of British and Irish produce have doubled in value since so recent a period as the year 1849; and comparing in this case the first year after the peace of 1815, with the year in which the last peace was ratified, we find that we commence this period of peace with exports three times greater than they were in 1816. Our imports of grain were less in 1856 than in 1853, but were greater than in 1855. The Committee may perhaps be interested to learn that our imports of grain from Russia, which had fallen by one-half in 1854 as compared with 1853, and which in 1855 were altogether suspended, reached the amount of 1,208,000 quarters in 1856, and were 14 per cent on the whole of our imports of grain that year, against 16 per cent on our imports in 1853—thus showing the rapidity with which a suspended branch of trade was restored on the return of peace. I am sorry to weary the Committee with these details; but after the gloomy view that has been taken by some persons of our present prospects, and of the extent to which, in their opinion, the war taxation has diminished the productive energies of the country, I have thought it important that the Committee should be put in possession of the most material facts bearing on the condition of the great branches of our trade and industry. Now, if we turn to our shipping, taking together the tonnage of the entries and clearances of British vessels in cargo, I find that the return for the year 1856 shows a considerable increase over that for any preceding year. There was an increase last year as compared with the year 1855 to the amount of 1,760,000 tons, or 19 per cent; and there was an increase last year as compared with the year 1853 to the amount of 1,906,000 tons. In order to comfort those Gentlemen who some two years ago anticipated the ruin of the shipping of this country from the alteration then effected in the Navigation Laws, I will read to them returns of the tonnage of vessels in cargo entered and cleared in each of the three years 1853, 1855, and 1856. They are as follow :—

	British Tons.	Foreign Tons.	Total Tons.
1853	9,064,000	6,316,000	15,380,000
1855	9,211,000	6,156,000	15,367,000
1856	10,971,000	6,933,000	17,904,000

The Committee will of course remark that the increase of last year has taken place principally in British shipping, and not to any great extent in foreign shipping. It is also not a little remarkable that the large amount of tonnage taken up by the Government during the war, which comprised an aggregate of not less than 200,000 tons, should have fallen back for employment in the ordinary channels of trade, without having created any perceptible embarrassment to the shipping interest. That is another proof of the elasticity of demand and of the rapidity with which the industry of the country has returned to its ordinary condition immediately after the termination of the war. There is only one other point to which I wish to advert, as proving in a very short compass the demand for labour which now exists in this country, and which has not been diminished even by the disbanding of troops and seamen after the ratification of the peace. The total number of emigrants from the United Kingdom in 1852 was 368,764; last year it was only 176,554; showing a great reduction in our emigration since 1852, notwithstanding our transition since that period from a state of war to a state of peace.

I fear that I have wearied the Committee with these statistical details: I will now call their attention to something which perhaps may appear to them of more pressing interest; I mean an account, or an estimate, of the actual expenditure which has been incurred on account of the war, and the manner in which that expenditure has been or will be defrayed. I first take the net expenditure of the three years 1854–55, 1855–56, 1856–57, including the loan of £2,000,000 to Sardinia; and I find that the expenditure of those three years, being the three years of the war, amounted to £228,721,000. I now take the net expenditure of the three years of peace immediately preceding the war—namely, the years 1851–52, 1852–53, and 1853–54—and I find that the expenditure of those three years of peace amounted to £152,323,000. I think that by deducting the amount of the expenditure of those three years of peace from the amount of the expenditure of those three years of war, we shall be able to arrive at a pretty

close approximation to the cost of the war. I find that the cost of the war, so estimated, amounts to £76,398,000. The net revenue of the three years of war—that is to say, the revenue arising from the ordinary branches of taxation, and independent of borrowed money—was £192,685,000. Deducting from that net peace expenditure of the three years, 1851–2, 1852–3, 1853–4, which was £152,323,000, there remains a surplus revenue applicable to the war expenditure of £40,362,000. That sum represents the revenue which was derived from the war taxation, and the difference between the war revenue and the net revenue of three years' war and three years of peace. To that £40,362,000 I add the money received by adding to the funded and unfunded debt £41,041,000. Thus if we add together the additional war taxation of £40,362,000, and the £41,041,000, which was borrowed in excess of the taxation, we shall have a total of £81,403,000. The total amount of the war expenditure was £76,398,000; and, therefore, the difference between those two sums, owing to the more flourishing state of the revenue at the end of the war as compared with its state at the beginning, shows that a proportion of the money borrowed for the purposes of the war still remains in the Exchequer.

I will now proceed to the more practical portions of the subject—namely the estimated expenditure for the ensuing year 1857–8. The interest of the funded and unfunded debt will be £28,550,000. The permanent charges on the Consolidated Fund, £1,770,000. The charge for the army—including a sum of £400,000 for the militia, the estimate for which is not yet upon the table, but which, I think, will probably be about that amount—is £11,625,000. The charge for the navy, including the coast-guard, will be £8,109,000. The packet service, £965,000. The civil service will be about £7,250,000. The collection of the revenue, which used to be excluded, but is now brought into the annual budget, is £4,215,000. The superannuations which were removed from the revenue by an Act of last Session, and are now brought for the first time into the annual statement, are £475,000. And I think that portion of the expense of the Persian war which is, by agreement with the East India Company, to be charged upon the revenue, and which agreement was, that the Exchequer should

pay half the extraordinary expenses of the war, will amount for the estimate I propose to take of expenses incurred up to the 30th of April next, to £265,000. That is all I intend to ask for on account of the extraordinary expense, in the ensuing year. The total amount of these various charges will be £32,904,000, which, added to the interest of the debt and the charges on the Consolidated Fund, will make a total expenditure of £63,224,000, independent of the repayment of debts. I now come to a portion of the burdens of the year which is consequent upon the late war, namely, the repayment of loans contracted for the war, and made chargeable on the revenue of the ensuing year. The first of these arises from the series of Exchequer bonds issued in 1854, and payable on the 8th of May, 1857, which amount to £2,000,000, and with reference to which it will be necessary for me to move a formal Resolution in Committee of Supply, as the first step for the repayment of the bonds. There is also the sinking fund on the second loan of £5,000,000, the interest of which was made chargeable by Act of Parliament on the Consolidated Fund—that amounts to £250,000. The amount of debt, therefore, repayable, partly by specific engagement under Act of Parliament, and partly by distinct charge upon the Consolidated Fund, and for the repayment of which it will be incumbent on the Executive Government to make provision during the present year, is £2,250,000. The total outlay to be provided for in the ensuing year is £65,474,000. The Committee, however, will bear in mind that this estimated expenditure, which is apparently so much in excess of the amounts of former years, includes a sum of nearly £5,000,000 for the collection of the revenue, which was not included in former Estimates.

Now, I will lay before the Committee, as shortly as I can, an explanation of the principal heads of charge for the ensuing year, and in this portion of my statement I feel that I shall labour under some disadvantage, because the Committee will probably expect to hear some explanation, however general it may be, of the sums which are estimated for the Army and Navy charges, those Estimates not having yet undergone any consideration in Committee. I do not know that I can take a fairer course with regard to the Army and Navy Estimates than to compare them with the amounts as they stood before the war. As

compared with the reduced Estimates of last year, there is a diminution of the Army and Navy Estimates amounting to about £17,000,000. That is the absolute reduction on the Estimates of the present year. The Committee must, of course, be aware that, however desirous the Government may be to bring the War Estimates to a peace standard, that change cannot be made by magic—it cannot take place in an instant—it cannot be made by the stroke of a wand—and some time must necessarily be allowed to make the changes by which alone the transition can be effected. In instituting a comparison, therefore, with the year of peace immediately before the breaking out of the war, I do it in a manner which everybody must admit not only to be fair, but something more than fair, for the circumstances of the case impose upon the Government certain conditions, which they must observe on the return from a state of war to a state of peace. It must be obvious that it would not be possible to bring the Army and Navy Estimates at once down to the standard at which they stood immediately before the war.

With that observation I will now state to the Committee the amounts of the Army, Navy, and Packet Estimates in the three years of peace immediately before the war.

The Army Estimates were as follows:—

In 1851.	In 1852.	In 1853.
£8,955,000	£9,408,000	£10,113,000

The Estimates for the Army for the ensuing year have been laid upon the table, and will be found to be £11,225,000.

The Navy Estimates were—

In 1851.	In 1852.	In 1853.
£5,734,000	£5,835,000	£6,285,000

And in the year 1857–8, exclusive of the sum for the coast-guard, which would disturb the comparison if taken into the calculation, inasmuch as the transfer of that item to the Navy Estimates will only be made next year, the amount of the Estimate is £7,623,000. Now, I think the Committee must see when they compare the Estimates for the two services of the present year with the Estimates which were actually voted for the three years immediately before the war, that no charge can be more unfounded than that which has been brought against the Government, of wishing to perpetuate an extravagant war establishment in a time of peace, to alter the whole constitutional settlement of the country, and, by

keeping up an enormous military establishment, to overawe the people and threaten their liberties; for to that extent went the assertions made the first night of the Session. Any addition to the Estimates for the public service over the years with which I have been comparing the present, and especially the addition to the Navy Estimates, the Committee will at once see is mainly due to the increase during the recent years of war. I now come to the Packet service, with respect to which the Estimates are as follows—

In 1851.	In 1852.	In 1853.
£809,000	£870,000	£835,000;

and this year the estimate has been increased to £965,000. Now, the foreign packet service is supposed to be of the greatest importance to the mercantile interests of the country, and has nothing whatever to do with military affairs; and if ever there is any question for the extension of lines of packets—if there are, as indeed there frequently are, wishes expressed for the more frequent and speedy delivery of the mails, Her Majesty's Government being always urged by strong representations from various bodies of foreign and English merchants engaged both in foreign and domestic trade—they are only restrained by the fear of overloading the Estimates from giving a higher sum to the packet service. However, whatever may be the increase in that estimate, it has nothing to do with our military expenditure. As I have already remarked, the Army and Navy Estimates have not yet been considered in Committee of Supply, and therefore the Committee may be of opinion that I should, without undertaking to anticipate the labours of my right hon. Friend the First Lord of the Admiralty, or my hon. Friend the Under Secretary of State for the War Department, briefly mention some few of the causes that have led to the increase of the Army and Navy Estimates for the ensuing year, as compared with the Estimates for the year immediately preceding the war. Now, in the Navy Estimates there has been some increase in the marines, and also in the coast-guard force. Let me just remind the Committee that the increased charge for the coast-guard force was made in pursuance of an Act of Parliament passed last Session, by which the coast-guard was transferred from the department of the Customs to the Admiralty, the object being to create a reserve naval force. The plan was

deliberated upon in the House of Commons last Session, and it met the approbation of persons most qualified to form opinions upon the subject. I remember that it received the approbation of two Gentlemen of great weight and authority in this House, two former First Lords of the Admiralty, my right hon. Friend the Member for Carlisle (Sir James Graham) and my right hon. Friend the Member for Portsmouth (Sir Francis Baring). It was also received with more than assent on the opposite side of the House, and it was considered a legitimate, and, on the whole, an economical way of maintaining and increasing our Navy in a time of peace. That plan, however, necessarily led to an increased expenditure, and therefore to the increase in the present Naval Estimates, which, consequently, must be considered as the result of an Act of Parliament passed, after due deliberation, in the last Session. The increased price of provisions, as compared with the price in the year which immediately preceded the war, also leads to some increase both in the Navy and in the Army Estimates. There is also an increase in the scientific Vote for the Navy. That surely cannot be considered at all dangerous to our liberties. Then, again, there were contracts, as could not fail to be the case in time of war, which have not yet been completed, but which will all cause expense for the ensuing year. Hon. Gentlemen must be well aware that it was impossible to foresee the exact period of the termination of the war, and therefore it was necessary for the Government to be provided for its possible continuance, and while it was raging they must enter into contracts on the supposition that it might last some years. Peace being concluded, the Government must either allow these contracts to be fulfilled or pay forfeit. Whatever course is adopted loss is necessarily incurred to some extent. The providing of steam machinery for the screw fleet formed another charge, and was of course another cause of contracts. The general acknowledgment of the utility of steam in our Navy, and its introduction into it, will, I fear, cause a permanent increase of charge in our Navy Estimates, inasmuch as navigation by steam is in itself more expensive than navigation by sails. So also in the item of coals. There is also a large increase in the charge for factories for steam machinery as well as for the enlargement of docks, basins, and slips for the increased size of the ships now built for the service.

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The result is that, including the coast-guard, there is in the present Navy Estimates an increased charge for war steamers of £450,000; an increased charge for stores, of £400,000; for works, of about £300,000; for dockyards, of £200,000; and for miscellaneous, of £30,000, making, with the charge for the coast-guard, a total of £1,380,000 for the increase above the Estimates for 1852. I must say that I do not conceive that such an increase is at all indicative of the dangerous designs of the Government, or that it affords any ground whatever for those alarms to which I have alluded.

Leaving out the militia, I find that the several Army Estimates for the year 1853-4, amounted to £9,952,000; those for the ensuing year amount to £11,225,000, showing a difference of £1,273,000. Now, this is the explanation of the principal sources of increase. The first cause of the increased expenditure is the increase—though certainly not to a dangerous extent as urged by some persons—of men. There it is, if anywhere, that the dangerous designs of Government must be discovered. Exclusive of the Queen's regiments in India, the increase of men in this year was 126,796, as against 119,881 in the year 1853-4, being an increase of 6,915 men. Now, I will account for this increase of men. It has been owing principally to the augmentation of the Artillery corps, and also to the creation of two new corps—the Military Train or Land Transport Corps, and the Hospital Corps, which is a body of orderlies to attend the military patients in hospital. Now, I think this explanation ought to relieve the Government from the charges that have been made of their wishing to introduce, during this transition from war to peace, an entire innovation in our military system. The next increase to which I will allude is that of £225,000 for warlike stores, which is owing to the purchase of the new-pattern musket, and also on account of the fulfilment of contracts for gunpowder entered into during the war. To that item the same remarks apply as those which I offered with regard to the purchase of timber and machinery. While the war lasted it was the duty of the Government to make provision to a sufficient extent to meet all the possible events of the war. Gunpowder is an article which cannot be obtained in a moment; it is necessary that the manufacturer should have some time in order to make his pre-

parations. If the war had continued, and the Government had been found not to have made sufficient provision for such an article, they would have been justly liable to the severest censure of the House. That is an article, however, which is in constant requisition in some form or other, and, therefore, the expenditure on that head cannot be considered an entire loss. Another item of increase is the Wages of artisans, which amounts to £240,000, on account of the addition to the manufacture of various articles to which I have referred. Under the head of Works and Buildings there is an increase of £243,000, which is owing to the increased barrack accommodation which is to be provided for the army, the great military hospital at Southampton, and works of defence on progress on the coast. There is an increase in the vote for educational purposes of £67,000. Those are the principal items of increase in the Army Estimates.

We now come to the Civil Service Estimates, in which there is likewise an increase. The Civil Service Estimates, the amount of which I stated at £7,250,000, exhibit an increase of about £500,000 over the Estimates of the past year. There are, as the Miscellaneous Estimates will inform the House, augmentations under certain heads, and diminutions under others, which must be set off against each other; but the general result is an increase of about £500,000, which is accounted for in the following manner:—There is an entirely new charge for the County Courts, now for the first time brought into the Estimates, in consequence of an Act passed during the last Session. That Bill was received with great favour in this House, and there was manifested by many Gentlemen a disposition still further to increase the charge. This charge for the County Courts, which was previously defrayed by fees, will amount, at least, to £180,000. There is also a charge for County Constabulary—no doubt a most useful expenditure, but one to which a similar observation applies—namely, that it was proposed in this House that the sum granted from the Exchequer for that purpose should be increased. The sum estimated for the County Constabulary is £146,000. There will be an increase in the amount of the Vote for Public Education in England, arising from the extension of the operations of the Committee of Privy Council, an extension which I hope will not be other than acceptable to

a large majority of the Members of this House, who appear to think that it is in this manner that assistance can best be given to the voluntary efforts so creditably made for the improvement and extension of education. The addition to this Vote will be £129,000. I shall also propose to take a Vote for purchasing a site on which to build certain public offices, a matter which has now become one of necessity. I shall ask for money sufficient for the purchase of a site on which to rebuild the Foreign Office, which is in a state requiring immediate attention—a new War Department, which is now scattered under different roofs; and also a new Colonial Office. The estimated cost of the site in question is £80,000. These four items together make up a sum of £535,000, and therefore I have fully accounted for the increase of £500,000 to the Civil Service Estimates, the chief part of which arises from two new charges which are now for the first time brought upon the Votes of this House—namely, those for County Courts and County Constabulary. There will also be an increase in the charges for the collection of revenue amounting to £111,000. That is, I believe, principally owing to the increased facilities which have been given for the transmission of letters and the consequent augmentation of the charge for the Post Office.

Having thus called the attention of the Committee to some items of the Miscellaneous Estimates, I may, perhaps, be permitted to refer to a remark made by my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) on the first night of the Session—that he had observed a desire generally both in the country and in this House to increase the expenditure and yet to diminish taxation. Now, Sir, it was a dictum of Dr. Johnson, I think, that it rarely happens that more than half of an antithetical sentence is true; but I can nevertheless vouch for the literal truth of both clauses of the antithesis of my right hon. Friend. I can bear witness, from my own personal experience, that there exists at present a very great desire to increase expenditure, and a no less strong desire for the reduction of taxation. Well, Sir, we hear a good deal of complaints—made sometimes in this House, but more frequently at public meetings in the country and through the medium of the Press—of the jobbing tendencies of Governments, of public men, and even of the Members of this House; and it is

affirmed that the great cause of the increase in expenditure and of the demands made upon the national Exchequer is this tendency to corruption. It seems to me that the Gentlemen who make these complaints form their opinions of the existing state of things from books such as *Horace Walpole's Memoirs*, *Doddington's Diary*, or other well-known historical works of the last century rather than from observation of facts and events passing under their eyes. I must say I think that there is no real danger to the Exchequer, to any serious extent, in the present day, from jobbing or corruption. I should be very sorry to forfeit the opinion of hon. Gentlemen for my supposed credulity, innocence, and simplicity, but I think that I may venture to assert, that, looking to the perfect publicity which surrounds public men, looking to the discussions which take place in this House, looking to the unceasing vigilance of public opinion and of the Press—I may venture to say that the Exchequer of the country is in no great danger from personal jobbing and corruption. The real danger to the Exchequer comes from a totally different quarter—from useful projects, and from the ardent philanthropy of various persons, each intent upon realising his own plans for the good of the country. I can speak with some feeling upon this subject, inasmuch as it is my lot to receive a great variety of representations from gentlemen forming deputations, or in writing, a large proportion of whom are prompted by the best motives, and who have the most beneficial objects in view, but all of whom it would be impossible to satisfy if the taxation of the country were, not £60,000,000, but £120,000,000 a year. In fact, no moderate amount of taxation would be sufficient to meet all the useful objects now projected. It is only a little while ago that an application was made to me by the Metropolitan Board of Works for no less a sum than £4,000,000. [Laughter.] Hon. Gentlemen may treat the subject with levity, but I can assure them it was by no means so considered by the gentlemen who made the application. They were very unwilling to receive the answer I gave, but it was the only one I could give—namely, that the subject should receive the attentive consideration of Government. They seemed to be surprised that I did not at once enter—I presume on behalf of Parliament—into an engagement to effect a loan to the extent of £4,000,000 for the object which they have in view. I merely

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mention that as a project in which a very large portion of the population of this metropolis takes an interest, and which many persons consider to be a national object of no ordinary importance. There is also a plan which was recommended by a Committee of last Session for the concentration of all the public offices. That Committee recommended that there should be a large purchase of land in Westminster,—intending, I presume, that public offices should, without loss of time, be erected upon it. I believe that the lowest estimate for the purchase of the land was about £1,500,000, and I suppose that for the erection of buildings in accordance with the views of those who promoted this plan a sum of not less than £5,000,000 or £6,000,000 sterling would be required. There are numerous plans for museums, for collections of science and art,—all of them highly useful, and tending to the improvement of all classes of the community,—not confined to the metropolis alone, but proposed for Edinburgh and Dublin, and even for other large towns in the United Kingdom. There are plans for the laying out of parks in the metropolis and other large towns,—and I need not say that the purchase in the neighbourhood of London of a space sufficient for a public park implies a considerable outlay of money—and also a plan for the purchase of Hampstead Heath. There are numerous plans for widening the streets and improving the approaches and communications of the metropolis. There are plans connected with bridges in the metropolis and elsewhere; plans for pulling down houses and making splendid approaches to the heart of the city. There are plans for electric telegraphs connecting the most distant regions of the earth, passing over hundreds of miles of land, and under thousands of miles of sea. There are also numerous and undoubtedly most beneficial plans for the extension of education, and for the erection of schools of different sorts and for different classes. Furthermore, there are also plans and proposals, of which we used to hear so much last Session, for the increase of half-pay and superannuation allowances, and for allowances to widows and other persons who have suffered from the consequences of the war. I dare say that the experience of hon. Members would easily enable them to increase this list. They are all plans of the most legitimate nature, and highly advantageous, supposing the Government to have

millions of money at its disposal. But it is from proposals of this kind, and not from proposals for the benefit of individuals or for purposes of corruption, that the real difficulties of the Government arise at the present time; inasmuch as it is utterly impossible, however wealthy the country may be, however willing to submit to any reasonable load of taxation, for it to provide the funds required for all these different projects; and therefore the task of selecting those of them which are the most useful, the most urgent, and most deserving of the attention of the Government and of this House is anything but an easy one.

Let me, Sir, now recall the consideration of the Committee to the debt which has been created by the war, and which has imposed obligations on the nation which it is now necessary to fulfil.

Increase of Debt.	Annual Charge thereon.
Total addition to the Funded Debt during the war ...	£30,265,000
On which increased annual charge is	£907,000
To which must be added Terminable Annuities ...	116,000
Exchequer bonds ...	£7,000,000
Annual charge thereon ...	245,000
Exchequer bills ...	£5,041,000
Annual charge thereon ...	191,000
Total increase of annual charge upon the revenue on account of debt created during the war	£1,460,000

In addition to this, however, there are certain items of capital which have to be redeemed, and to which I shall shortly advert.

I have now, Sir, completed the explanation which I have to offer on the subject of the expenditure; but before I come to the plan of taxation for the ensuing year I must trouble the Committee with some remarks upon expressions that fell from my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) on a former night. I am not quite sure that I fully collected the purport of his observations, but I remember that he alluded to a "compact" entered into, in the year 1853 between the Government and Parliament, or the country, with regard to the permanence of the financial arrangements of that Session. Now, I can understand a "compact" such as that made at the time of the union between Scotland and England, or at the time of the union between Ireland and England, and embodied in an Act of Parliament, by which one of the contracting parties may be said to be extinguished;

I can understand an arrangement of that kind having the sacred nature of a contract which cannot be disturbed without a manifest breach of public faith. But, in order to establish the doctrine that a financial arrangement entered into for a particular year or series of years has the qualities and incidents of a "compact" it is necessary, it seems to me, to show that the state of things which was assumed as the basis of that "compact" has not been varied by subsequent events, but still remains unchanged. In the first place, then, the whole arrangement of 1853 was entered into on the assumption that peace would continue unbroken. I need not say that that assumption unfortunately did not prove to be correct. War, in its actual expenditure, as well as in its consequences, is unhappily, in matters of finance, a disturbing cause of the first magnitude; and it is only necessary for me to refer to the facts which I have just narrated in regard to the large increase of annual charge on account of the debt, owing to the recent hostilities, in order to show that the foundation of the arrangement of 1853 has, in the most important respect, been overturned. But not only has the annual charge of the debt been increased; there are also certain payments in the nature of the redemption of capital debt which must take place within the years comprised in the period covered by the arrangement in question. That settlement extended over the period from 1853 to 1860. Well, according to the obligations fixed by Acts of Parliament now in force, there become payable in the year—

1857	on acc. of Exchequer bonds	{ £2,000,000
1858		{ 2,000,000
1859	by 17 Viet. c. 23	{ 2,000,000
1860	by 18 & 19 Viet. c. 130	{ 1,000,000

Then there is the sinking fund for war loans charged on the Consolidated Fund, payable in —

1857		£ 250,000
1858		1,500,000
1859		1,500,000
1860		1,500,000

To which must be added the increased annual charge on account of the debt—that is to say, the annual addition to expenditure will be in each of the four years from 1857 to 1860 (inclusive) as follow—

1857—Capital debt to be redeemed...	£2,250,000
Increased annual charge	1,421,000
Total	£3,671,000

1858—Capital debt to be redeemed...	£3,500,000
Increased charge	1,324,000
Total	£4,824,000
1859—Capital debt to be redeemed...	£3,500,000
Increased charge	1,207,000
Total	£4,707,000
1860—Capital debt	£2,500,000
Increased charge	1,108,000
Total	£3,608,000

Now this series of obligations in the shape of annual interest and repayments of the principal of the debt, must, it is manifest, have disturbed the basis of the settlement entered into in 1853—a settlement which had every prospect of a satisfactory issue if we had remained at peace, but the basis of which was altogether deranged by the stern reality of subsequent events. Since the year 1853 not only has a large additional charge in the way of interest on debt and repayment of the principal been imposed on the resources of the country for the next four years, but during the same interval large remissions of taxation have been made, materially diminishing the public revenue. So that, while we have increased our expenditure, we have concurrently lost part of our income. Thus there have been the following reductions or remissions of taxation since 1853,—

1854—Reduction of duties on Bills of Exchange, causing an annual loss of	£150,000
1854—Reduction of the Assessed Taxes, causing a loss of	290,000
1855—Remission of Newspaper Stamp duty, causing (after allowing for increase of postage) a loss of	260,000
1855—Remission of Carriage duty, causing a loss of	60,000

Total remission of taxation since 1853 £760,000

I conceive, then, that the hands of this House are perfectly free to deal with this question at the present time, and that Parliament cannot deem itself in any way tied up by an arrangement made on an assumption, which I wish as sincerely as any one had been supported by the result, but which was unhappily falsified by the subsequent course of events.

I now come, Sir, or rather I approach more closely, to the arrangements I propose for the taxation for the ensuing year; but I will first trouble the House with some explanation on the subject of direct and indirect taxation, upon which those arrangements mainly turn. I think there is an exaggerated idea as to the amount of di-

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rect taxation which is now levied upon the country. The current of feeling runs strongly, as it seems to me, against any form of direct taxes. Such a feeling appears to be expressed in many quarters. One mode of trying the justice of that feeling is to examine what are the relative amounts levied by direct and by indirect taxation. I think this is an important matter, bearing in a most direct and practical manner on the solution of the question which is about to engage the attention of the House. The amount of those taxes which strictly bear the name of direct taxes is not large, if we put out of view the war income tax. The war income tax is no doubt principally owing to the exigency of circumstances; but, that being put out of consideration, and reverting to the income tax as it was originally proposed by Sir Robert Peel, the House must, I think, be of opinion that the amount of direct taxes, strictly so called, is by no means considerable. I have divided the taxation of the country into three classes. I have taken first those direct taxes which are paid at fixed periods—that class of taxes to which alone French financiers give the name of direct taxes. They do not give the name of direct taxes to those taxes which seem to me to deserve the name, though they are not paid at stated and fixed periods. I have divided our taxes into three classes:—first, those which are strictly “direct;” next those which must be included under the same head, though differing in some respects; and lastly, indirect taxes. First, then, as to our direct taxes, strictly so called. They are as follow:—

Land tax	£1,150,000
Assessed taxes	2,000,000
Income tax	7,100,000

Total of taxes strictly direct £10,250,000

That is to say, this is the total amount of direct taxation, in the case of taxes paid at fixed periods, taking the income tax at the amount originally imposed by Sir Robert Peel. Then there is a class of direct taxes paid at uncertain periods—taxes, therefore, not paid in the same compulsory manner as those first mentioned, but still direct taxes; and among these I include the postage; although there is an equivalent, and ample equivalent, for it—

Stamps, probate, legacy, and succession duties	£7,450,000
Postage	3,000,000
Total	£10,450,000

I must here make an explanation as to the succession duty, about which, it seems to me, great misunderstanding prevails. I have heard it stated that the succession duty is a heavy burden on landed property, that it tends to the confiscation of the estates of landowners, that it forms a great and material increase to the direct taxation of the country, and that it may be considered almost as another income tax. The present amount of the succession duty is about £500,000 a year. It is anticipated that, increasing by slow degrees, it will rise to maturity about 1863, and it is estimated that it will then produce only £1,200,000 a year. Thus, then, our direct taxation amounts to about £20,500,000; that is to say,—

Direct taxes of the first class ... £10,250,000

Direct taxes of the second class 10,450,000

Total, ... £20,700,000

Now our indirect taxation—that is to say, our Customs and Excise—amounts to nearly £40,000,000; that is, to £39,850,000. Thus, then, our indirect taxation is about double the amount of our ordinary direct taxation, assuming the income tax to be levied at its original rate, and allowing the £3,000,000 for postage.

There are some Gentlemen who, notwithstanding the general desire to diminish direct taxes, and especially to remove the war rate of the income tax, say that they would wish to keep up the income and other direct taxes to a considerable amount, for the purpose of reducing certain indirect taxes, pressing, as they think, with great severity on the trade and industry of the country. One of these is the Paper duty, and I received, not many days ago, a deputation, headed by the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), who pressed on the consideration of the Government the reduction of that duty. The duty falls on three classes of paper—namely, paper used for printing, paper used for writing, and paper used for packing—and being charged, not according to value, but according to weight, financially speaking the burden is by far the heaviest on the large quantity which is used for the purpose of packing. Instead of being most oppressive on that class of paper which leads my right hon. Friend to denominate it a tax on knowledge, it falls more heavily on the two other descriptions. But, with regard to packing and writing papers, I confess I do not see that those descriptions, in the present state of our

revenue and expenditure, are not proper subjects of taxation. With regard to paper used for the purpose of printing, we must consider not merely the demands of the manufacturer, but what will be the probable advantage to the consumer. I confess, having carefully considered the subject, I do not believe that the total abolition of the paper duty would produce to the ordinary purchaser of books and newspapers any appreciable advantage. Therefore, Sir, without at all denying the claims of the paper duty to be considered at a time when our expenditure may be less and our revenue may be greater, I cannot admit that at the present moment it is a proper subject for remission. There is another article the duty on which some persons wish to see diminished. The hon. Member for Pontefract (Mr. Oliveira) has given notice of a Motion for a Committee to inquire with a view to a reduction of the duty on wine. For that reason, I do not think it at present necessary to go into that subject further than to say that, from accidental and natural causes, the production of wine has undergone a great diminution; that the exports of spirits from this country have increased in consequence; so that, instead of the Continent being able to give us a redundant supply of wine, we are exporting spirits to supply their demands. This would not, therefore, be a happy moment for the trial of an experiment which I am sure my hon. Friend must himself regard as somewhat perilous to our finance. There is only one other duty to which I will refer. It is one which interested many Gentlemen last Session, and which was brought forward for discussion in this House—I mean the duty on fire insurance. I have lately laid upon the table a Report upon this subject. I have caused it to be carefully investigated during the recess, and you will find in that Report the materials for arriving at a judgment on the question, which did not exist in an authentic and official form before. The result of a careful consideration of the question has been to convince me that it is a duty which falls exclusively upon realised property, for which reason it ought to receive the support of those Gentlemen who wish to transfer all taxation to realised property: that it is a duty which adapts itself with singular felicity to the circumstances of the taxpayer, which is heaviest when the insurance is lightest, and lightest when the insurance is heaviest; and which has advanced in its contribution to the

revenue with a steady progression for a great number of years, and it would not, so far as I can judge, increase if the rate of duty were diminished. I confess that I can see no ground whatever for acceding to the propositions which have been made for the reduction of that duty, and, so far as I am able to judge, I believe it to be one of the last duties which ought to be relinquished. [*Murmurs.*] I am sorry to differ from hon. Gentlemen upon this subject, but I must ask them to suspend their judgment until they have had an opportunity of reading the Report to which I have referred, in which the matter is treated in detail, and with great clearness and ability. At all events, if the conclusion at which I have arrived be distasteful to hon. Members behind me, I assure them that I have only come to it after a careful consideration of the subject, and I think that they can hardly—at present—press for the abolition of the duty on fire insurances.

Sir, in dealing with the taxation of the current year, I shall propose, therefore, to confine myself to those taxes which were imposed during the war, and I shall not make any modifications of any other portion of our taxation than that which underwent revision during the war. In proposing the modifications which I am about to do, I would bear in mind the *dictum* of a writer whose opinions I think should command some authority in this House—a writer in no degree obnoxious to the charge of being a speculative theorist, but a practical man, conversant with various branches of economy, and particularly of agricultural economy—I mean Arthur Young, whose *Travels in England, Ireland, and France* are doubtless well-known to Members of this House. After pointing out what are in his opinion the principal attributes which a system of taxation ought to possess, and dwelling especially upon the importance of equality, he makes the following observations:—

“The mere circumstance of taxes being very numerous, in order to raise a given sum, is a considerable step towards equality in the burden falling on the people; if I was to define a good system of taxation, it should be that of bearing lightly on an infinite number of points, heavily on none. In other words, that simplicity in taxation is the greatest additional weight that can be given to taxes, and ought in every country to be most sedulously avoided.”

Now, Sir, that opinion, though contrary to much that we hear at the present day, seems to me to be full of wisdom, and to

be a most useful practical guide in the arrangement of a system of taxation.

I will now go through the war taxes, to which I think it necessary to call the attention of the Committee. In the first place there is the duty on spirits, in which a permanent increase was laid during the war, and which may be reckoned on as producing a permanent addition to the revenue of about £1,500,000 a year. The additional duty was imposed as a permanent tax, and does not cease upon the termination of the war. I think that the Committee will agree with me that spirits are legitimate objects of taxation at a time when a large revenue is required, subject to the condition that the rate of duty must not be so high as to lead to illicit distillation. Illicit distillation is so great an evil, and it so demoralises the country in which it prevails by producing lawless habits, that any amount of revenue is dearly purchased at the cost of promoting illicit distillation. Hitherto, however, it has not been found that the present rate of duty either in Ireland or Scotland has led to illicit distillation. I can assure the Committee that this is a subject to which I am quite alive, and so long as I have the honour to hold my present office, it is one which I shall most carefully watch with a view to discover any increase in the practice; but while matters remain in their present position, I see no reason for proposing any alteration in the spirit duties. The next duty to which I must advert is the duty upon malt. Last year there was a loss upon malt to the amount of £200,000, exclusive of the drawback of £840,000 repaid on stocks on hand. The duty ceased upon the 5th of July last, but, on account of the long credit given, a portion only of the war duty became payable last year. In the ensuing year, the entire effect of the remission of the war duty upon malt will be experienced, and it will occasion a loss of about £2,000,000. The additional war duty is now removed.

Sir, I now come to the income tax. I will first inform the Committee of the present position of that tax. It was imposed upon the proposal of Sir R. Peel in 1842, at the rate of 7d. in the pound upon incomes above £150 a year for three years. It was renewed in 1845, and again in 1848, at the same rate. It therefore continued for nine years, being renewed at triennial periods, at the rate of 7d. in the pound on all incomes above £150 a year,—

incomes below that amount being exempted. In 1851 a similar renewal at the same rate and for the same period was proposed by my right hon. Friend the present First Lord of the Admiralty (Sir C. Wood), but it met with a good deal of opposition on the ground of the mode of assessment; and, in deference to the prevalent opinion of the House, it was renewed only for one year, and a Select Committee was appointed to inquire into the mode of assessment. I ought to state that my noble Friend the Member for the City of London (Lord J. Russell), who was then at the head of the Government, while he assented to the appointment of the Committee under the special circumstances, objected to so large a portion of the revenue being made to depend upon an annual Act. In 1852 the income tax was renewed at the same rate by the Government of Lord Derby, but it was again renewed for only a year in consequence of the peculiar position of that Government, which did not allow them to propose any important renewal or change of taxation. I now come to 1853—the year in which the settlement which has been so much referred to was come to. In that year the income tax was fixed at 7*d.* in the pound for two years from the 5th of April, 1853; at 6*d.* in the pound for two years from the 5th of April, 1855; and at 5*d.* for three years from the 5th of April, 1857; so that if the war had not intervened the tax for the year now current would have been 6*d.* in the pound, and for three years from the 5th of April, 1857, it would have been 5*d.* in the pound. Therefore, what is called “the war 9*d.*” is in fact the difference between the tax as it stood at the commencement of the war and the tax as it stands at present. If the duty were raised according to the Act of 1853, the income tax would be 6*d.* in the pound in the present and 5*d.* in the ensuing year. By the same Act of 1853 the income tax was extended to Ireland, and it was also extended to incomes above £100 and less than £150 at 5*d.* in the pound. The war now supervened, and the result was that the income tax did not fall from 7*d.* to 6*d.*; on the contrary, in 1854 it was increased from 7*d.* to 14*d.* and from 5*d.* to 10*d.* in the pound—that is to say, it was raised to 14*d.* on incomes above £150, and to 10*d.* on incomes between £150 and £100. At the same time it was continued at those rates “till the 6th day of April next after the ratification of a definitive treaty of peace,

and no longer.” But in 1855 the tax was increased to 16*d.* and 11½*d.*—in other words, 2*d.* was added to the 14*d.* and 1½*d.* to the 10*d.* It was continued during the war “and until”—these are the words upon which so many comments have been made—“and until the 6th day of April which shall first happen after the expiration of one year from the ratification of a definitive treaty of peace, and no longer.” That, Sir, is the present state of the income tax. For the present year it stands at 16*d.* in the pound upon incomes above £150, and at 11½*d.* upon incomes between £150 and £100; and it is continued, by the operation of the words which I have read, for another year, commencing on the 7th of April next. It would fall for the following two years to 5*d.* in the pound, and then altogether expire. That is the legal position of the income tax. Sir, it has been supposed that there was some design or reason on the part of the Government for making a distinction between the income tax and the duties on tea, sugar, and coffee. I can assure the Committee that the difference in the wording of the Acts was not at all the result of design; it was the result of a mere accident, and owes its existence to a singular coincidence of dates, which it was impossible for the Government or any person to foresee when the Acts were passed. According to the Act passed in 1854 the present rates of the income tax were limited to continue until the 6th of April next after the ratification of the treaty of peace. Consequently, if the treaty had been ratified on the 5th of April, the income tax would have ceased a day after the ratification. The Committee must be aware from the statement I have already made that war expenditure does not cease with active hostilities, but that it is necessary for the Government to be provided with funds, or else to appeal to Parliament to meet that expenditure which, though not falling within the period of hostilities, fairly and properly belongs to the time of war. Therefore, when the income tax was increased in 1855, the words which I have read were inserted in the Act. It was intended to levy the tax at the increased rates during the remainder of the financial year, whatever that remainder might be, in which the treaty of peace might be ratified, and for one clear year beyond that period. The word “ratification” of a treaty of peace oc-

curred in the former income-tax Act, and was transferred to the Act of 1855; but it did not occur in the Customs Act. In that Act the words used were, that the duties on tea, sugar, and coffee should continue during the war, "and until the 5th day of April inclusive which shall first happen after the end of twelve months from the date of a definitive treaty of peace with Russia." Instead of using the word "ratification" as in the income tax Act, the word "date" was inserted in the Customs Act. That difference of expression arose from inadvertence, not from design, and it was intended that both Acts should have the same effect. It so happened, however, that the treaty of peace was signed on the 30th of March; but the ratifications were not exchanged till the 27th of April, and therefore the 5th of April, the day mentioned in the Customs Act, intervened between the signature and the ratification of the treaty—an event altogether impossible for the Government to foresee. Now, it appears that the phrase, "the date of a treaty," means the date of the signature, and not the date of the ratification; although the treaty takes effect only from the latter period. But from the circumstance to which I have referred, the Act relating to the income tax, and that with respect to tea and sugar, received a different construction, and it was held that the tea duties would expire on the 5th of April next. That, Sir, is a simple explanation of a subject which has occupied much of the attention of the public; but the House must not suppose that the difference arises from anything more than accident, I will only further say, that although, in answer to a question put to me by the hon. and learned Member for Wallingford (Mr. Malins), I stated what was the legal effect of the accidental and undesigned phraseology of the income tax Act, I never for a moment entertained the idea of asking the House to continue the tax longer than the exigencies of the public service should require it. Well, Sir, as the law stands at present the sum which the Exchequer would be entitled to receive from the income tax would be 16*d.* for the ensuing year, and 5*d.* for each of the two following years: that is to say, it would be entitled to receive 26*d.*, each penny of which may be taken as representing £1,000,000 sterling. Consequently, the total sum payable under the income tax Acts for

the next three years is £26,000,000. The proposal which I have to make to the Committee, looking to the increased charges upon the revenue for some years to come, owing to the debts contracted during the war, and to the remission of taxation in the same period, is to fix the income tax as it was originally fixed by Sir Robert Peel, and at two subsequent periods, taking it for the next three years at 7*d.* in the pound. [A considerable number of Members hurried from the House as soon as the right hon. Gentleman had made this announcement.] I am sorry, Sir, to have to continue my explanation to an audience so greatly reduced in numbers; nevertheless, I must state to those who remain what will be the effect of the proposed alteration. The number of millions to which the Exchequer would be entitled under the existing law is twenty-six, distributed over the next three years. The effect of the change which I propose will be that the Exchequer will receive £21,000,000, being a diminution of £5,000,000, spread over the same period. Another effect will be that more than a half of the tax will be remitted in the ensuing year; for, whereas the present rate of the tax is 16*d.* in the pound, I propose to reduce it to 7*d.* Sixteen pence in the pound is equal to £6 13*s.* 4*d.* per cent; 7*d.* in the pound to £2 18*s.* 4*d.*; and 5*d.* to £2 1*s.* 8*d.* The difference, therefore, between the rate at which I propose to fix the tax and the rate at which it would stand for the next two years, if no alteration were made, is only 16*s.* 8*d.* per cent. The Committee will thus see that, while the relief granted in the ensuing year will be great and sensible, the additional charge in the two following years will not be such as to be injuriously felt by the country. The relief will not be confined to the class of incomes exceeding £150 a year. I propose to reduce the rate of income tax levied upon incomes between £100 and £150 a year, which is 11½*d.* in the pound or £4 15*s.* per cent, to the rate adopted in the original measure of my right hon. Friend (Mr. Gladstone)—namely, 5*d.* in the pound, which will amount to £2 1*s.* 8*d.* per cent. I believe the high war income tax has pressed with great severity upon the class of small incomes, and I think I can explain why that has been the case. My right hon. Friend, in proposing this extension of the tax, expressed an opinion that he ought not, as he phrased it, "to trench upon the territory of labour;" for he

thought that by limiting the tax to amounts exceeding £100 it would not affect any considerable number of persons in receipt of weekly wages. I am unable to obtain a very exact account of the number of persons receiving weekly wages who are contributors to the income tax; but I have reason to believe that it is not less than 20,000. Persons in receipt of £2 a week are liable to the tax, and the sum of £4 15s. 10d. per annum, payable half-yearly, must have been extremely burdensome to individuals in such a position. The tax would become still more burdensome if it fell into arrear, and if a person receiving only £2 a week was called upon to pay at once £4 15s. 10d.—more than double his weekly earnings. The effect of the change I propose will be that a person receiving £2 a week will only be liable to an income tax of £2 1s. 8d. per annum, which is about £1 half-yearly; and therefore the reduction will afford great relief to the possessors of small incomes, and must have the effect of diminishing the objections felt in many quarters to applying the tax to that class of persons.

But, Sir, I have unfortunately not now concluded my statement. There is another war tax with which I shall propose to deal, but with regard to which I cannot pursue the course I have suggested in the case of the income tax—I allude to the duty upon tea and sugar. According to the existing Act the duty upon tea is for the present year 1s. 9d. per lb., and would fall to 1s. 3d. on the 1st of April next, and to 1s. for the next and succeeding years. The duties on sugar are also arranged upon a similar plan of reduction, and consequently there would be a corresponding fall. It happens that at this moment the stock of sugar is very low, and it cannot therefore be expected that a reduction in the price of that article consequent upon the diminution of the duty would be attended with any great increase of consumption. A similar remark applies to tea, inasmuch as recent events at Canton have opposed obstacles to future exportations. With regard, therefore, to both these articles it cannot be expected that a considerable reduction of duty would be followed by any material increase of consumption in the course of the next year. The diminution I propose in the rate of the income tax will lead to a great reduction of the revenue, not so much in the present year as in the two succeeding years. The difference between a tax of

7d. in the pound and one of 16d. would involve a diminution of revenue to the amount of £9,000,000, which would probably leave a deficient income as compared with the probable expenditure of the country. I therefore intend to propose a new scale for the reduction of the duties upon tea and sugar, rendering the diminution somewhat slower than it would be under the existing law, and thus providing for a more gradual diminution of the revenue. I will state what are the duties I propose to adopt:—The duty on tea now stands at 1s. 9d. per lb. I propose that for the next year, 1857-8, it shall be 1s. 7d.; for 1858-9, 1s. 5d.; for 1859-60, 1s. 3d., and that from that period it shall be 1s. The present duty on refined sugar is 20s. per cwt. I propose that next year it shall fall to 18s. 4d.; in the following year to 16s. 8d.; in 1859 to 15s., and in subsequent years to 13s. 4d. The duty on brown sugar is now 13s. 9d.; I propose that in 1857-8 it shall be 12s. 8d.; in 1858-9, 11s. 8d.; in 1859-60, 10s. 7d.; and that after that period it shall be 9s. 6d. The duty on yellow sugar is at present 15s., and I propose that it shall be 13s. 10d. in 1857, 12s. 9d. in 1858, 11s. 8d. in 1859, and subsequently, 10s. 6d. In the first week of February, 1855, the stock of sugar was 73,412 tons; in 1856 it was 56,266 tons; and at present the amount is only 42,745 tons, and it is not to be expected that any large increase will accrue.

I will now state to the Committee the estimated gross revenue for the ensuing year. I estimate the—

Customs	...	...	£22,850,000
Excise	...	...	17,000,000
Stamps	...	...	7,450,000
Land and Assessed Taxes	...	...	3,150,000
Income tax	...	...	11,450,000
Post Office	...	...	3,000,000
Crown Lands	...	...	265,000
Miscellaneous	...	...	1,200,000

66,365,000

The expenditure, including the discharge of Liabilities, I estimate at	...	...	65,474,000
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Leaving a surplus of ... £ 891,000

—a sum not more, I apprehend, than I ought to reserve for the contingent expenditure of the year. The House should understand that owing to the arrears of income tax, and the manner in which the tax is paid, a portion of the amount will be receivable in the ensuing year; and although the diminution of the rate will take

effect on the 1st of April, a portion of the receipt of the high rate will come in in the ensuing year, and the full effect of the reduction will not be felt until the following year. The total amount of taxation which will cease after the first of April next, will be found in the following table:—

Malt tax loss in 1857-8 (in addition to £200,000 in 1856-7)	£2,000,000
Income tax (to be reduced to 7d. and 5d.)	9,125,000
Tea (to be reduced from 1s. 9d. to 1s. 7d. per lb.)	369,000
Coffee (to be reduced from 4d. to 3d. per lb.)	135,000
Sugar (to be reduced from an average of 14s. 4d. to 13s. 4d.)	342,000
Total reduction... ..	£11,971,000

Of this total of £11,971,000, about £7,600,000 will be a deduction from the Exchequer receipts for the ensuing year, 1857-8.

If the Committee should adopt the plan which I have proposed, I believe that sufficient revenue will be provided to meet the liabilities of the Exchequer for the payment of the bonds due in the three years commencing from the 1st of April, for the extinction of the war sinking fund, and also for the payment of the increased interest on the debt; leaving some margin for any slight increase in the Army, Navy, or Civil Service Estimates. If the liabilities created by the £40,000,000 of debt contracted during the war should be discharged according to the plan which has been laid down by Parliament, and according to that which I am now proposing for the next three years, and if further accruing liabilities should be met by a corresponding provision, I calculate that the entire debt created by the war will have been extinguished by the year 1877. More than half of the extraordinary expenditure of the war was defrayed from taxation, the remaining half by loans; and this portion, as I have just said, if the arrangement I propose is adopted, will be extinguished in about twenty years. It seems to me that such a state of things affords a favourable retrospect of the arrangements made during this war. It shows the greater providence of the present generation; and if our ancestors had treated us as well as we are, I hope, about to treat posterity, we should not at the present time be loaded with the burden of a debt of £800,000,000.

The Chancellor of the Exchequer

I am afraid, Sir, I have detained the Committee at an unreasonable length; but they must be aware that in the performance of important duties such as that which I have just attempted to discharge it is important that every material fact bearing upon the question at issue should be laid before those with whom the decision rests, and I would rather incur the charge of tediousness and prolixity than fail to submit to the consideration of the Committee any matters which may be necessary or useful to guide their judgments. I do not believe that I have troubled them with anything which is immaterial to the matters under consideration. I can only say, in conclusion, that as the plan I have proposed has been dictated by public motives, and I hope will conduce to the general welfare of the country, so I have no doubt it will receive the dispassionate and careful consideration of the Committee; that it will be judged without reference to the particular sides of the House on which hon. Gentlemen may sit, but with more enlarged views, and with a sense of the responsibility under which we labour in making provision for a subject so momentous to the future happiness and prosperity of the community. The right hon. Gentleman concluded by moving—

“That a sum, not exceeding £2,000,000, be granted to Her Majesty, to pay off and discharge Exchequer bonds, issued under the provisions of the Act 17 *Vict.*, cap. 23, and dated the 8th day of May, 1854, which will be due and payable on the 8th day of May, 1857.”

Resolution read.

MR. GLADSTONE: I am aware that it is the rule on these occasions—or if not a rule, a practice which has almost the force of one—to abstain from discussing in detail the various propositions of the Budget on the night on which it is brought forward; and, considering the comprehensive nature of the statement which my right hon. Friend has made, and the gravity of much of the matter which it contains, I have never known an occasion on which it would be more inexpedient to depart from that rule. I have no intention, therefore, of making any remarks upon the important questions which arise out of my right hon. Friend's speech. My only object in rising now is to ask him one or two questions as to matters of fact. I take it for granted that, as the Resolution which he has just moved seems to form a portion of the policy of the Budget, he will not ask us to give a vote upon it to-night. It does not

refer to the execution of any contract immediately pending; but it does form part of the policy which this House will have to decide upon; and, therefore, before taking any vote upon it, time ought to be given to allow of a calm and impartial consideration of his whole scheme. I now refer simply to matters of fact. When my right hon. Friend spoke of the sum of £150,000 as being the loss consequent upon the change in the law respecting bills of exchange, I presume that before charging that loss he took credit for the proceeds of the stamps on foreign bills of exchange. On one part of his statement I wish to put my right hon. Friend right—it is not a very important one. My right hon. Friend spoke of the loss of £285,000 upon assessed taxes in the year 1854-5 as a loss which was to be reckoned in the light of an addition to the remissions since 1853. In answer to that I beg to assure my right hon. Friend that that loss was distinctly included in the calculations of 1853, and was before the House when those proposals were adopted. I wish, also, to ask my right hon. Friend a question with respect to the table which he has given us of the proposed relief to consumers. Apart from the income tax, he spoke of a loss of £2,000,000 on the malt tax as part of the remissions included in his proposal; but, if I understand rightly the state of the law, that loss of £2,000,000 does not depend upon any proposal of his, but is one of the consequences of the law as it now stands, and therefore does not form part of any loss which we are going to inflict upon the revenue, or of any relief which we are going to give to the consumer by any proceedings of ours in the present year. My right hon. Friend also spoke of a loss upon tea, coffee, and sugar—of £369,000 on tea; £135,000 on coffee; and £342,000 on sugar. But, if I understand the state of the case rightly, as regards tea and sugar, he is not going to lose money, but to gain it—that is, he is going to impose upon those articles a duty, lower certainly than that which is leviable at the present moment, but higher than that which would be leviable after the 5th of April next according to the present law; and therefore it is not a question of granting relief from taxation upon tea and sugar; but it is, as far as it goes, a question of increasing the rates of duties payable upon these commodities. If that be so, I think it would be for our convenience if my right hon.

Friend, having stated the case one way—having shown the loss which will be sustained in the reduction from the war rate of duties—would supply us with figures showing the gain he expects to realise from his new duties as compared with those which would take effect under the present law. I confess I should like to know the calculations of my right hon. Friend on these points. They comprise matters merely of fact; all discussion upon the case I propose to reserve. It would be therefore convenient, as well as, I think, in accordance with usage, not to take a vote upon the Resolution to-night.

Mr. ALCOCK said, he was glad to find that the Chancellor of the Exchequer had not been induced by any alarm as to what had taken place, either out of doors or in this House, to propose a reduction of the tax on incomes beyond the point he had stated to-night. He (Mr. Alcock) confessed he was one of those who were in favour of direct taxation, who thought well of the Liverpool Financial Association, and who believed that if that association could have its way to a certain extent in regard to the finances of this country very great benefit would result. The Liverpool Association asserted that the national income was £650,000,000 a year. Now, a tax of ten per cent. upon this sum would produce £65,000,000, and this would allow of the entire abolition of all other taxation. Probably there was some exaggeration in that calculation; but no one could doubt that the income of the country could not be less than between £500,000,000 and £600,000,000. If this question could be decided by working men, he thought they would be in favour of the taxation of all incomes from the lowest to the highest, so that they could be exempt from indirect taxation. The late Mr. Hume and Mr. Babbage expressed themselves in favour of that principle. With regard to the tea duty, he was astonished to hear that the Chancellor of the Exchequer was not going to make a greater reduction. Last year the consumption of tea was only 2lbs. per head throughout this kingdom, while in the flourishing colony of Victoria the consumption was 10lbs. With such a difference as this, could any one doubt that it would be for the advantage of working men to pay income tax, provided they could be free from taxes upon the necessities of life? He was also astonished that the Chancellor of the Exchequer proposed to

do nothing with regard to the fire insurance duty, which amounted to the enormous impost of 200 per cent. In France, it would be remembered, seven-eighths of all the property was insured against fire; while in England only one-third was so insured. Was anything wanted to show more clearly the operation of the Government duty? Recurring to the income tax, he thought it a great pity that the Chancellor of the Exchequer did not give greater facility for appeals against the assessment. Let them depend upon it, the unpopularity of the tax was in a great measure owing to the harsh and dictatorial manner in which appeals were treated in the different courts throughout the country. He thought, too, that the Government ought to provide against the defalcations of collectors, which the districts were obliged to make good. In some cases parishes had to pay two or three times over in consequence of these defalcations. The taxpayers of Newcastle had had to pay £1,800 on this account, and now the parish of Lambeth was in the same predicament. He considered the Government ought to appoint these persons, see that they provided proper security, and take the responsibility as to their conduct. Another point to which he wished to call attention was the tax on dogs. A few years ago this duty was raised from 8s. to 12s.—a rate which led to a vast deal of fraud throughout the country by people who evaded the tax, and which in other cases operated as a great grievance upon poor people, who lived, perhaps, in solitary parts of the country, and who were taxed, while the sheep-dogs of farmers were exempt.

SIR HENRY WILLOUGHBY would follow the course recommended by the right hon. Gentleman the Member for the University of Oxford, and abstain from all discussion of the details involved in the statement of the Chancellor of the Exchequer. Indeed, upon two main points in his address the right hon. Gentleman met with his (Sir H. Willoughby's) cordial concurrence, for he found the Estimates for the naval and military services had been materially reduced, and the war income tax had ceased to exist. However, he should turn to another point. Upon a former occasion he (Sir H. Willoughby) had asked the right hon. Gentleman whether the sum advanced to Sardinia was to be a loan or not? He would repeat that

Mr. Alcock

question now, adding, that if it was a loan, when would it be repaid, and in what manner? Those were points very desirable to be cleared up to enable them to judge of the country's liabilities. Another point which required some elucidation on the part of his right hon. Friend, was connected with his estimate of the expenditure on account of the war with Persia. He estimated the whole expenditure which would devolve upon this portion of the Empire, as its share of the cost of the war, at £265,000. Now, it appeared to him, that that was an estimate so entirely under all probable calculations, that it really appeared as if his right hon. Friend were shirking his liabilities. It seemed to him that the cost of the war with Persia would be very considerable, and some one or other must bear it. Hoping that the right hon. Gentleman would inform the Committee as to the foundation of his calculations relative to the Persian war, he should sit down, limiting his inquiries to those two points.

MR. WARNER said, that he had not quite understood from the Chancellor of the Exchequer's statement, how he proposed to raise the whole amount which was required for the public expenditure. He had estimated the expenditure at £65,000,000; but he did not think his taxes covered that amount. The right hon. Gentleman no doubt would be able to explain that. The scheme laid before the Committee would, in his opinion, give general satisfaction out of doors. The right hon. Gentleman was right in not touching the taxes which had not been put on for war purposes. He should be glad to hear what the right hon. Gentleman proposed to do with the income tax after the three years had expired when the tax ought to cease—whether it was to be regarded as forming part of the general system of taxation, or as an extraordinary tax? If it was retained as a permanent tax it would prove an endless source of agitation, and of ill-will to the Government. It was the only direct tax, and yet it caused more ill-will than all the other taxes put together. This was not an encouragement to proceed further in that direction. Direct taxation should be levied, if at all, on realised property, and not on labour, whether of the head or hand. The hon. Member for Birmingham (Mr. Muntz) had a Motion, proposing to place taxation on capitalised incomes, and he hoped the Government would be able to say, before

that Motion came to be discussed, whether they saw a fair probability, or not, that the tax would finally cease in 1860.

MR. W. WILLIAMS said, the Chancellor of the Exchequer had laid his Budget before the House in an able, clear, and intelligent manner. There was one point, however, upon which he could express no satisfaction; namely, the proposed expenditure for next year. It was the highest expenditure of any year since the termination of the French war to the commencement of the Russian war. He would beg to call the attention of the Committee to the expenditure proposed by various Prime Ministers during that period. In 1830, under the Administration of the Duke of Wellington, who was not likely to leave the defences of the country in an inadequate condition, the whole expenditure was £13,000,000 less than the proposed expenditure of next year. The Army and Navy expenditure was less by £5,150,000. Yet this was under a boroughmongering Parliament and a Tory Administration. Under Lord Grey's government, in 1833, the total expenditure was less by £15,000,000, and the Army and Navy expenditure less by £6,400,000. In 1834, under Lord Melbourne's Government, the total expenditure was less by £15,200,000, that of the Army and Navy by £6,984,000. In 1835, under Sir Robert Peel, the total expenditure was less by £16,600,000, that of the Army and Navy by £7,390,000. In 1850, under Lord John Russell's Government, the total expenditure was less by £10,500,000, and that of the Army and Navy by nearly £4,000,000, although there was the Kaffir War. Under Lord Aberdeen the expenditure was less by £10,500,000. It was time for the House of Commons to consider and cut down this great expenditure. As regarded the income tax, if the Chancellor of the Exchequer had reduced the expenditure to what it was in 1852, he might have been able to get rid of the tax altogether, but at any rate to reduce it to 5*d*. The operation of the income tax on persons having under £150 a year, was incredibly severe, and when the right hon. Gentleman brought forward his Income Tax proposition, he (Mr. Williams) should propose that persons having less than £150, a year should be exempted from the income tax. The right hon. Gentleman had referred to the application for a loan of £4,000,000 made by the Metropolitan Board of Works; but all they wanted was to have the benefit

of the credit of the Government, and would have given ample security for the repayment of every penny. The hon. Member for East Surrey (Mr. Alcock) had stated that a great deal of the dissatisfaction against the income tax was produced by the misconduct of collectors, and the fact that the parishes were obliged to make good their defalcations; but by an Act passed three years ago they might avoid all that risk, for, on their making an application to the Board of Inland Revenue, the latter would appoint a collector, and take all the responsibility.

SIR FRANCIS BARING wished to ask one or two questions of the Chancellor of the Exchequer. The right hon. Gentleman stated the loss on the malt duty at £2,000,000, and then mentioned two further sums of £800,000 and £200,000. Was he to understand that the loss amounted to the total of these sums, or £3,000,000? [The CHANCELLOR of the EXCHEQUER—Yes]. He wished also to express a hope that the right hon. Gentleman would place on the table a statement as to the liability on the bonds now falling due, and the increased charge on the sinking fund, and let them know what day he proposed to take the debate on his Resolutions.

The CHANCELLOR of the EXCHEQUER was understood to say that the loss to the revenue would in reality be £3,000,000, which would be £2,000,000 in addition to the losses of the present year.

MR. BLACKBURN said, if he understood the right hon. Gentleman right, the total expenditure for the year would be £65,500,000, including £2,000,000 of Exchequer Bonds to be paid off, while the income was estimated at £66,500,000. In a previous part of his speech the right hon. Gentleman estimated the total cost of the war at £76,000,000, £40,000,000 of which were to be raised by taxation, and £36,000,000 by loans. But as a matter of fact £41,000,000 were raised by loans. It appeared, therefore, there was a balance of £5,000,000 somewhere. Now, if that had been included in the income, as the payment of Exchequer Bonds had been in the expenditure, the surplus would have appeared much larger.

MR. BAILLIE COCHRANE observed that the Chancellor of the Exchequer had commented on his speech on what he termed to be a prevalent notion amongst many people throughout the country that there was much corruption on the part of

those who hold high office in the Government. Now, he (Mr. Cochrane) doubted very much whether any such belief did prevail; at the same time he should not have been surprised if it had prevailed, when certain speeches were made by gentlemen of high authority at public meetings accusing the Government of such corruption. The Committee would remember a speech delivered by the hon. Member for Sheffield (Mr. Roebuck), two or three weeks ago, in which he reflected strongly upon all classes in the country. The hon. Gentleman appeared to be almost the only honest man left to the country; he was, as it were, a kind of moral Diogenes going about with his lantern in search of honest men. The House might not be aware of another speech delivered by the hon. Gentleman of which the Government might have taken cognisance. In that speech he distinctly told his auditors that many mercantile firms refused to have anything to do with Government contracts because they were obliged "to preface the proceeding by bribing the departments. That was a speech made by a Member of that House—a speech charging the governmental departments with corruption and foul dealing; and if a speech of that nature were delivered by a gentleman of such influence and authority, it would not be surprising if the feeling alluded to by the right hon. Gentleman prevailed in the country. He must say he thought he was only expressing the feeling of the House of Commons when he declared it was not becoming of one of their body to make such charges against the Government of the country. He was delighted to find that which might be termed the spasmodic state of taxation—alluding to the income tax—was about to terminate.

Mr. HADFIELD said, he thought it would have been fairer to his hon. and learned colleague if the hon. Member for Lanarkshire (Mr. Cochrane) had either given notice of his intention to comment upon a speech delivered by him at Liverpool, or that he should have done so while the hon. and learned Member was in the House. He (Mr. Hadfield) would venture to say this—his hon. Colleague would be at any time prepared to accept any challenge that might be given in reference to his expression of opinions upon public affairs. Passing to a more important subject—the financial statement of the right hon. Gentleman, he (Mr. Hadfield) could not help regretting that while engaged in untaxing themselves they had done so little for the

working classes. He thought the working classes would have reason to complain of the present Budget—while the upper classes would be relieved of their 9*d.* income tax, there was not a penny of relief to the working man, who had been made to smart under the war taxation. He thought also they might have looked for some diminution in the tax on fire insurances. As to the duties on assurance, they were very heavy. The assurer had to pay £200 per cent on the risk, besides the risk itself. It was a tax upon prudence, and was at once impolitic and unjust. There was another tax, to which he was so averse that he was determined, on the fitting occasion, to take the sense of the House upon it—he meant the tax upon railway passengers. He knew of one railway company that was connected with Sheffield which had invested £4,000,000, to the great advantage of the public, but who had never received 1 per cent for their money altogether, although they were required to pay 10 or 12 per cent on their net receipts to the Government.

Mr. BAILLIE COCHRANE, in explanation, said, that he could not have given the hon. and learned Member for Sheffield notice, because the observations he had made resulted from those which the right hon. Gentleman the Chancellor of the Exchequer himself had made in respect to the charges of corruption made against the Government. He denied that he had made any accusation against the hon. and learned Gentleman. He had merely quoted a speech purporting to be that of the hon. and learned Gentleman, which he saw published in the newspapers.

Mr. ALEXANDER HASTIE said, that the plan proposed by the Chancellor of the Exchequer for the reduction of tea duties would prove more disadvantageous to the revenue and obstructive to the trade than if the duty were lowered and at once made equal over the three years. When there was a drop in a duty at certain periods, trade in the article usually ceased some time before each drop occurred. In other respects he thought the statement of the Chancellor of the Exchequer satisfactory.

Mr. MURROUGH said, that no Minister had ever resigned a tax more ungracefully than the right hon. Gentleman had the war tax on the present occasion. When the right hon. Gentleman thought it necessary to give the Committee a history of

that tax he should have gone further back than the year 1841. The first tax of the kind was introduced in 1791, at a time when rebellion raged in Ireland, when there was a mutiny at the Nore, and when we were suffering disasters abroad. When peace was restored that tax was at once repealed. When war again broke out the tax was renewed, and on the return of peace in 1816 the war tax was readily given up. He hoped that when the Resolution of the right hon. Gentleman came formally before the House, that some Member of the House, with a party at his back, would have the honesty to move for its total and immediate repeal. The tax was one which was dedicated to public peril, and should be preserved for such occasions. The whole object of the late Mr. Hume in regard to it was to bring it down to incomes of £50. If the tax were to be eternal, thy should make it also infinite. But if not, they should abolish it altogether upon the conclusion of war.

MR. PHILIPPS wished to say a few words in reference to the succession duty. There was one provision which, in some circumstances, operated unjustly, by making the person who succeeded to property pay, not according to the relation in which he stood to the person he succeeded, but according to that person's relation to the original settler. If the Chancellor of the Exchequer should have any available surplus he (Mr. Philipps) recommended that it should be applied to the relief of those parties upon whom the succession duty pressed with undue severity.

MR. W. EWART said, he concurred in the recommendation of the hon. Member for Glasgow (Mr. Alexander Hastie), that the reduction in the tea and sugar duties should be equalised at once and made to spread over the whole three years. As regarded the property tax, he did not see how the commerce of this country was to be liberated from injurious restrictions unless such a tax were in some degree retained. The time would come when the United States would reduce their duties, and a property tax would be necessary to enable this country to make a corresponding reduction.

SIR SAMUEL BIGNOLD said, he thought the plan of the Chancellor of the Exchequer would be well received by his constituents. He was not aware of any general call having been made for the remission of the duties on fire insurance, and he therefore hoped that the Chancellor

of the Exchequer would not remit them, if by so doing he should at all endanger the total abolition of the income-tax of 1860.

MR. VANCE had no hesitation in saying that the Budget would be very badly received by his constituents. They had had a very large meeting in Dublin the other day; and when his hon. Colleague moved a Resolution to the effect that the compact entered into in 1853 should be preserved, the meeting indignantly refused the proposition, and agreed to petition for its total and immediate repeal. Under such circumstances, the Committee might imagine what their disappointment would be when they heard the statement of the right hon. Gentleman. It should be recollected that he represented one of the largest constituencies in the United Kingdom. It had been said they had arrived at a system of free trade. There was no such thing as free trade in this country. He had purchased that day a publication lately issued, called *The British Tariff*, in which he found a great many articles still subject to very high duties, while others were comparatively free. Silk, for example, was subject to a duty of 15 per cent, while woollens were admitted free. Upon what principle was this difference made? He had called at the office of the French consul that day, and asked for some information respecting the fixed duties of France. That gentleman told him that our cotton, silk, and woollen manufactures were either entirely prohibited, or were made subject to such high duties as rendered it impossible to introduce them into France. Our exports of such goods into France were annually diminishing, while the woollen manufactures of Germany and Belgium were gradually increasing in the importations of this country. He (Mr. Vance) traded with America, and found that the importation of British manufactures into that country was subjected to duties ranging from 20 to 30 per cent. There was one branch in particular that had immensely suffered by the free-trade system—he meant the boot and shoe trade. It was every day diminishing in consequence of the extremely low duties upon French shoes and boots. Our free-trade system was a one-sided measure; there was no reciprocity in our arrangements. He believed that great disappointment would be felt in the country on the publication of this Budget.

MR. DUNCAN said, notwithstanding

what had fallen from the hon. Member for Norwich (Sir S. Bignold), he could testify that there was a strong feeling prevailing in the country in favour of a reduction of the duty on fire insurances. He quite agreed with the hon. Member for Glasgow (Mr. Hastie) that the same course should be pursued with regard to tea and sugar as regarded the reduction of duty that had been followed with respect to timber.

MR. BLACK believed the statement of the Chancellor of the Exchequer would give very great satisfaction in Scotland. Many would, no doubt, have liked to have had the duty on particular articles reduced. He himself, for example, would be glad to see the paper duty removed; but he was not prepared to say that that was a duty which ought to be repealed before some others that might be named. He agreed, too, with the hon. Member for Dundee (Mr. Duncan), that the duty on fire insurances ought to be abolished as soon as possible. He did not think the remission of £2,000,000 of malt duty led to a corresponding reduction in the price of beer, and thought fire insurances, and tea and sugar, were entitled to a preference over malt, as regarded the remission of taxation.

MR. DISRAELI inquired whether the Chancellor of the Exchequer intended to press his Resolution that evening?

THE CHANCELLOR OF THE EXCHEQUER: No.

MR. OLIVEIRA wished to observe, with regard to the wine question, that if the Chancellor of the Exchequer would consent to the appointment of a Committee, he should be able to show that the produce this year would be large; and he thought the extent of the interests involved, and the importance of the commercial intercourse between this country and Spain and Portugal, demanded that the subject should be carefully considered by the House.

MR. DISRAELI said, that in that case he should not make any comments on the subject, but he must say that the prospect of getting rid permanently of the income tax in 1860 did not seem so certain as could be wished. He thought hon. Members would do well to consider the financial statement with reference to the income tax before the Resolution was again discussed.

MR. WILSON said, that with regard to the sugar and tea duties, hon. Gentlemen would find that the objections which they

urged were more applicable to the plan they suggested than to that of his right hon. Friend. Every reduction of Customs or Excise duties that was known beforehand disturbed the article in question in anticipation of that reduction; but it was found that the disturbance in the market was exactly in proportion to the size of the reduction. If the reduction was large, people withheld their purchases for a considerable period beforehand at great inconvenience to themselves. But if the reduction were small, and were made from time to time the motive for withholding purchases, and the disturbance of trade were not so great. It had been found by practice, in reducing the sugar duties from 25s. to 10s., as they had done within a few years, that in proportion as the reduction was gradual and small from year to year the inconvenience to the trade was the least felt. As the law now stood, half the war rate came off on the 5th of April next, and the other half on the 5th of April in the succeeding year. The only difference between the present regulation and the proposal of the Chancellor of the Exchequer was, that the duty, instead of coming down £2 at twice, would come off at four times, the reduction being £1 each year.

MR. T. BARING said, that the hon. Gentleman who had just sat down spoke as if the Government were about to accord a favour, and were about to reduce the duty on sugar, when there was really to be an increase of duty, and when the holders of sugar and tea were about to be deluded to a certain extent by the Government, because they had passed an Act declaring that the sugar duties after a certain period were to drop at a certain rate, and now they proposed to levy an additional duty. The hon. Gentleman might talk about giving ease to the trade, but the proposal of the Government was rather hard upon the holders.

MR. WILSON had treated the question as between a sudden drop three years hence and a more gradual diminution. The question was not as to the reduction, but as to the mere mode of making the reduction.

THE CHANCELLOR OF THE EXCHEQUER: It is not my intention to press my Resolution upon the House to-night, as some hon. Gentlemen wish for further time for its consideration. But before the discussion closes I wish to answer one or two of the questions put to me in the

course of the evening. The hon. Baronet the Member for Evesham (Sir H. Wilboughby) asked whether the Sardinian loan was a real loan, and whether the interest was regularly paid by the Sardinian Government? The answer I have to make is, that the arrangement with the Sardinian Government was, that the interest at 3 per cent, and a sinking fund of 1 per cent, should be annually paid. Since this arrangement was made the payments due have been made with perfect regularity. There is, therefore, no complaint that can be made against the good faith of the Sardinian Government, such as the hon. Baronet's remarks seem to imply; and there is, no doubt, on their part every intention of preserving that good faith in future. The advance has, in fact, all the attributes of a loan. The hon. Baronet also inquired as to the course intended to be adopted with respect to the Persian war? The statement I made was that the estimate for the expenses of the Persian war up to the 1st of April next would be, as far as related to the extraordinary expenses, divided between the Government and the East India Company. But the House has been informed that negotiations are pending with the Persian Minister at Paris, and, so far as the information of the Government extends, we hope that those negotiations may be reasonably expected to lead to a satisfactory adjustment of the differences at issue with Persia. At all events, we are not entitled to assume, as a matter of course, that the war will be continued for a year from the 1st of April next, and to estimate for a longer period the probable expenses of a war which we hope may not be continued after that time. All that we can do is to ask for a Vote during this Session for covering that portion of the expenditure of the East India Company which will be due before the 1st of April this year. I was also asked a question with respect to that portion of the debt incurred during the war which was not applied to the service of the war, and which is now in the Exchequer. The hon. Gentleman seems to think that this balance might be brought in aid of the service of the coming year. What I gave was the estimate of the receipts and expenditure of the coming year. With respect to the balances in the Exchequer at the commencement of the year, that is a separate account, and can only be compared with the corresponding balance of last year. My right hon. Friend the Mem-

ber for Portsmouth (Sir F. T. Baring) asks me to lay on the table a return of the liabilities of the country with respect to the debt and the interest of the debt in future years. I have that account in a distinct form, and I will lay it on the table. I have also been asked a question relative to the malt duty. During the present year—on the 5th of July—the war malt duty ceased. There is a long credit given for malt; and, with regard to malt, the loss will be £200,000 this year, but there is also lost the repayment of the drawback on the stock in hand, which is about £840,000, so that the actual loss is £1,040,000. Next year the reduction of the war duty will be felt, and the loss next year, compared with the total amount of war duty on malt, will be £2,000,000. I do not propose to trespass upon the House at greater length. I thank the House for their indulgence, and I do not propose now to call upon them so early to express a definite opinion upon the statement I have submitted to them. A question has been asked me by the right hon. Gentleman the Member for the University of Oxford, but as my right hon. Friend is not here I shall reserve my answer until Monday, when we shall resume the debate on this Resolution. I shall then ask the House to come to a vote on the Resolution.

Committee report progress; to sit again on *Monday* next.

House resumed.

PASSING TOLLS BILL—

SECOND READING.

Order for Second Reading read.

Moved that the Bill be now read a Second Time.

MR. T. BARING said he did not rise to oppose the Bill, but to make a few observations upon the statement made by the right hon. Gentleman in moving for leave to introduce it with respect to Ramsgate harbour. The right hon. Gentleman stated that Ramsgate harbour had cost £2,000,000; that its cost had been defrayed out of Government money, and that this was an improvident use of Government money; moreover, that the expenses of the harbour amounted to £20,000 per annum, and that they might, in his opinion, be reduced to £7,500 if the harbour were placed under the management of the Board of Trade. He was sure that the right hon. Gentleman had no wish to convey an erroneous impression to the House

in order to promote the success of his own measure; but he felt it to be his duty, on the part of the harbour trustees, to correct the inaccuracies of the right hon. Gentleman's statement. The sum of £2,000,000 could not properly be called expenditure upon the harbour, because it was the total amount which had been expended since 1748, not only upon the harbour, but upon every branch of its management, and upon all the arrangements connected with it. He thought the statement that this £2,000,000 was Government money was also calculated to mislead the public. It had been obtained from the passing tolls which were granted by Act of Parliament to the harbour Commissioners, and pledged by the Trustees when money was wanted by them. Not a penny had been received from the Consolidated Fund or from Government. The annual expenditure for the last six years had been £17,500, and that sum included not merely the cost of the management of the harbour, but some very heavy incidental expenses, such as those of repairing and building the walls of the harbour. If the right hon. Gentleman would undertake to defray all those expenses for the sum of £7,500 the Trustees would be happy to allow him to make the attempt. He was sure that the right hon. Gentleman would not hesitate, after this statement, to acknowledge the errors into which he had fallen.

MR. DEEDES said, he wished to inform the House of the circumstances under which this somewhat extraordinary Bill had been introduced. Any one who looked at its title, without examining its details, would hardly suppose that it dealt with the rights of persons who had exercised those rights under the authority of Acts of Parliament for a long series of years. The title was insufficient; it ought to have been called, "A Bill for the Abolition of Passing Tolls, and for the levying of Taxes or Charges in certain cases." This was not the first time the Bill had been brought before the House. Four years ago, a Bill directed against the same interests, was introduced by the Admiralty, when the House declared that it was a direct attack upon private property, that notices ought to have been served upon the persons interested, and that it must go to the Examiner of Bills and the Standing Orders Committee, and take its chance. What was the result? The Examiner reported that the Standing Orders had not been complied with, and the Committee,

Mr. T. Baring

notwithstanding that it was a Government Bill, reported that the Standing Orders ought not to be suspended in its favour; and the Bill was lost. Subsequently that identical Bill was embodied in a larger Bill, and again introduced; but notices were then served, and the persons interested petitioned to be heard by counsel before a Select Committee, and the Bill was accordingly sent to a Select Committee; but, in consequence of the early close of the Session, the petitioners had no opportunity of making out their case. The Bill had now been introduced a third time, but no notices had been served, and he believed it was the opinion of the Speaker that notices were not necessary, inasmuch as the Bill operated upon several harbours in different parts of the United Kingdom, and thereby became, to a certain extent, a public Bill. But he also understood that the right hon. Gentleman (Mr. Speaker) held that the character of the Bill with regard to Ramsgate was such that it ought to be submitted to the ordeal of a Select Committee. He had mentioned this to the right hon. Gentleman the Vice President of the Board of Trade (Mr. Lowe), and had informed him that after the Bill had been read a second time he (Mr. Deedes) should move that it should be referred to a Select Committee, which, following the precedent of the Smithfield Market Bill, should consist of nine Members, to be nominated by the Committee of Selection, and that the parties petitioning should have power to appear by their counsel, agents, and witnesses. If this course were adopted, he should be unwilling to occupy the attention of the House; but he must say that he thought it was contrary to all recent principles of taxation that the Board of Trade should be allowed to tax the inhabitants of Ramsgate by means of a toll levied upon all cargoes landed in that port to the tune of about £2,000 and some odd hundreds a year, in order to maintain this harbour. It was said that Ramsgate would be nothing without its harbour; but why should not Ramsgate flourish as well as Brighton, where there was no harbour of refuge?

MR. JAMES MACGREGOR said, that the case of Sandwich harbour was harder than that of Ramsgate, because in that instance there was a question of the redemption of a debt contracted by the Commissioners.

MR. LINDSAY said, that although he should cheerfully bow to the decision of

the Speaker, he thought it would be a great hardship to the shipping interest that this Bill should be referred to a Select Committee. The subject had been so fully discussed that it was impossible any fresh information should be obtained. This tax was upon the face of it grossly unjust. It amounted to about £32,000 a year, and not only did not one out of twenty of the ships which paid those tolls derive any benefit from these harbours, but he really believed that more ships were lost in endeavouring to make these so-called harbours of refuge than were ever saved by the shelter which they afforded.

MR. LOWE said, he had hoped that, before he replied to the hon. Members who addressed the House, they would have been favoured with the opinion of Mr. Speaker; but he supposed it was more in order that the expression of that opinion should be reserved until the Bill had been read a second time, and it became a question what should be done with it in its subsequent stages. In reply to the hon. Member for Huntingdon (Mr. T. Baring) he would state that he never intended to give any offence or to cause any annoyance to those very respectable gentlemen, the trustees of Ramsgate harbour. If he had said that any money spent upon the harbour had come out of the Consolidated Fund he was certainly wrong. The money so expended was, however, to a certain extent, public money, because it had for the last 108 years been levied by tolls upon the shipping interest. It was an enormous sum, and there was but little to show for it; but he did not believe that that was in any measure the fault of the trustees. So far as he could make it out, the trustees had spent about £10,000 a year in keeping up the harbour, which was the sum he stated the other evening. The Government was told that by close economy the harbour could be managed for £7,500 per annum; but, whether that were so or not, he did not intend to make it any reproach against the trustees—than whom he believed no men could have acted with a more single and entire view to the public service—that they had spent £10,000 a year. He could not admit that there was any hardship to Ramsgate in the abolition of the passing toll, because the harbour was constructed and the tax imposed for the benefit, not of Ramsgate, but of the shipping interest, which, it appeared, was now anxious that this

tax, originally imposed for its benefit, should cease. What the hon. Gentleman (Mr. Deedes) had said as to the injustice of taxing the people of Ramsgate referred to the provision to be made for the maintenance of the harbour. That provision was simply this:—A certain amount of property which had been realised by the passing tolls was to be applied to this purpose, and there were, besides, certain taxes levied in the harbour, the proceeds of which it was likewise intended to devote to its maintenance and repair. There was a toll which was levied by the paving Commissioners upon all coals landed in the harbour, and the proceeds of this were applied to municipal purposes; and the Consolidated Fund would also be called upon for a contribution. It would, however, be monstrous that public funds should be applied to the maintenance of this harbour, and at the same time the Corporation of Ramsgate should be allowed to tax goods brought into it for their own benefit. He did not think that the Chancellor of the Exchequer could with any face ask the House to vote the public money for Ramsgate harbour while the corporation of that place levied a tax upon coals landed in the harbour for municipal purposes. Let him turn next to the hon. Member for Sandwich (Mr. James Macgregor). The hon. Gentleman, following the track marked out for him by the petition which he had presented, had misled the House as to the true state of the case. The hon. Member alleged, as did also the petition, that owing to the injury done to Sandwich haven by the erection of Ramsgate harbour, the former town was entitled to a payment of £200 a year from the Ramsgate passing tolls. That, however, was not the fact. The hon. Gentleman was very anxious the other night that he should give him an opinion on a case stated by himself; and he (Mr. Lowe) was very glad that he had not done so, because the case was not a correct one. The Ramsgate passing tolls were imposed in consequence of the recommendation of a Committee of that House, which sat in 1749, and took evidence on the subject. Witnesses from Sandwich were examined, one of whom was prevailed upon to say that the haven there would be choked up by the construction of Ramsgate harbour. But it also then came out that the haven was in the course of being gradually silted up, and that the water was then shallower by one

foot than it had been twenty years before. Moreover, it was notorious that the meeting of the tides from the North Sea and the Channel formed the Goodwin Sands, and caused the silting up of the harbours on the south-eastern coast—a process which had been going on for very many years. He had also the authority of Sir John Rennie for saying that no practical or appreciable difference could have been produced on Sandwich haven by Ramsgate harbour. So that, if Parliament had granted £200 a year out of the passing tolls in consequence of the probable shutting up of Sandwich harbour by the construction of Ramsgate harbour, the anticipation had not yet been realised, and the grant was obtained by false pretences. That, however, was not the case, for the Committee attached no weight to the evidence adduced before it upon this point, and the section of the Act under which the £200 a year was claimed contained a recital which showed that the money was granted upon general grounds, upon which it would be extremely difficult to maintain the payment. That recital was to this effect:—

“That whereas the haven of Sandwich, now in danger of being choked up by great quantities of sand lodging at, and settling within, its mouth, by means whereof the navigation would be greatly obstructed, to the manifest detriment of the inhabitants and the ruin of the trade and commerce of the town; and whereas it would be necessary, for preserving the navigation of the haven up to the town of Sandwich, and preventing the mischief and inconvenience apprehended, to cleanse the channel of the haven, and erect a pier and other works at the entrance thereto; therefore that the said haven should be preserved and maintained, whereby not only the inhabitants of the town, but the trade and navigation of the kingdom in general might be greatly benefited, as thereby a safe and commodious harbour would at all times be kept open for the reception of ships, be it enacted” —

And then it proceeded to grant the £200 a year to the port of Sandwich; but not one word was contained in this recital respecting the harbour of Ramsgate; it was simply and solely that Sandwich wanted money to deepen its harbour and prevent its being choked up by the siltage brought thither by the sea; and, being no doubt ably represented then, as at present, in that House, they deemed it an excellent opportunity to get the Committee to put in a “small trifle” for themselves. It was not even pretended that the haven was a harbour of refuge—the thing was obtained

by a very simple and easily understood job. The hon. Gentleman said, this Bill made no provision for the payment of the debt contracted on the security of the grant. That was certainly an oversight, which, if the Bill went into Committee, should be carefully remedied. The creditors, no doubt, had a right to be protected, and he was obliged to the hon. Member for reminding him of this omission. So much, then, for the alleged cruel hardship sought to be inflicted on the borough of Sandwich. He had only to add, that he should bow to the decision of the Speaker on the technical point that had been raised in the discussion.

MR. SPEAKER said, that if each harbour had been dealt with by a separate Bill, it would have been liable to all the rules and orders affecting Private Bills; but under the circumstances of this measure no notices were required, but the parties whose interests were affected by the Bill would be entitled, by the rules of the House, to be heard, and it would be more convenient for them to be heard before the Select Committee.

Bill read 2^o.

MR. DEEDES moved that the Bill be referred to a Select Committee of nine Members to be nominated by the Committee of Selection, and that parties petitioning against the measure be heard by counsel before the Committee.

MR. JAMES MACGREGOR said, the right hon. Gentleman the Vice President of the Board of Trade cited the opinion of one eminent engineer, that Sandwich haven was not injured by the construction of Ramsgate harbour; but there would be no difficulty in showing the contrary by the evidence of others, who were convinced that Ramsgate harbour caused an accumulation of sand and silt at the entrance of the haven. He had a personal knowledge of the effect of the tides and currents on the south-eastern coast and harbours, and he believed the laws of nature were the same and were as well ascertained a hundred years ago, when provision was made in the Ramsgate Act of Parliament for their certain consequences on Sandwich haven, as they were now. The Lords of the Admiralty took a different view of the importance of keeping open and unobstructed the navigation of the Stour, the river of the town and port of Sandwich, from the right hon. Gentleman. Ten years ago he was engaged with other

Gentlemen in constructing a railway to Sandwich and Deal which crossed the Stour, the river of the port of Sandwich, a considerable distance above it; but the Lords of the Admiralty required works to be executed there for the greater freedom of the navigation, which caused an expense of not less than £15,000. The borough of Sandwich was now as much entitled to consideration at the hands of Parliament as it was in 1749; and he maintained, however much it might expose him to the sneers of the Vice President of the Board of Trade, that he was doing his duty towards the trade of the kingdom by endeavouring to protect Sandwich from the spoliation which the right hon. Gentleman was about to perpetrate when a grave omission was pointed out to him in his Bill that had resulted from his own neglect of duty.

Motion agreed to.

Bill committed to a Select Committee, consisting of nine Members, to be nominated by the Committee of Selection; five to be the quorum.

The House adjourned at half-past ten o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, February 16, 1857.

MINUTE.] PUBLIC BILL.—1^a Judicial Statistics.

JUDICIAL STATISTICS BILL.

BILL PRESENTED. FIRST READING.

LORD BROUGHAM said, he was about to present a Bill similar to one which he had laid before their Lordships last year, combined with a large number of schedules, a Bill for facilitating the collection of Judicial Statistics. He had upon a former occasion entered fully into a consideration of the incalculable benefits that would be derived from a good system of judicial statistics, and had shown that not only was this country in that respect behind France, Belgium, and Germany, but was even behind Naples. Until some system was adopted we should be legislating in the dark in all matters relating to legal enactments and legal procedure; and until such a system was adopted legislation in matters of law could not be called an inductive science, for they were labouring in the dark, without any knowledge of the effects of existing laws or the consequences of any changes in those laws. We had no means whatever of ascertaining the

practical working of a law that was passed. The Bill he now presented was exceedingly short, and he hoped before the second reading the schedules, which had undergone revision, correction, and improvement by the Law Amendment Society, would be perfected, and that he should be enabled to lay before the House a complete set of schedules, which would leave nothing to be desired by the department entrusted with the collection and arrangement of those important details. The noble and learned Lord concluded by *presenting* a Bill to provide for collection of judicial statistics.

THE LORD CHANCELLOR observed that the subject had been under the consideration of the Government during the recess. No doubt, returns showing the amount of business done, the salaries paid, and other facts relating to the various courts, would be of great use.

Bill read 1^a.

THE WAR WITH PERSIA—

MOTION POSTPONED.

THE EARL OF CLARENDON: My noble Friend behind me (the Earl of Albemarle) having a notice on the paper which has reference to Persia, I venture to appeal to him to have the goodness to put off his Motion for a short time, as at the present moment negotiations are pending in Paris upon the dispute with Persia, and any discussion at the present moment might have a tendency to prejudice those negotiations. Only this very morning I received a communication which leads me to hope that those negotiations will be brought to a successful issue. I hope, therefore, my noble Friend will not consider me asking too much in begging of him to defer his Motion.

THE EARL OF ALBEMARLE said, after the appeal which had been made to him by his noble Friend he should have no hesitation in withdrawing for the present the Motion which it had been his intention to bring forward. It would certainly have been his wish, in moving for the Returns in question, to have avoided as much as possible any observations on the present hostilities with Persia. His noble Friend said that in a few days the time would, perhaps, have arrived when such a Motion might be brought forward without the probability of harm, and that being so he (the Earl of Albemarle) hoped then to have an opportunity of recurring to the subject. He would only now say that, in

his opinion, the only way of preserving friendship with Persia would be to do away with all diplomatic relations with that country.

RESOLUTION ON PRIVATE BILLS—
CASE OF MR. SHEDDEN.

QUESTION.

LORD BROUGHAM said, he wished to put a question to his noble Friend the Chairman of Committees (Lord Redesdale). He understood that by the Resolution which his noble Friend was about to propose, the 23rd March was fixed as the last day on which that House would receive petitions for private Bills that Session. Now, he had an appeal to make to his noble Friend to relax the strict rule in that respect with reference to one or two cases of some urgency which it was highly expedient should be brought under their Lordships' consideration this Session, especially that of Mr. Shedden. That was a question of title to an estate, tried in Scotland nearly fifty years ago, and subsequently reviewed by the House of Lords during the Chancellorship of Lord Eldon, on both which occasions he (Lord Brougham) acted as counsel for Mr. William Shedden, the claimant. Without going now into the merits of the case, he would only say that there were circumstances connected with it of such a peculiar character as, in his opinion, imperatively to require that it should be reopened in some shape before their Lordships' House with the view of justice being done to the unhappy gentleman, Mr. W. Shedden, whom he represented, and who had suffered a grievous wrong for nearly sixty years. Mr. Shedden would probably bring his case under the consideration of the House in the form of a private Bill; but as, unless a relaxation were made in the rule of the House, he should not be able to do so until his (Lord Brougham's) return from a necessary absence of some weeks in the country, he should be obliged if his noble and learned Friend (Lord Redesdale) would make the case an exception and suspend the forms of the House in its favour, as it was one in which he (Lord Brougham) took an especial interest.

LORD REDESDALE said, the 23rd of March was the day fixed as that beyond which no private Bill could be introduced to the House; and, although he wished to adhere to that rule as far as possible, yet, as the case to which his noble and learned Friend had referred was one of a peculiar

character, he should offer no objection to it on the score of time, after the appeal made by his noble and learned Friend.

LORD BROUGHAM said, nothing could be more considerate than the prompt manner in which his noble and learned Friend had yielded to his request, and he was convinced that when their Lordships came to hear the case of Mr. Shedden, whatever appearance of difficulty there might be about it, they would devise a remedy, however long that might have been delayed, for the injustice which he believed to have been perpetrated.

THE LORD CHANCELLOR said, without meaning to interpose any obstacle in the way of the forms of the House being relaxed for the accommodation of this particular case, he would only remark that the parties whom it was now sought to oust from the estate in this case had been in possession of it for, he believed, sixty years, and if their Lordships at this distance of time reopened a question of this kind, the title of not one of the Members of their Lordships' House to his estate would afterwards be free from some similar attempt to question its legality.

LORD REDESDALE said, the remark of his noble and learned Friend on the woolsack would be quite true in reference to an ordinary case; but there were peculiar circumstances about this which appeared to make it an exception.

EARL GREY said, he was about to present a petition to the House on behalf of Mr. William Shedden, and should have done so this week had it not been for the intended absence of his noble and learned Friend (Lord Brougham), who had explained to their Lordships the great personal interest he took in the case. He (Earl Grey) would ask their Lordships in the meantime to suspend their judgment until the facts were before them, which he thought were such as to prove to them that injustice had been done, and that it demanded a remedy.

THE SHEEPSHANKS COLLECTION OF
PICTURES.

MOTION FOR CORRESPONDENCE.

LORD MONTEAGLE, in moving for certain correspondence between the Government and Mr. Sheepshanks in reference to his gift of pictures to the nation, said he would remind their Lordships that it had been his duty in 1848 to call their attention to the magnificent gift of pictures which the late Mr. Vernon made to the

country. Since that time we had received several other donations of that kind, and those had been very recently supplemented by the generous offer of the noble collection which was the subject of his present Motion. He did not think those liberal gifts from private parties had been received either by the public or by Parliament quite in the grateful spirit which might have been expected, or which such acts of munificence deserved. The generosity of individual parties had greatly outrun the liberality of Parliament. The question of a national collection of pictures had never received any attention until the year 1824, when it was, he believed, first raised by his late Friend, Lord Dover. It was next brought forward on the part of Lord Liverpool's Government by Lord Farnborough. He should add, that the most strenuous supporter of these attempts was the late Mr. Hume. Austere as were Mr. Hume's principles on questions of economy, no one was less disposed to parsimony when questions of improving the intellect, and he would add, the taste and the innocent pleasures of the people were concerned. Mr. Hume on the 2nd April, 1823, observed, "It was at last determined to form a National Gallery and by so doing to rescue the country from a disgrace which the want of such an establishment had long entailed upon it." Since then we had gone on languidly at intervals, sometimes allowing good pictures to escape us, and sometimes, though he believed very rarely, purchasing indifferent ones; he believed that the mistakes of that description were by no means numerous. Now, however, we had a very fine collection; but he believed the public were not quite in possession of the facts as to how it had been got together, for both in that and the other House of Parliament he had heard the collection discussed as if it were mainly or altogether the creation of the State, and principally purchased out of the national resources; whereas, in point of fact, we were indebted for it much more to the generosity and public spirit of private individuals than to any liberality which Parliament had shown in the matter. He had in his hand an account of the national collection from 1824 down to the present time. From 1824 to 1833 the number of pictures purchased by the State for the National Gallery in Trafalgar Square was 42, and the number presented to it by private individuals was 68; from 1834 to 1843 the number added by the State was 15, and by private indi-

viduals 63; from 1844 to 1853, 17 were bought by the State and 188 presented by private individuals; and from 1854 to 1856, 36 were given by the State and 114 by private individuals. In other words, from 1824 to 1856, 112 pictures were purchased for the National Gallery by the State and 433 were the gifts of private individuals. The special gifts of pictures to the nation included 16 by Sir George Beaumont, 6 by William the Fourth, 35 by the Rev. W. H. Carr, 15 by Lord Farnborough, 8 by his late valued Friend Lord Colborne, 3 by Mr. Samuel Rogers, and 156 by Mr. Vernon. The pictures included in the Vernon Gallery were peculiarly valuable, because the trustees of the National Gallery considered themselves precluded from purchasing modern pictures, and therefore no specimens of the artists of our own country had been added to the collection by the State. This example had been followed. Since Mr. Vernon's gift, the nation had received a most splendid bequest from the late Mr. Turner. Of the pictures left by that artist 100 were entirely finished, and 182, not less important and in some respects more instructive, were unfinished and in progress; but, perhaps, the most valuable of all were 18,749 exquisite drawings and sketches. From this mere recital of the numbers of these works of art, their value might be estimated. Within a very short time the nation had been offered another splendid gift, perhaps deriving additional value from the fact of its being made in the lifetime of the collector. Mr. Sheepshanks, who was known to many of their Lordships as a collector and a man of taste, and distinguished also, he might add as the brother of one of the most eminent men of Science in our time, had offered to give to his country his magnificent collection of 233 pictures and 103 drawings and sketches. So that from these three last named individuals the nation had received 19,823 works of art, far exceeding in number all which had been purchased by the Government with the large means at their disposal. He hoped there would be no hesitation in undertaking to comply with the conditions attached by the donor to his noble gift. He remembered that in the case of the Dulwich collection, Mr. Vansittart, on the part of the Government of the day, refused to accept that gift from Sir Francis Bourgeois, on the ground that the Government were not prepared to vote the money for the construction of a suit-

able room. Those days were, he trusted, gone by, and he hoped he should hear from his noble Friend (Lord Stanley of Alderley) that Mr. Sheepshanks' splendid gift had been respectfully and gratefully accepted, subject to the conditions attached to it by the donor. He begged to move that there be laid before this House a Copy of any Correspondence between Her Majesty's Government and Mr. Sheepshanks respecting the Gift of his Collection of Pictures to the Nation.

LORD STANLEY OF ALDERLEY said, he held in his hand Mr. Sheepshanks' deed of gift and the acknowledgment on the part of the Government of that noble gift. The donor, of whom it was impossible to speak in too high terms, was well known to most of their Lordships as having been engaged, during a life of no short duration, in collecting some of the choicest specimens of British art; and now, wishing himself to see them placed in a situation where they might prove more extensively useful, and not waiting until death had removed him from the scene, he had offered them to the nation. Mr. Sheepshanks had naturally attached some conditions to his donation. In the first place, it was his opinion that, for the purpose of establishing a National Gallery of British art, it was desirable that his collection should be placed in a situation where it would be generally accessible to the public, without being interfered with by the noise or injured by the dirt of the metropolis, and that it should also be in immediate connection with those schools of art, where he thought it was calculated to prove of great advantage. Mr. Sheepshanks also desired that the superintendence and management of this collection should be vested in a Minister of the Crown, who should be solely responsible, and not placed in the hands of any body of managers or trustees, who he thought might not be so directly amenable to public opinion for its proper administration as a Minister of the Crown. The person selected as the First Trustee, and who for the time being was to have the custody and management of the collection, was the head of the Department of Art Education in this country. Up to the present moment the task had fallen upon him (Lord Stanley of Alderley) as being the head of the office to which the Department of Science and Art belonged; but it would shortly be transferred into the much more worthy hands of his noble Friend the

Lord President of the Council, in his capacity of President of the Board of National Education. Another condition annexed to the gift was that a suitable building, well-lighted, airy, and commodious, should be erected to receive it, situated in the ground at Kensington purchased by the Commission of 1851, and upon which had been erected the Schools of Art formerly located at Marlborough House. Mr. Sheepshanks wished that, in the first instance, his pictures should be more especially used for the promotion of art in these schools. Next, he wished, if the responsible Minister thought fit, that portions of the collection should be sent into the provinces for exhibition there as examples of art. Then the collection was to be thrown open to the public at convenient times, subject to the conditions stated. Mr. Sheepshanks also expressed an earnest desire (though this was not made a condition of the gift) that the gallery should be open on Sunday evenings, for the inspection of the working classes, who during the week had not the opportunity of visiting such places. These, then, were simply the conditions attached by Mr. Sheepshanks to his munificent present. If the Government should think proper to accept it on such conditions, he made it over to the nation with no reservations—nay, even with the express desire on his part that it might not form an exclusive gallery, separate from other pictures of which the State might become possessed, but that it should form the nucleus of a great collection of British art, and he did not wish that his name should be at all connected with it. In making this donation, Mr. Sheepshanks desires to offer his testimony to the advantage which had resulted from that Department of Art which originated in the Exhibition of 1851. In his opinion, this department had conferred great benefits upon this country, and would, if properly encouraged and promoted, be productive of still greater advantages. In this opinion he (Lord Stanley) entirely concurred and even in a purely material point of view, and looking only to the commercial advantages derived by this country, he already saw great advantage from the existence of such a department. With regard to material fabrics and cheapness of production, England had for a long time borne off the palm, but it could not be concealed that in correctness of taste and design we had fallen short of many other countries. He believed this might in a great measure be traced to the

absence of opportunities enjoyed by the people and the working classes for instruction in the true principles of art, and from ready access to collections of the best works of great artists of the past and present time. He was happy to say that there was a growing disposition on the part of the public to avail themselves of the schools of art lately established throughout the country, that they derived great advantage thereby, and that there was hardly an artisan or mechanic who did not at once recognise the benefits resulting from the instruction imparted. He thought it right incidentally to allude to these points, as they formed part of the motives which had induced Mr. Sheepshanks to make this gift to the nation. Before concluding he felt bound to express the admiration of the Government at the patriotism and munificence of gifts of such a character; and he trusted that such a course might find many imitators, when it was seen that pictures so presented to the nation were placed in buildings proper and suitable for their exhibition, thereby declaring the value and appreciation which the Government and country attached to such gifts. The noble Lord concluded by *presenting*—

“Copy of Deed of Gift by John Sheepshanks, Esq., of his Collection of Pictures and Drawings, in Trust, to form the Nucleus of a National Gallery of Art in connection with Her Majesty’s Department of Science and Art: And also,

“Copy of a Minute of the President of the Board of Trade.”

Ordered to lie on the Table.

THE YEOMANRY.

ADDRESS FOR RETURNS.

THE EARL OF POWIS *moved*—

“That an humble Address be presented to Her Majesty for a Return, showing the Years since 1816, in which the Yeomanry have not been assembled either for permanent Duty or training and Exercise; and also, Copy of any Circular from the Secretary of State to the Lords’ Lieutenant of Counties as to the assembling of the Yeomanry during the present year.”

He had brought the matter forward by this Motion, because he wished to call the attention of the noble Lord the Secretary for War (Lord Panmure) to the fact, that it was impossible for the yeomanry to be in an efficient state of discipline, if they were not sufficiently often assembled for exercise and training. The nominal time of exercise was at present eight days; of this, one day was occupying in coming, another

in going; then there was the review-day, and in the rest there was the Sunday—thus, in fact, there remained but four days of actual use. He thought that no one could dissent from him when he said that four days in two years was not a period of exercise and training sufficient to preserve the discipline and efficiency of a regiment of yeomanry, and they were consequently obliged to keep horses to enable them to perform their duties; those horses were not liable to duty if the corps was called out; now, he should like to know if any exemption would be made from that duty if a corps should not be called out for training? He could not conceive why this corps should not be called out during the present year, and he trusted that some explanation would be forthcoming on the subject. He observed also, that the Vote to be taken for the yeomanry in the other House was reduced from £88,000 to £77,000. What provision was there made for the exemption of this corps from the horse duty? Their Lordships well knew that every Member of the yeomanry was bound to assemble upon the requirement of the civil authorities and at any moment, and that attendance at such assemblage was enforceable by fine.

LORD PANMURE said, that there would be no objection to the first Return moved for by the noble Earl, but it would not be possible to produce the circular referred to in the latter part of the Motion, as, in point of fact, no circular had been despatched. When he had a seat in the other House of Parliament, he had always resisted the annual attacks made upon that corps, and he had not changed the opinion which he had then so frequently expressed, that they were a most valuable corps, not only from the uses which might be made of it, but from its affording to the gentlemen of England the opportunity, of which they were always desirous of availing themselves, of being serviceable, both in peace and war, to their country. At the same time, he thought that the Government might, without infringing upon what was due to that corps, when they were informed by the reports which they received that the yeomanry were in a highly efficient state, dispense with calling them out for one year. As regarded the probability expressed by the noble Earl, of the yeomanry being called out in aid of the civil power and proving inefficient, he could only say, that he saw not the slightest prospect, judging from the present aspect

of things in the first place, and from the Police Act of last Session in the next, of their services or those of any military force being called for in aid of the civil power. With regard to the subject of a contingent allowance, in the case of their not being called out, for the horse duty, it was a subject to which he would give the most careful consideration.

THE EARL OF EGLINTON regretted the course which the Government intended to adopt with regard to the yeomanry, as tending to impair their efficiency and discipline by depriving them of the advantage of drill and training. He also entirely disagreed with the noble Lord in thinking that the services of the yeomanry, in aid of the civil power, might not be required. In his own county, during the last year, the yeomanry were employed in preserving the peace of the county for six weeks, and they had most ably performed that duty; and he should be much grieved to see the efficiency of that corps deteriorate.

VISCOUNT DUNGANNON said, that under the circumstances it was really wonderful to see the discipline of the yeomanry corps. Great improvement had been made in the corps; but if a year were allowed to expire, it would be sure to go back. He did not see that it followed that because there was a county police force, the yeomanry would never be wanted. There were disturbances from year to year. This had always been the case, and must be so again. If there was to be a force for the security of the country, it ought to be kept in a state of efficiency. It would be bad policy if, for the sake of a paltry economy, the yeomanry should be left without the small amount of training they now received. He hoped that Her Majesty's Government would reconsider the question, because it was most important to retain in every county a body of men who could be relied upon to maintain the laws. He quite concurred with the noble Earl who moved for the Returns, that it would be impossible to keep the corps in a state of efficiency if it were kept for a whole year out of practice. Very little time was allowed for practice, even as matters then stood.

THE MARQUESS OF AYLESBURY hoped that the Government would reconsider this question. At present the yeomanry of his county were in a most efficient state; but how could it continue so if there were no proper means either of clothing or paying the yeomanry?

Lord Panmure

LORD WARD said, that he, also, was one of those who thought that the yeomanry corps was a most useful body, and essential to the due maintenance of order throughout the country. It seemed to be an impression among some noble Lords that the short period of training was of no use to the yeomanry; but if they could see the regiment with which he was connected on the first day of their exercise, and on the fifth they would speedily lose that idea. He took that opportunity of expressing a hope that now the matter had been touched upon, the whole subject would be taken into the consideration of the Government.

LORD LYTTTELTON said, that he had heard with great surprise the opinion of the noble Lord the Minister for War, that the yeomanry were never likely to be called out in support of the civil power. If they were not wanted for that purpose, he could not see of what use they were. But he had been lord-lieutenant of a county for many years, and during that time he had often known the yeomanry called out. He could not tell for what other purpose it was wanted. He had not distinctly understood from the noble Lord whether the yeomanry were to be called out or not; and he should be glad of a more definite answer. And if they were not to be called out, whether the Government had made any definite rule upon the subject? whether there were to be any periodical callings-out of the yeomanry, or whether it was to be left in doubt from year to year?

LORD PANMURE said, that with respect to the calling out of the militia, all he had said was that he hoped the time would never come when it would be called out in aid of the civil power; and he said that not only with regard to the militia, but also to other services of Her Majesty; and that he hoped the county police establishments would be a sufficient safeguard for the country. As to the years in which the militia would be called out, he had laid down no regular rule; but he hoped that next year there would be no more necessity for it than there was at present.

THE EARL OF CARNARVON said, that less than the present amount of training would be a mere waste of money. So small an economy in the face of the large sums spent on the war was inconsistent. He did not see that the noble Lord had given any reason why the yeomanry should not be called out in the present year, for he thought that to deprive a yeomanry regiment of its drill for one year was, for

all practical purposes, to disorganise it for two or three years. He was glad, however, to hear that the contingent allowances were to be continued. They could not apply the same rule to the yeomanry as to the army. In the army they had strict discipline and plenty of money; in the yeomanry it was different, and those who entered the force did so from reasons either personal or local.

EARL GRANVILLE said, that he felt some embarrassment in taking the subject from his noble Friend, but his position obliged him to state his views on the subject; besides which he held a commission in a distinguished regiment, commanded by a noble Lord not now in his place. As to the *esprit de corps* which had been alluded to, he had no doubt of it, from the sample which noble Lords had given to-night. Noble Lords, colonels of yeomanry, had risen to speak, whom he hoped that they should sometimes hear giving their opinions on other questions. He was anxious that no misapprehension should exist with respect to the decision of the Government to suspend the calling out of the yeomanry for the present year. That resolution had not been adopted as a permanent rule. The calling-out of last year had showed that the force was in a high state of efficiency, while the country was in such a state of tranquillity that their services were not likely to be wanted, and there was every reason to hope that the purely civil force would be ample to meet any demands upon it. On the other hand, the country had made great sacrifices during the late war, and those sacrifices were not yet terminated; and that was a reason why no unnecessary expense should be incurred by calling out the yeomanry. It had been a precedent hitherto to allow a year to elapse between the callings-out of the militia, and if any year was to be chosen for that purpose, no year could be more convenient both with regard to economy and the public tranquillity than the present.

After a few words from Lord DE TABLEY,

EARL POWIS observed, as to the police in the counties, that no general police Bill had yet been passed, and in his own county no large police was kept up.

Motion agreed to.

THE LAW OF LIBEL.

OBSERVATIONS.

LORD CAMPBELL, in presenting Petitions praying their Lordships to take into

consideration the present state of the law with reference to the publication in newspapers of reports of the proceedings at public meetings, and to consent to an alteration in that law, enacting that the publication of a fair and accurate report, without malice, of such proceedings should not subject the publisher to an action for libel, said—My Lords, this is a very important subject, and very well deserves the consideration of your Lordships sitting as a branch of the Legislature. There came before the Court of Queen's Bench last term, in the case of *Davison v. Duncan*, the question whether all the proceedings of all public meetings, when published *bonâ fide*, may be published without any danger of any legal proceedings, however much they may calumniate an individual and be injurious to private character. I and my brethren in that Court arrived, without the slightest hesitation, at the conclusion that, as the law of England now stands there is no such immunity. We were not at liberty to consider whether the privilege sought for ought to be given to the Press. It would have been a most monstrous usurpation if we had decided that the publication before us was not liable to an action; for it had been determined over and over again by our predecessors, by whose decisions we are bound, that if there be anything slanderous in a writing it is subject for an action, and that it is no justification to plead that the slanderous matter has been written or spoken by another person other than he who published it. Such is the law of England at present; and to call upon us to alter the law, if we think it wrong, would be as preposterous as to say that we are at liberty to set aside the law of primogeniture and divide the landed estate of a deceased person equally among all his children. We sit "*jus dicere, non jus dare.*" Our duty is to administer the law, not to abolish or even amend it. When I had the honour to propose in this House a Bill which afterwards became law, and which effected a most material improvement in the law of libel, I submitted a clause very limited in its nature—for I was afraid to go very far—providing that any *bonâ fide* account of the proceedings of either House of Parliament should be privileged, and not subject to an action. I was unable to carry it; there was a majority against me, because it was said not only that the law gave no such privilege, but that it ought not to be given. After having failed as a Member

of this House to alter the law, it would have been a breach of my duty if, sitting as a Judge in a court of justice, I had declared the law to be contrary to what your Lordships had decided it to be. Your Lordships may reconsider that decision; and, in that case, if my proposal with respect to the proceedings of the two Houses should be again submitted, I shall be glad to give it my most ardent support. For it seems to me monstrous to say that if there be a *bonâ fide* report of a speech in Parliament published the publisher should be liable to an action. That is different from a case which occurred about fifty years ago, when a noble Earl in this House made a speech calumniating his steward, and published it himself. The publication in question led to an action, because it was not a *bonâ fide* account of the proceedings in this House, but was intended to calumniate a private individual; and such an action would continue to be available if the clause which I proposed were passed into a law to-morrow. But while, as far as the proceedings of the two Houses of Parliament are concerned, I would zealously support the extension of the privileges of the Press, I am not prepared to grant the same immunity to reports of the proceedings of all public meetings; because to say that the publication in newspapers of whatever is said at any public meeting, or at anything which may be called a public meeting, should be privileged would lead to very alarming consequences. It has been said that the person calumniated may bring an action against the man who makes the speech; but it must be remembered that a speech spoken is a smaller injury than one that is published and sent all over the world. Still I am not prepared to say that the liberty of publication should not be extended to all public meetings under certain limitations and restrictions; but I hold that it would be preposterous for the Judges sitting on the bench to legislate as well as to declare what the law of England is, and I hope that such a precedent will never be established in this country.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 16, 1857.

MINUTES.] NEW MEMBERS SWORN.—For Kingston-upon-Hull, James Clay, esq.; for Hereford, George Clive, esq.

Lord Campbell

NEW WRIT.—For Colchester, *v.* Lord John James Robert Manners, Manor of Hempholme.

PUBLIC BILLS.—1° Public Health Supplemental (1857).

2° Chief Constables.

PUBLIC JUSTICE—ANSWER TO ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Viscount Castlerosse) *reported* Her Majesty's Answer to an Address agreed to on Thursday last.

“I HAVE received your Address respecting the formation of a Department for the Affairs of Public Justice, and shall give directions that the subject may receive the attentive consideration which its importance demands.”

CEYLON—QUESTION.

MR. BYNG said, he would beg to ask the Secretary of State for the Colonies when it was his intention to lay before the House the last annual Report of the Governor of Ceylon on the state of that Colony; and whether he would, at the same time, furnish a copy of the letter of Viscount Torrington to the Secretary of State for the Colonies on the same subject, under date Jan. 17, 1857.

MR. LABOUCHERE said, that the Report from the Governor of Ceylon, to which his hon. Friend alluded, usually appeared in what was called the “Blue-book” for the year from that Colony, and would be laid before the House together with the Reports from the other Colonies in the course of the next month. Lord Torrington, who naturally took a great interest in the affairs of Ceylon, had asked him (Mr. Labouchere) privately to be allowed to see that Report, and after having seen it he took exception to some of its statements, which he thought contained a reflection on his own conduct. He (Mr. Labouchere) believed that that was a complete misconception on the part of Lord Torrington of the language used by Sir Henry Ward; but as his noble Friend considered himself aggrieved in the matter, and was anxious that the letter he had addressed to him (Mr. Labouchere) should be communicated to the House, he should have no objection to its production if it should be moved for after the Report of Sir Henry Ward should have been laid on the table.

VACCINATION—QUESTION.

MR. T. DUNCOMBE said, he wished to ask the Vice President of the Board of Health when the Committee on Vaccination, agreed to by the Government during the last Session, was to be appointed?

MR. COWPER said, he proposed to introduce during the present Session, a Bill somewhat similar to that which he had brought forward last year, and that Bill would be referred to a Select Committee, with the understanding that the Committee should inquire fully into the working and the results of the present law.

MR. T. DUNCOMBE said, he should be glad to know when it was likely that the Bill would be introduced?

MR. COWPER replied, that he could not answer the question at that moment, in consequence of the absence from town of his right hon. Friend (Mr. Monsell) the President of the Board of Health.

MR. BRADY said, he had a question upon the same subject on the notice paper, but he would not put that question after the statement that had just been made by the right hon. Gentleman the Member for Hertford; but he wished to state that in his opinion it was absolutely necessary that some measure should be introduced in reference to that matter.

THE NEW GOVERNMENT OFFICES—
QUESTION.

LORD ROBERT CECIL said, he would beg to ask the Chief Commissioner of Works whether the judges of the approaching competition, with reference to the new Government offices, would be appointed before the day on which the plans were sent in? Also, whether he intended, in appointing the judges, to confine his selection to those who were unentangled by any personal connection with the profession, or whether he intended to include among them practising architects?

SIR BENJAMIN HALL, in answer to the first question of the noble Lord said, it was not his intention to nominate any of the judges until after the plans were sent in. With regard to the selection of the judges, it was his intention to nominate some gentlemen who were not connected with engineering or architecture, and to associate with them others having a thorough knowledge of those professions. It would, however, perhaps, be difficult to select competent persons who were not at all connected with the

competitors, but he would certainly endeavour, in the selection he should make, not to nominate any persons who were competitors, or were connected with competitors.

JAMES SADLEIR, A MEMBER OF THIS
HOUSE.

MOTION THAT HE BE EXPELLED THIS HOUSE.

MR. J. D. FITZGERALD said, that the rather disagreeable duty had devolved upon him of bringing before the House a Resolution for the expulsion of one of its Members—namely, Mr. Sadleir, the Member for the county of Tipperary. He did not apprehend it would be necessary for him to occupy the attention of the House at any considerable length, since an unanimous feeling had been expressed among men of all parties, that sooner or later the order for the expulsion of Mr. Sadleir must be made, and it only rested with him to satisfy the House that at the present period, without danger and without forming an unconstitutional precedent, he might ask the House to agree to an order for his expulsion. That the House possessed the right to expel a Member did not admit either of doubt or controversy. The right had been repeatedly exercised from an early period, either when Members had been guilty of a positive crime, or had offended against the laws or institutions of the House or had been guilty of acts tending to bring religion into discredit, or that were discreditable, or had been guilty of fraudulent practices or other acts, which showed that the particular Members were unfit to exercise the trust which their constituents had reposed in them, and that they ought not to continue to associate with the other Members of the House. There could be no doubt that this power existed, and the records of Parliament would show that it had been repeatedly exercised. The House did not in such cases proceed upon mere technical legal proof. It sometimes acted upon the conviction of the parties, but it had also acted without any such conviction and even against an acquittal. Sometimes it proceeded by its own peculiar methods to inquire into the state of facts. Sometimes it heard the Member in his place, and in other cases, where charges of fraud, or discreditable conduct, had been made openly against a Member, when he had failed when summoned to attend in his place, and when the House had been induced to believe that he had fled from justice, it

proceeded without hearing him to make the order for his expulsion. He would shortly advert to the precedents which bore upon the case now under consideration, which would show that it came within the class of cases already provided for, and would not form a new precedent of its own. He would now call the attention of the House to two or three instances in which this course had been adopted. It appeared from the report of the Committee of Precedents that the earliest period at which the power of expulsion had been exercised by the House was in 1580, when Mr. Hall, one of the Members for London, was fined, imprisoned, and expelled that House for having published a book reflecting upon certain Members. In 1606, Sir C. Pigott, the then Member for Buckinghamshire, was expelled for using words of scandal and obloquy,

“Ill beseeching such an audience. Not pertinent to the matter in hand, and very unseasonable for the time and occasion.”

The House might think that a dangerous precedent, but they would not be surprised at it when he told them that it occurred in the reign of James I., and that the slanderous words were spoken of Scotland and Scotchmen. In 1620 Mr. Shephard was expelled for using profane language in debate. In 1628 Sir Edmund Sawyer was expelled without hesitation for a discreditable attempt to tamper with a witness who was about to be examined before a Committee, by telling him that he would not be examined upon oath, and he need not speak of anything that had passed between them. He would pass over the period of the Long Parliament and the contest between the Parliament and the Crown, and come to the somewhat less unconstitutional reign of Charles II., during which there were many instances of expulsion. In 1667 Mr. Ashburnham was expelled for having committed the dishonourable offence of receiving £500 for promoting the business of the French merchants. An instance occurred in 1668 which in one of its elements made a near approach to the present case. An inquiry took place before the House in reference to the naval battle which had been fought off Lowestoft in 1665, in which the Dutch were defeated by the Duke of York, the result of which was that Mr. Burchell, the Member for New Romney, was ordered to attend in his place on the following Tuesday to answer matters objected against him in relation to the miscarriage in not

pursuing the Dutch fleet. He did not appear, and for his contempt of the order and not waiting the justice of the House he was expelled. Passing over several intermediate instances, he now came to the reign of William III. In 1715 Mr. Pryse was expelled, his offence being that he had refused to attend the service of the House, and having been committed into the custody of an officer had absconded. In 1720 Mr. Aislaby, the Chancellor of the Exchequer, was expelled for having been concerned in the South Sea frauds. In 1722 Lord Barrington was expelled for having been concerned in a fraudulent undertaking called the Harburgh Lottery. The next precedent he should mention appeared to him to bear very much on the present case. In 1732 Mr. George Robinson, the Member for Great Marlow, was expelled. It appeared that a petition was presented from Blenheim complaining of a fraud committed on a charitable corporation for the relief of the industrious poor. The petition was referred to a Committee, which reported in the course of its proceedings that Mr. George Robinson, one of the Members, had been charged with fraudulent practices, not that the charges had been proved as to time, but that he had been charged with participation in the fraudulent practices complained of. Notice having been taken of the report in the House, George Robinson was ordered to attend on the following Tuesday. He did not attend, and the messenger having proved the service of the order at the town and country residences of the Member, and stated his belief that he had gone beyond the seas, an inquiry took place, after which, on the 3rd of April, 1732, the House came to the following resolution—

“That George Robinson, M.P. for Great Marlow, having been charged in Parliament with having been concerned in many indirect and fraudulent practices, and never having attended the service of the House, although required to do so, is guilty of a high contempt. That, for his said contempt, he be expelled.”

He called the attention of the House to the fact that in this case there was no proof of guilt, although there was every reason to believe that the person charged had fled the country in consequence of the charge. In 1810 Mr. Hunt was expelled in his absence, there being evidence that he was in France, in a letter written to the Speaker. In 1812 Mr. Benjamin Walsh was convicted of felony, but subsequently pardoned, as the facts did not bear out the

charge of felony. Notwithstanding that his conviction was quashed, the House came to the conclusion that the charge of felony involved a case of fraud, and he was accordingly expelled. He had mentioned these precedents (all of which occurred previous to the year 1814, since when there had been no instance of positive expulsion) merely to show the power possessed by the House, and he would now proceed to call attention to the circumstances of this case, especially to those which distinguished its present position from the position in which it stood when it was brought under the notice of the House on the 24th of July last. About twelve months ago they were all startled by the intelligence of the miserable suicide of the Member for Sligo, and in consequence of that catastrophe inquiries were instituted which led to the discovery of the extensive frauds and crimes in which that unfortunate man had involved himself, the pressure of which, doubtless, drove him to the further crime of self-slaughter. Among the institutions injured by his acts the greatest sufferer was the Tipperary Bank, which was entirely ruined. A suit was soon instituted, and, proceedings connected with the suit having come before the Master of the Rolls in Ireland, that learned Judge, on the 4th of June, plainly indicated, not in a judgment, but in some observations from the bench, that he was of opinion that there was a sufficient case on which to found a criminal charge against James Sadleir, and that on that criminal charge he ought to be prosecuted. The charge made against James Sadleir, therefore, was not private, but open and notorious, proceeding from the bench of justice, and must have been known to him. On the same occasion the Master of the Rolls gave the persons known in the litigation as the English shareholders an opportunity of making further affidavits, for the purpose of bringing forward additional evidence of the fraud of James Sadleir, and he believed that on the 7th of June the affidavit of a person named Ginger was filed in the Court of Chancery. On Monday, the 9th of June, James Sadleir made an affidavit, in answer to that of Ginger, describing himself as of Clonacody, in the county of Tipperary, M.P., which was not sworn at the proper office in Dublin, but at Kingstown; and there was every reason to believe that when it was sworn James Sadleir was on his way out of the country, to which he had never since returned: On

the 20th of June the judgment of the Master of the Rolls was delivered, in which that learned Judge, after a careful examination of the documents and evidence, came to the conclusion that those documents and that evidence established the case of fraud he had before shadowed out; he also went through several cases of fraud which had been established, and among them he mentioned the abstraction of the sum of £250,000 from the Tipperary Joint-stock Bank for his (James Sadleir's) brother's purposes, the result of which had been the ruin of that institution. Proceedings were taken immediately afterwards against James Sadleir, which resulted in a warrant being issued for his apprehension, founded upon a declaration or information upon oath. That warrant, together with the information, had been before the House since July last. On the 6th July a duplicate of that warrant was transmitted to England to be placed in the hands of the police authorities. Subsequent to the 4th of July no less than seven different warrants were issued for his apprehension. On the 18th of July bills of indictment were preferred against him at the summer assizes at Tipperary, that being the county he represented in Parliament; and these bills, charging him with several conspiracies to defraud, were found by the grand jury. Though such finding was not proof of guilt, yet the House could not forget that the duty of a grand jury was to proceed on the ground that the case, if unanswered, would warrant conviction. Looking, then, to the notoriety of the proceedings, to the fact of witnesses being examined and of bills being found by the grand jury in the county which Mr. James Sadleir represented, it did appear that the circumstances were such as left no doubt that the facts must have come to his ear. At this stage of the proceedings the Member for Sheffield, on the 21st of July, obtained an order of the House that Mr. James Sadleir should attend in his place on the third day therefrom. That order was regularly served at the residences of Mr. Sadleir, and also upon the solicitors acting for him in the litigation of the Tipperary Bank; and on the 24th of July the hon. Member brought forward his Motion for the expulsion of Mr. James Sadleir, urging the circumstances he had just adverted to as the foundation of his Motion. The Motion was supported by the hon. and learned Member for Dublin University.

who brought several precedents under the attention of the House, and both these Members expressed their strong opinion that upon the notoriety of the case there was sufficient ground before the House to justify it in proceeding to order the expulsion of Mr. James Sadleir. On that occasion other Members of this House took a more cautious view, though he believed there was no difference of opinion that Mr. James Sadleir must sooner or later be expelled. It was thought by many hon. Members that to proceed to expel Mr. J. Sadleir, after the lapse of only six days from the time of the bills of indictment being found, and of three days from the passing of the order for his attendance, was to run the danger of setting a precedent which was unconstitutional in its character; and which might in other times be used for a bad purpose. Accordingly the previous question having been moved, was carried. He would now proceed to state what had occurred in the mean time, which he thought would justify him in asking the House now to make the order which in July last was thought dangerous. He had told the House that proceedings had been taken against Mr. Sadleir which would result in outlawry, and he had hoped that in the course of this Session those proceedings to outlawry would have been completed. A miscalculation of the time which those proceedings would require had been made, and he found that they would not be complete until November next. He had already stated that several warrants were out for Mr. James Sadleir's apprehension, and the exertions of the authorities to execute them were unremitting; but in bringing forward this Motion, he considered it his duty to place before the House documentary evidence of this fact. The Deputy Inspector-General of constabulary stated:—

“I am enabled to state that in their endeavours to execute these warrants the most strenuous and reiterated, and at the same time discreet, though unsuccessful, exertions were put forth by the police; the suspected localities, not only in the county of Tipperary, but elsewhere, being watched, patrolled, or searched by night as well as day, while a special watch was kept (by a man acquainted with Mr. Sadleir's appearance, sent up from Clonmel for that purpose) both at Bray (where Mr. Sadleir lodged) and at Kingston pier, early in the month of July last, previously to which time, however, as the police ascertained, Mr. Sadleir had left that place. From all the information we have received it is considered that Mr. Sadleir has, without doubt, left the country.”

Mr. J. D. FitzGerald

The county inspector of the Tipperary constabulary reported:—

“Searches were made on eleven different occasions on these warrants, at his own residence (Clonacody), at his father's residence, and also at the houses of those friends and relations where there was a reasonable probability of his being secreted, but without success. Since his flight from this country the cattle on the lands and the furniture of the house of Clonacody have all been disposed of, the house and demesne being now occupied by Captain R. O. Kellett. I never could trace to any authentic source Mr. Sadleir having been seen in any part of this riding since the month of June, 1856.”

The indictment against Mr. James Sadleir was removed to the Court of Queen's Bench in October. If, therefore, in Michaelmas term in the month of November Mr. Sadleir had surrendered, he would have had an opportunity, on application to the court, of having the charge against him tried either in the sittings in term or those after term. Again, in Hilary Term, on the 9th of January, if he had surrendered, he would have had a full opportunity of meeting the charges against him, and his case would have been tried in Hilary Term or in the sittings after that term. In addition, he must call the attention of the House to certain documents delivered that morning, containing the orders made by the Courts at Dublin, in October, December, and January last, to substitute service. The meaning of that was, that when a court of law was satisfied that the person who was to be served with process had left the country, but having some agent or person in it on whom a service of process for him would be good, it made an order substituting service. Accordingly, he found that the three superior Courts of law in Dublin had, in proceedings against Mr. James Sadleir, in which Mr. Sadleir was personally interested, made orders to substitute service, being satisfied by evidence that that person had left the country. Feeling it to be his duty to lay before the House all the information he possessed on the subject, he would read a letter he received last Friday. It was not marked “private,” and he replied to the writer that unless he heard to the contrary, it would be his duty to read the letter in his place in the House of Commons. To that reply he had received no answer. The hon. and learned Gentleman here read the letter referred to. It is as follows:—

“Hotel du Louvre, Rue de Rivoli, Paris,
Feb. 12, 1857.

“Sir,—I consider it my duty to inform you that the notorious culprit James Sadleir is now in Paris, having seen him last night enter a restaurant in

the Palace Royal, where I dined, and having caught my eye, he immediately withdrew.

"The proprietor, M. Dupuis, afterwards informed me that he dines there every day.

"If the Government is anxious to arrest him, by sending over persons acquainted with his personal appearance, the object can be attained. His countenance is much altered; having lost his flesh and colour, and also wearing a moustache, a considerable change has taken place.

"This information shall be kept secret by me until I receive your reply.

"I remain your obedient servant,

"JAMES SCULLY.

"J. D. FitzGerald, Esq., M. P., London."

He was not acquainted with the writer of that letter, but he had been informed that he was a gentleman who recently resided in Tipperary, of great respectability, and ample fortune, and who, he believed, had been ruined and driven from the country by the disruption of the Tipperary Bank. The House might ask why the Government did not proceed at once upon that information to arrest Mr. Sadleir in Paris; but his case did not come within the extradition treaty between Great Britain and France, dated the 13th of February, 1843, and which was made law in this country by the 6 & 7 Vic. c. 75, for the crimes included therein were restricted to murder, an attempt to commit murder, forgery, and fraudulent bankruptcy. These were the only offences for which the treaty provided, so that the Government had no power to arrest Mr. Sadleir in France, or if he was arrested to demand his extradition. He (Mr. FitzGerald) had now stated all the additional circumstances which had occurred since last July. There could be no controversy that gigantic frauds had been committed by Mr. Sadleir, both with reference to the Tipperary Bank and other matters. Mr. Sadleir had been openly charged with those frauds. Mr. Sadleir was in the country when the Master of the Rolls in Ireland charged him from the bench in a suit in which he was a party with being implicated in them. He knew, or ought to know, that a Motion for his expulsion was made by the hon. and learned Member for Sheffield. He was aware that warrants had been issued for his apprehension, and, knowing all these things, he had fled from the country. All efforts to arrest him were vain. He (Mr. FitzGerald) had examined the division lists of that House in order to ascertain whether upon any occasion since the Motion of the hon. and learned Member for Sheffield was made Mr. Sadleir had taken part in the proceedings of the House, but his name was not to be found in those lists. Fourteen

days' notice had been given of the present Motion. If he had any intention of taking any step in consequence of the Motion, he had no doubt agents and acquaintances in this country whom he could employ for the purpose of defending him and informing the House why he continued to absent himself. Under these circumstances, which were not similar to those of July last, but after writs had been issued and *bond fide* efforts made to arrest Mr. Sadleir, and after the lapse of seven months he (Mr. FitzGerald) felt it to be his duty to ask the House to accede to the Motion for Mr. Sadleir's expulsion. He did not anticipate that the House would be unwilling to exercise the process of self-purification. The precedents to which he had referred amply justified the House in taking that step. He believed that the unfortunate man was an outcast and a fugitive, and that he had already imposed upon himself a heavier punishment than any that could be inflicted upon him by the House, for he had doomed himself to exile for life. The House, nevertheless, had a duty to perform, and he (Mr. FitzGerald) trusted that it would unhesitatingly agree to the Motion for the expulsion of Mr. Sadleir. The right hon. and learned Gentleman concluded by moving the Resolution.

MR. G. BUTT seconded the Motion.

Motion made and Question proposed—

"That James Sadleir, Esq., a Member of this House, having been charged with divers frauds and fraudulent practices, and bills of indictment for certain misdemeanours having been found against him; and warrants issued for his apprehension, and the said James Sadleir having failed to obey an Order of this House that he should attend in his place on Thursday the 24th day of July last, and having fled from justice, be expelled this House."

SIR FREDERIC THESIGER said, he believed that there was no difference of opinion at all on this occasion, and that they would all be ready and even eager to agree to the Resolution of the right hon. Gentleman. But as they were about to add another to the list of disagreeable precedents, it should be well understood on what grounds they were proceeding, and that they should be marked out distinctly so as to be understood by those who came after them. The right hon. Gentleman had adverted to a Motion made on the 24th July last by his hon. and learned Friend, the Member for Sheffield. At that time certain facts were brought forward by his hon. and learned Friend which were notorious—which, as the right hon. and

learned Gentleman says, must have been perfectly well known to James Sadleir himself; and his hon. and learned Friend, quoting various precedents, many of which had been mentioned by the right hon. Gentleman that day, showed that it was not necessary at all that James Sadleir should have been convicted of any offence in order to justify the House in his expulsion. The right hon. Gentleman at that time resisted the Motion, and the noble Lord (Viscount Palmerston) stated that the Motion was premature, that there had been no conviction, no confession, no report of a Committee of the House; and the right hon. and learned Gentleman added, that there might be proceedings to outlawry instituted, and that after such proceedings were taken there might be something for the House to proceed upon. What was known now was known at that time. It was perfectly well known that what the Master of the Rolls in Ireland characterised as a gigantic fraud had been committed, and that James Sadleir was a party to it, there had been warrants issued for his apprehension, the inspectors of constabulary had endeavoured to apprehend him, and it appeared that he had eluded the pursuit, and had absconded. He was indicted at the assizes, true bills had been found against him. All these circumstances were well known at the time when his hon. and learned Friend brought on his Motion in which he asked the House to expel Mr. Sadleir. Besides notice was given to Mr. Sadleir to attend in his place in the House, messengers and a summons were sent after him; and his house was found to be deserted, and all the attempts that had been made to discover him had failed. The hon. and learned Gentleman (Mr. Roebuck) said that the circumstances of the case were such that it would be perfectly safe for the House to decide to expel Mr. Sadleir; and this view was supported by his right hon. Friend (Mr. Napier), who brought forward a number of precedents, many of which were pressed into his service by the Attorney-General that day, although upon the former occasion he did not seem to feel the force of them. Give him (Sir Frederic Thesiger) leave to ask in what the difference of the position of things then and now consisted?—and what was it which now enabled them the better to proceed with this matter. The right hon. Gentleman, when the Motion was made in June, said that if the proceedings went on to outlawry, there would be something to go on; and the

Sir Frederic Thesiger

noble Lord then said there had been no conviction, no confession, no report of a Committee of the House. Had there been any conviction now? None. Had there been any confession? None, except perhaps by the flight of Sadleir. Had there been any report of a Committee of the House? None. Indeed, none was required. What, then, was the difference between the position of things then and now? The right hon. Gentleman had stated what he thought would improve the position of things, and had adverted to the attempts which had been made to arrest James Sadleir. Surely there had before been sufficient proofs that he had absconded, and that there was no chance of his being taken. What more was there? Why proceedings to outlawry, which were so dilatory that it was impossible to complete them before Michaelmas Term, in November next. Might they not now retort on the right hon. Gentleman, and say—Why not wait until the outlawry was completed? But now it was discovered that they did not need any such thing to justify the expulsion of an unworthy Member of that House. What else was there, as regarded the facts? The right hon. Gentleman had thought it necessary to communicate to the House all the facts in his possession, and he extracted from his pocket a letter from a private individual, having told him that he would use the letter, unless he heard from him forbidding it, and the right hon. Gentleman thought it discreet and prudent on the part of the Government to announce to James Sadleir that they perfectly well knew where he was, and that he was perfectly safe while here, because no extradition treaty applied to him—and the right hon. Gentleman thought this a decent exercise of duty towards the House and the Government. This was the only additional information which had been brought before the House, on which they could act, but he must say the House would have been happy to relieve the hon. and learned Gentleman from the painful necessity of imparting that information. The House was considering the proper means by which they could expel an unworthy Member. They found from the admission of the Government that there was no necessity for a conviction nor for a report of a Committee of the House, nor for a confession, nor for an outlawry, but that the facts which now appeared and which had been so powerfully brought forward by

the hon. Member for Sheffield on a former occasion were quite sufficient to justify the expulsion of Sadleir. He could not, therefore, conceive on what grounds that Motion had been formerly rejected. He desired properly to understand the position of the question, as they were adding another precedent to an unfortunate list, and that was his only reason for troubling the House, for as to the Resolution itself he did not think there could be the slightest difference of opinion on the subject.

MR. ROEBUCK said, that perhaps the House would pardon him for interfering between it and the Solicitor General, when it considered the peculiar position in which it stood. He made this same Motion last July. It had through life so often been his fate to be told, "You are too soon," that he was not surprised at the proceedings of to-night, but he was surprised to hear the powerful and convincing speech of his right hon. and learned Friend (Sir F. Thesiger). He wished that speech had been delivered on the 24th of July last. [Sir F. THESIGER said he was not present.] He was sorry that he was not. He (Mr. Roebuck) was then told by his right hon. and learned Friend the Solicitor General (Mr. S. Wortley) that he was attempting to establish a dangerous precedent. There were some persons "who were content to dwell in decencies for ever," and he had no doubt that his right hon. Friend knew the position in which he stood, and that he was not in a position to create a dangerous precedent. He would ask the right hon. Gentleman the Attorney General for Ireland what difference there was between existing circumstances and those in July last, except as regarded time. [Hear!] He understood that cheer. He knew whence it came. If last July the House had said to this man, "You have done that which compromises the honour of a gentleman. You have been accused by a Judge in his place. A grand jury has found a Bill against you, and you have not appeared. You have fled from justice." Saying, that would have had a great moral influence upon society; but what was the difference now? The only additions made by the right hon. and learned Gentleman were the reports from the sheriffs of various counties in Ireland who had sought for this man, and a private letter from Paris; but was there no difference in the moral effect of calling upon a man as a Member of that House to answer a charge upon its first

blush, and waiting for six months and making no such demand until their myrmidons had sought and had failed to find him? After having done that, they could not say that the House of Commons was very tenacious of its honour: instead of calling upon Members upon the first blush of a charge for their appearance and answer, they gave them time to run away, and they did run away, and then Members produced a private letter to prove that they had run away. Every grave fact which had been adduced that night was known on the 24th of July last. A Judge had charged James Sadleir from the judgment seat; a grand jury had found a true Bill against him; that House had issued an order that he should appear in his place, and he did not come. Had not all these things been stated that night, and with what addition? Why, with that miserable addition to which he had alluded—the reports from the sheriffs of different counties of Ireland and a private letter. Were not these the very grounds upon which he (Mr. Roebuck) asked the House to expel this man—he would not call him gentleman—he would not call him an hon. Member? If it had been the case of a duel, he could have understood the argument of his right hon. and learned Friend the Solicitor General, who said perhaps—and it was curious how acute and astute lawyers were in finding out a "perhaps"—perhaps he would answer it. He (Mr. Roebuck) knew that in what were called affairs of honour—when a man was charged with an offence against the laws of his country in accordance with the laws of honour—he said, "Oh, I do not like to go to prison, but I will come and answer the charge." But there was a grave difference between such a case and that now in question. There was a charge against a man's morality:—"You have picked the pockets of thousands of poor people; you are a thief, you are a swindler; in the eyes of all honest men you are a degraded creature." Would not an honest man rush to meet such a charge? Would he go away upon the plea that he disliked a prison? Would not he seek the dungeon rather than bear the stigma of such an imputation? But, said his (Mr. Roebuck's) right hon. and learned Friend the Solicitor General, "Perhaps he does not like to go to prison." He (Mr. Roebuck) supposed he did not. He supposed the man to have been a thorough rogue. He charged him with being so. The charge against him

was, that his honour was gone, that he was a thief and a swindler; and he would ask, what was there in this man which created in his favour such very tender sympathy on the part of the Government? The time was come when the Members of that House ought to look round and see who among them were open to such charges, and to expel all upon whom such a stigma could be fixed. A man who at the very outburst of such a charge did not rush to meet it was unworthy to be a representative, and too tender sympathy for him did not redound to the credit either of that House or of those who put it forward.

THE SOLICITOR GENERAL said, he would not long prevent the House from passing from this subject to one which, although not of greater importance than was the honour and dignity of that House, excited a great deal of interest at the present time; but, as he had been pointedly alluded to, and as he was the first person who suggested that delay and that caution which had been complained of by his hon. and learned Friend opposite (Sir F. Thesiger), and again by his hon. and learned Friend below him (Mr. Roebuck), he thought that it was due to the House that he should recall to its recollection that which had been kept a good deal out of sight—namely, what were really the grounds upon which this Motion was resisted in July. His hon. and learned Friend below him (Mr. Roebuck) asked what had happened since but the lapse of time. Why, the whole question which was made in July was one of time. The objection to the Motion was, that it was too soon, that it was premature, that up to that moment Mr. Sadleir had had no opportunity of vindicating himself, that on the previous Monday the House had ordered him to appear in his place on Thursday, and on that very Thursday, because he did not attend, it was proposed at once to expel him. The want of time was the very essence of the objection which was taken. He (the Solicitor General) stated at the time that he fully acceded to the doctrine that that House was not to be tied down by the necessity of a conviction, that it might, apart from mere legal technicalities, acting upon its moral conviction, but acting cautiously, proceed to the expulsion of a Member. He and those who spoke in that sense grounded their opposition upon the want of time and the premature character of the proceeding. The papers referring to the Mo-

Mr. Roebuck

tion had been circulated only that morning, and he urged that Members ought to have time to look over them. It was at the very end of the Session, on the 24th of July, and he certainly imagined what he had now heard from the hon. and learned Gentleman opposite (Sir F. Thesiger), that he could not have been present, or he would not have taken the line which he had to-night. [Sir F. THESIGER said that he had read the debates.] In point of fact, it was a period of the Session at which there were but few Members of the legal profession in their places, and that was an additional reason why the decision should have been postponed. It was now said, that there was no difference between the present time and that at which the House refused to accede to a Motion similar to that now before it. It was not his duty to vindicate the position of the House. There was no division. Even his hon. and learned Friend the Member for Sheffield (Mr. Roebuck) did not take a division, but acquiesced in the Motion for the previous question. The ground on which he had resisted the Motion of last Session was, that the indictment was found only on the 18th of July, that the order to attend that House was made on the 21st of July, and that the House was called upon on the 24th of that very same month to take the last step of expulsion. He (the Solicitor General), under those circumstances, said that James Sadleir had not had an opportunity of receiving the order of the House; that they did not know that he did not mean to meet the charge; and that, at all events, they should not act with precipitate haste. Since that time Mr. Sadleir had been offered two opportunities of meeting the charge. His right hon. Friend the Attorney General for Ireland had made a Motion in November in the Court of Queen's Bench, when Mr. Sadleir might have appeared on his trial; and again, in the month of January, a similar opportunity was afforded to him; but he had availed himself of neither. A new Session having therefore opened, and this Member of the House not having presented himself to vindicate his character, the matter now stood in an essentially different position. The hon. and learned Gentleman opposite (Sir F. Thesiger) seemed to consider that his right hon. and learned Friend (Mr. FitzGerald) had been guilty of some indiscretion in allowing Mr. Sadleir to know that he was safe from arrest. But the

treaty to which reference had been made was no secret treaty, and no one could suppose that Mr. Sadleir's advisers were not aware of its existence, and that they had not told him that he could not go to a better, pleasanter, or safer capital than Paris. It was of the utmost importance not merely that they should be cautious in these grave proceedings, but that they should assert distinctly that it was not necessary there should be a legal conviction to justify the course about to be taken, and he trusted that the House would adopt with perfect unanimity the Resolution now proposed for the defence of its honour.

MR. WHITESIDE said, it was quite true that, when this question was before the House on the 24th of July, the present Solicitor General based his opposition on the ground of time. But the right hon. Gentleman, and also the noble Lord at the head of the Government, then laid down the wholly untenable doctrine, that in a case like the present there must be either a conviction, a confession, or a formal Parliamentary inquiry. But beyond that, the then Attorney General (Sir Alexander Cockburn) maintained, that there must be an outlawry, and insisted that it would be dangerous and unconstitutional to expel James Sadleir on the facts then before the House. It was of the utmost importance that they should understand the principle on which the House proceeded. It did not act upon a conviction, or an acquittal, or even a pardon. If Her Majesty were graciously pleased to pardon a man, that House, if he had behaved unworthily, would still persist in expelling him. That principle was affirmed in the case of Mr. Walsh, in 1812, and was then better laid down by a lay Member of the House than by Sir S. Romilly and the other lawyers who took part in the discussion. It was alleged that it was a rare thing to expel a man for the breach of a pecuniary trust. On this point Mr. Bankes was reported to have observed :—

“Among all the precedents there were none of more frequent occurrence, or which had been visited more uniformly by the just punishment of the House, than cases of fraud and notorious breach of trust in pecuniary transactions for private and undue emolument. . . . And Mr. Bankes went on to maintain, therefore, that the governing principle upon which the House was called to act was the notoriety of the fact, demonstrable from papers on the table, which showed that it was a gross breach of trust, beyond the power of cavil or dispute; a case of great moral guilt would be enough.”

No doubt several lawyers resisted this argument, but their opinions were overruled by the majority of the House. What was the case against James Sadleir on the 24th of July? The documents which the right hon. Gentleman had laid on the table contained a statement made by Mr. Kelly, the manager of the Tipperary Bank, to this effect :—

“In the early part of January, 1856, I received from James Sadleir, at the bank at Clonmel, a letter, dated London, December 30, 1855, written to him by John Sadleir, with an enclosure purporting to be a balance-sheet of the affairs of the bank to the 31st of December, 1855. James Sadleir requested me to take the letter and enclosure home and read them. I read the letter and considered the subject, and in a subsequent conversation told James Sadleir that it would be wrong to carry out the views contained in that communication. He acquiesced, and in reference to the balance-sheet observed, that it was very foolish of John Sadleir to put forward such a document. The balance-sheet prepared in John Sadleir's handwriting was manifestly fraudulent, both as regards the paid-up capital and the assets and liabilities of the bank, and also in the profit and loss account, all of which are overstated to a vast amount. In May, 1856, I saw in print, for the first time, a copy of the balance-sheet above referred to, to which my name is attached as manager. I never put my name to the document, or sanctioned it, directly or indirectly, nor did I know of its being in existence, in print, until then.”

These disgraceful facts were before the House in July last, and the acknowledgment of guilt implied by flight was as strong then as now. One of the documents laid on the table was thoroughly Irish in its character. A letter to the Crown Solicitor from the Deputy Inspector General of the Constabulary, describing the commendable exertions made by the police to execute the warrants on James Sadleir, showed that “a special watch was kept (by a man acquainted with Mr. Sadleir's appearance, sent up from Clonmel for that purpose) both at Bray, where Mr. Sadleir lodged, and at Kingstown-pier, early in the month of July last.” Then followed these remarkable words—“Previously to which time, however, as the police ascertained, Mr. Sadleir had left that place.” This was quite correct. Mr. Sadleir had long left the place; but the police, nevertheless, kept watch on the pier, to gaze out on the sea, and enjoy the fresh air for as many days as the Attorney General directed the sham to be gone through of looking for a man whom everybody knew to have left Ireland in

June. "I may add my own belief (the Crown Solicitor himself stated), and what I fancy is that of most, if not all here, that Mr. James Sadleir, M.P., is not in Ireland, and has not been in Ireland since the middle of June." These facts existed and made a strong case, when the Government resisted the Motion of the 24th of July last, on the ground that there had been no conviction, no confession, and no judgment of outlawry. As soon as the Master of the Rolls had pronounced his judgment of the 20th of June, Mr. Sadleir had the good sense to obtain legal advice as to whether or not he could be prosecuted. The answer he received to this question from one who was not a law officer of the Crown being, of course, in the affirmative, he immediately made his preliminary arrangements, and went off to Copenhagen. A letter from the Crown Solicitor to the right hon. Gentleman, dated Dublin, the 7th of February last, stated that on the 9th of July, 1856—

"A telegraph message was sent to you, informing you that an anonymous letter had been received by the metropolitan police here, in which the writer offered to show where Mr. James Sadleir then was if a reward would be given. You immediately, by telegraph, desired that the Under Secretary should be consulted, while you advised a liberal reward. £100 was accordingly offered, and on the 14th a stranger had an interview with Colonel Browne. He stated, 'that Mr. James Sadleir was then under the assumed name of John Smith at Mulmoe, near Copenhagen, where he would remain for five or six days, and thence he proposed to go through France to America.'"

After all this it was a farce to pretend that on the 24th of July, Sadleir had not had any opportunity of appearing. Why, an order had been made by the Lord Chancellor of Ireland on the 23rd of July, in which he said that he should appoint a receiver over Sadleir's estate, as Sadleir was a fugitive from justice, and there was no reason to suppose that he would ever be made amenable to justice. That was on the 23rd, and on the 24th of July the Irish Attorney General actually stated that Sadleir had then had no opportunity of appearing! The Lord Chancellor of Ireland had at that time declared him a "fugitive from justice." The case was as clear then as it was now. There had since then been nothing to change the case, neither outlawry, nor confession, nor conviction, nor trial, nor even opportunity for trial; for though the So-

Mr. Whiteside

licitor General, lately the Recorder of London, had stated that Sadleir might have been tried in Michaelmas Term or in Hilary Term, because the case had been removed by certiorari into the Court of Queen's Bench, that hon. and learned Gentleman ought to know that this could not be, but that the case must be sent down to the assizes at Tipperary, and no assizes had yet arrived. So that there had not yet been any opportunity of trial.

The SOLICITOR GENERAL: He could be tried in Dublin with the consent of the Crown.

MR. WHITESIDE: Not without his own consent also. So that there had not yet been any opportunity of trial, and if the step now proposed to be taken was premature last Session it was so still. But it was as clear now—though not more clear than it was then—that the House ought at once to expel a Member who was a discredit to the House and a disgrace to the country.

SIR GEORGE GREY said, that as the House appeared to be unanimous in the course it should adopt with regard to the Resolution, it was with some regret that he found that so much time had been lost in its discussion, and that an attempt was made to fix a charge of inconsistency upon the Attorney General and the Government. The objection made to the Motion of the hon. and learned Gentleman the Member for Sheffield, on the 24th of July, was that there was no evidence to show that Mr. Sadleir had had an opportunity of relieving himself from the charges which had been brought against him. The Lord Chief Justice of the Common Pleas, who was then Attorney General, said the Motion ought not to be agreed to unless there was a conviction on the part of the House that Mr. Sadleir had an opportunity of defending himself, and that speech had been very much misrepresented. It was urged at the time that the Government had been asked to commit themselves to a dangerous principle, which, upon a future opportunity, they might have occasion to repent. The hon. and learned Gentleman the Member for Stamford (Sir F. Thesiger) was not in the House at that time, but the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) was in his place and spoke, remarking that the worse the case appeared to be, the more careful ought they to be in giving the per-

son accused an opportunity of being heard. The Government agreed with the right hon. Gentleman, who was one of the leading Members of his party, that ample time should be afforded, and they were under the impression that Mr. Sadleir had not had sufficient time to vindicate himself. That view of the case was concurred in by a majority of the House, the Motion of the hon. and learned Member for Sheffield having been negatived without a division, and now, with perfect consistency, the Government asked the House to affirm the Resolution which had been proposed.

MR. NAPIER said, he had a distinct recollection that the ground of opposition to the Motion of the hon. and learned Member for Sheffield taken both by the Attorney General for England and the Attorney General for Ireland was, that the House ought to have actual proof of the guilt of Mr. James Sadleir, either by his conviction or confession. No one could be more convinced of that now than he was in the month of July last, when the first Motion for expulsion was made. The House would have been perfectly justified then in expelling Mr. James Sadleir, but it would probably not have been so politically convenient.

Motion agreed to.

Resolved accordingly.

COMMITTEE OF SUPPLY—FINANCIAL STATEMENT.

Order of the Day for going into Committee of Supply read.

THE CHANCELLOR OF THE EXCHEQUER: Before I move, Sir, that you do leave the chair, it may be convenient that I should state, for the information of those Members who are not accurately acquainted with the somewhat intricate rules of the House on the subject of money votes, what course I intend to pursue with reference to this matter. The Act of Parliament under which the Exchequer bonds which are referred to in the Resolution moved by me in Committee of Supply on Friday night were issued, contains this provision—"The principal moneys secured by such bonds shall be repaid out of such moneys as shall be provided by Parliament in that behalf." The consequence is, that the Government would not be provided with any funds to meet these £2,000,000 of Exchequer bonds without going, according to the forms of the House, through three operations—first, obtaining a Vote in

Committee of Supply; next a Vote in Ways and Means to cover the Vote of Supply; and, thirdly, a Ways and Means Act which would cover the Vote of Supply, and the Vote of Ways and Means. Until these three forms are gone through, it would not be competent for the Government to pay off the £2,000,000 of Exchequer bonds which fall due this year. Now, the national faith was pledged to the repayment of these bonds, and as I do not anticipate that the House will resort to the plan of meeting this obligation by means of re-borrowing, it will be necessary to provide the funds in the way I have mentioned. My statement on Friday night was made in Committee of Supply, which is contrary to the usual practice in making such statements, and I concluded by a Motion for a Vote of Supply to provide for the payment of this £2,000,000. And that, Sir, is the only Vote which I intend to propose in the present Committee of Supply. For the convenience of the House I circulated on Friday my Resolutions on the income tax, together with the scale of duties which I intended to propose on tea and sugar; but by some accident, for which I am not responsible, those Resolutions were not printed as a separate paper, but were confused with the other Votes of the day. I believe, however, that the Votes are now accurately printed. I merely mention this for the purpose of guarding the House against the supposition that it would be competent for me to move those Resolutions in Committee of Supply; they can only be moved in Committee of Ways and Means; and a Committee of Ways and Means cannot be appointed until a Vote has been taken in Committee of Supply. Whenever the House shall think fit to concur in the Resolution which I moved on Friday, it will then be competent to appoint a Committee of Ways and Means, and when that Committee is appointed, I shall be prepared to proceed with those Resolutions.

Moved, "That Mr. Speaker do now leave the Chair."

MR. DISRAELI: It was the common understanding, I believe, Sir, on Friday that we were to have an opportunity to-night of discussing, and, if necessary, of asking the opinion of the House on the whole tenor and scope of the financial scheme of the Government. On looking at the paper of business for to-night I observed the Resolutions to which the Chancellor of the Exchequer has just alluded,

which, if they had been brought forward to-night—as it appeared they were to be—would have given us that opportunity; but when I came down to the House I found that the paper was changed; and though I accept, of course without the slightest hesitation, the account given by the right hon. Gentleman of the inadvertence—yet the right hon. Gentleman must feel that it has occasioned great inconvenience to the House. It appears to me extremely desirable that an early opportunity should be afforded of entering upon this discussion. I did not quite collect from the right hon. Gentleman when he proposed that that opportunity should be offered, but, Sir, to-morrow the Resolution which is about to be put in Committee of Supply will have to be reported, and I propose then, if that course should be agreeable to the House, to move a Resolution, on which I would ask the opinion of the House, which would raise the whole question of the financial scheme of the Government. With the permission of the House I will read the Resolution which I propose to move. It is as follows:—

“That, in the opinion of this House, it would be expedient, before sanctioning the financial arrangements for the ensuing year, to adjust the estimated Income and Expenditure in the manner which shall appear best calculated to secure the country against the risk of a deficiency in the years 1858-9 and 1859-60, and to provide for such a balance of Revenue and Charge respectively in the year 1860 as may place it in the power of Parliament at that period, without embarrassment to the finances, altogether to remit the Income Tax.”

If it be agreeable to the House I shall propose this as an Amendment on the Report being brought up, and the discussion on the whole financial scheme of the Government, which might otherwise have taken place to-night, may then take place.

THE CHANCELLOR OF THE EXCHEQUER: I only rise to say that if the right hon. Gentleman would prefer to make his Motion to-night, or any statement in Committee of Supply, I shall be perfectly ready to meet it by such explanations as the case may require.

SIR JOHN PAKINGTON: I apprehend, Sir, that in the event of my right hon. Friend bringing on the discussion to-night, as proposed, he would not, in point of form, have power to move the Amendment of which he has given notice.

MR. SPEAKER: It would not be competent for the right hon. Gentleman to move

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such an Amendment in Committee of Supply.

MR. GLADSTONE: I entirely accede to the convenience of the arrangement which has been made. I understand my right hon. Friend (the Chancellor of the Exchequer) to say, that he does not propose to move any Resolution in Committee of Supply, except a Resolution with respect to the Exchequer bonds. It therefore follows that the Navy Estimates stand over to a future evening. [Sir G. GREY: No; the Navy Estimates will be moved by the First Lord of the Admiralty.] It appears to me that lies at the root of the whole matter. I shall not be prepared to assent to the Motion that you, Sir, leave the chair to go into Committee on the Navy Estimates until an opportunity has been afforded of considering fully the financial proposals of the Government. I am aware that if I sit down I have no power of rising again to address the House. I am unwilling, therefore, to lose or surrender a vantage ground until I understand from the Government what they intend to do. It appears to me that the subjects of Supply and Ways and Means are essentially connected. Her Majesty's Government with perfect propriety, yielding to the general wish of the House, have so connected them, and in the statement of the Chancellor of the Exchequer the two subjects, contrary to practice, and on special grounds, have been placed before us together. The ordinary practice according to which the principal charges are voted before going into Committee of Ways and Means has been departed from, and, that being so, it appears to me it is a fair demand for Members to make, if they think their public duty requires them to urge such a demand, that they should have the power of discussing the question as a whole. That demand, for my own part and as an individual Member, I make with due respect and humility, but with as much urgency and conviction of duty as I ever made any demand in this House. It is, in my opinion, essential to the right discharge of our duties with regard to the finances of the country that we should have an opportunity of discussing the proposals of the Government as a whole. It is perfectly plain—beyond the possibility of dispute—that if we proceed to take a Vote on the Navy Estimates we shall lose the opportunity of an unprejudiced discussion of the whole scheme. I do not wish to detain the House with arguments on a

matter so plain that it does not require them; but I, for one, not knowing what may be the opinion of other hon. Members, cannot consent to your leaving the chair for the purpose of going into Committee of Supply, unless it is understood that the Resolution of the Chancellor of the Exchequer is the only Resolution which is to be moved to-night.

LORD JOHN RUSSELL: I only rise to say that I hope, before the House resolves into Committee of Supply, the Government will declare whether they decidedly mean to go into the Navy Estimates to-night. I own, it appears to me, that what my right hon. Friend the Member for the University of Oxford has said is very reasonable, and I cannot well conceive that going into a question of the Navy Estimates and voting several large sums, and then coming afterwards on another day to a discussion of the general expenditure of the country, can be a convenient course. It is perfectly fair for the right hon. Gentleman the Chancellor of the Exchequer to move the Resolution he has prepared, and hon. Gentlemen can either assent to it or not before an opportunity is given them of expressing an opinion on the plan stated the other night; but to go into Committee on the Navy Estimates is very unreasonable, and if the Government propose such a course, I shall certainly resist it, and immediately the Committee come to that point, I shall move that the House do resume or take some other means to prevent the House coming to a vote on that subject.

VISCOUNT PALMERSTON said: Sir, I wish to save the House trouble, and we are ready to adopt the course which the House seems to prefer. We will not go into the Navy Estimates to-night.

Motion agreed to.

House in Committee of Supply: Mr. FITZROY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER said: Sir, before I proceed to offer to the Committee explanations which will have reference to the terms of the Motion which has lately been read by the right hon. Gentleman opposite, I will advert to a point mentioned by the right hon. Gentleman the Member for the University of Oxford on Friday night, which I left unanswered. The right hon. Gentleman asked me whether I had included in the estimate which I made of taxes remitted

since 1853 the sum of £165,000, the loss consequent on the change of the law with reference to foreign bills of exchange. The amount I stated did include that item. There was, however, one sum, the produce of the reduction of the assessed taxes of 1854, which I have included in the taxes remitted since 1853, but inasmuch as it is quite true, as the right hon. Gentleman stated, that he announced that change in 1853, which fact I had overlooked, I ought not to have included it, and the sum I stated must be rectified by the omission of £270,000. I now come to what I understand as the material point raised by the intended Resolution of the right hon. Gentleman, as to the supposed deficiency in the revenue for two years after the ensuing year to be created by the financial arrangements submitted to the House on Friday last. I do not understand that it is alleged that the revenue estimated for the coming year, beginning the first of April next, will be deficient. If it is I will re-explain that statement; but unless it is alleged that the revenue will be insufficient to meet the estimated expenditure I will assume that there is no doubt as to the ensuing year. What I collect to be affirmed is, that the financial arrangements which I propose will leave a deficiency of revenue as compared with expenditure in the years 1858-9 and 1859-60. I believe I am correctly rendering the effect of the resolution read by the right hon. Gentleman. I hold in my hand the best estimate which I have been able to make of the revenue for those years, according to the plan which I submitted to the House on Friday. If the Committee would wish to hear the estimate of each item for those two years I will read it to them—

ESTIMATED REVENUE IN 1858-9 AND 1859-60.

	1858-9.	1859-60.
	£	£
Customs	22,350,000	22,000,000
Excise	17,450,000	17,700,000
Stamps	7,550,000	7,700,000
Land and assessed taxes	3,150,000	3,150,000
Income tax	7,150,000	7,150,000
Post Office	3,000,000	3,000,000
Crown lands	265,000	265,000
Miscellaneous	1,385,000	1,300,000
	62,300,000	62,265,000
Extraordinary liabilities	3,500,000	3,500,000
Net revenue after paying off liabilities...	58,800,000	58,765,000

Well, now the gross expenditure for 1853-4—the year immediately preceding the war—was £55,840,000, and, therefore, according to my estimate of revenue for these two years, after discharging all liabilities, inclusive of the Exchequer bonds and Sinking Fund, there will be an excess beyond the expenditure of the last year before the war of about £3,000,000. The whole of this £3,000,000 will be applicable to the increased charge of the Army, the Navy, and the Civil Service, with the single deduction of the increased interest upon the debt which has been created during the war. These liabilities are in the nature of the repayment of principal: but there is also an augmentation of the interest upon the debt incurred during the war. The increased charge of the funded and unfunded debt beyond the charge for the year 1853-4 will be in 1858-9 £650,000, which will be reduced in 1859-60 to £510,000. There will, therefore, be a margin of £3,000,000, from which nothing is to be taken, except that payment of interest, to cover the increased expenditure of the Army, Navy, and Civil Service beyond that of the last year of the peace. The House will see that this estimate of revenue is not a sanguine estimate. I have not calculated upon any considerable increase in the indirect taxes, although when Parliament remits so large a sum as £9,000,000 of direct taxation we may, under ordinary circumstances, reasonably expect a great increase in the produce of the indirect taxation. Unless, therefore, it can be shown that there is some error in this estimate, which I believe cannot be pointed out, I have proved that I have provided a sufficient revenue for the years 1858-9 and 1859-60. That, as I understand it, is the point to which the Resolution of the right hon. Gentleman (Mr. Disraeli) is directed, and it would be, I think, more convenient to discuss that question at present, now that we are in Committee of Supply, without waiting for the Resolution or Report to be brought up.

Question again proposed—

“That a sum, not exceeding £2,000,000, be granted to Her Majesty, to pay off and discharge Exchequer Bonds, issued under the provisions of the Act 17 *Vict.* c. 23, and dated the 8th day of May, 1854, which will be due and payable on the 8th day of May, 1857.”

MR. GLADSTONE said: I entirely accede to the propriety of the Resolution which the Chancellor of the Exchequer

The Chancellor of the Exchequer

has moved. I thought it better that we should have a day to think about it, but, as far as I am concerned, I have not a word of objection to the Resolution itself, which I hope will be unanimously agreed to. The other portion of the right hon. Gentleman's speech properly belonged, I think, to the speech he delivered on Friday night, and would have been introduced into it, no doubt, but for the great circuit the right hon. Gentleman was compelled to make, and the numerous subjects which prevented him from making his Estimates for future years. While I am sorry to say I cannot accept the cheering prospect which he has held out to us for future years, yet the same consideration which led us to postpone the Vote of Friday night ought also to induce us to postpone to-night the discussion of that most important and vital portion of the question—the prospect of the balance of revenue and expenditure in the years following 1857-8. I will therefore, with the permission of the Committee, reserve altogether for another opportunity the remarks I shall have to make, when we shall be better able to do justice to a question of such vital moment.

SIR FRANCIS BARING: I see an increase in the revenue charges upon which I should like to have some explanation. They were put down at £4,215,000, for the same purposes in other years he found the amount had been £4,123,000. There appears, therefore, to be an increase of £92,000 in the collection of the revenue, besides the coast-guard service, which is transferred from that Estimate.

THE CHANCELLOR OF THE EXCHEQUER: The Estimate of expenditure for the year 1857-8 is £4,215,000, but there is also to be transferred to this item for the first time the superannuation of the revenue department, which amounts to £475,000.

MR. MILNER GIBSON: There are two wars that we are now carrying on, and I wish to know whether the Government intend to lay upon the table the Estimate of the expenses to be incurred during the next year in the Persian war? We have the expenses of the Persian war up to the 1st April, but there is no Estimate for the future. I wish to ask whether we are to have any further estimate, and also whether there is to be any Estimate of he expenses now going on in the war with China?

THE CHANCELLOR OF THE EXCHEQUER: It is not our intention to lay upon the table any estimate for the expenses of the Persian war for the year commencing on the 1st of April, for we have no *data* by which we can with probability conjecture what those expenses may be. The House has been already informed that negotiations are going on at Paris with the Persian Minister, and we have every reason to hope that those negotiations will prove satisfactory. If so, no expenses will be incurred beyond those connected with the expedition. The Chinese war has been called a war by the right hon. Gentleman, but no extraordinary expenditure has been incurred beyond that of the ships on the station.

MR. MILNER GIBSON: These wars are going on without the authority of Parliament, and without our knowing anything about them. If the right hon. Gentleman would ask for a vote of credit the question could then be raised.

THE CHANCELLOR OF THE EXCHEQUER: As soon as there is any prospect of any extraordinary expenditure being required, we shall submit an Estimate to the House.

MR. DISRAELI: I have no wish to oppose the Resolution; but it would be greatly for the convenience of the House that we should come to an understanding on what day we shall discuss the whole of the financial arrangements of the Government. If on Friday the Chancellor of the Exchequer will, in Committee of Ways and Means, move his Income tax Resolutions, that will be a convenient day to those who sit on this side of the House; and I will on that day move my Resolution as an Amendment. I only wish that there should be a clear understanding on the subject.

THE CHANCELLOR OF THE EXCHEQUER: It will not be competent to go into Committee of Ways and Means to-morrow, and I suppose the House would not wish to take this Committee on Wednesday. Friday is therefore the earliest day on which it is possible that these Resolutions can be taken. The Resolutions have been printed, and I shall be prepared on Friday, in Committee of Ways and Means, to move Resolutions on the income tax and on the tea and sugar duties.

MR. DISRAELI: Then I will take that opportunity of moving the Resolution

that I have read as an Amendment to those Resolutions.

In reply to a question from Sir H. WILLOUGHBY,

THE CHANCELLOR OF THE EXCHEQUER was understood to say that he believed about £2,000,000 of the Exchequer-bonds were held by the Savings Banks Commissioners.

Motion agreed to.

Resolution to be reported *to-morrow*.

Committee to sit again on *Wednesday*.

House resumed.

CHIEF CONSTABLES BILL.

SECOND READING.

Order for Second Reading read.

COLONEL BUCK said, he believed that very few boroughs had joined with counties in forming an amalgamated police force, and the reason probably was that the municipal authorities of boroughs had no voice in those assemblies by which the chief constables were appointed. He would, therefore, suggest that the mayors of all boroughs which formed a joint police with counties should have the right of deliberating with the county magistrates upon matters affecting the police force and voting at the election of chief constables.

SIR GEORGE GREY said, that the subject alluded to by the hon. and gallant Member did not come within the scope of the present Bill, which was merely a measure to facilitate the object of the original Act.

Bill read 2^o.

BANK ACTS COMMITTEE.

NOMINATION OF COMMITTEE.

THE CHANCELLOR OF THE EXCHEQUER said, he would now move that the names of Mr. Weguelin and Mr. Blackburn be added to the Committee.

MR. CAYLEY said, he thought it was somewhat objectionable that the Governor of the Bank of England, who would be one of the principal witnesses as to the operation of the Bank Charter Act, should be placed on the Committee. He (Mr. Cayley) wished to know whether the Chancellor of the Exchequer would object to the Motion of which he had given notice, that the Committee should consist of twenty-six Members?

THE CHANCELLOR OF THE EXCHEQUER said, that he had on a previous

occasion expressed his readiness to increase the number of the Committee to twenty-two, and with that object he had submitted the names of Mr. Weguelin and Mr. Blackburn to the House. He did not see the force of the objection urged by the hon. Member for the North Riding of Yorkshire against the nomination of the Governor of the Bank of England, and for his own part he thought the fitness of that Gentleman to serve on the Committee would be generally recognised. He (the Chancellor of the Exchequer) must also remind the hon. Member that it was by no means unusual to examine Members of Committees as witnesses, and he would therefore feel it his duty to press his Motion. With regard to the suggested increase in the number of the Committee, if it was the wish of the House that such an increase should take place, he would make no objection.

Motion agreed to.

MR. GROGAN said, he should now move that the Committee do consist of Twenty-three Members, and that Mr. Vance be added to the Committee.

Motion made and Question proposed—
“That the Committee do consist of Twenty-three Members.”

THE CHANCELLOR OF THE EXCHEQUER said, he thought that before the House agreed to the Motion of the hon. Member for the city of Dublin, they ought to come to some Resolution as to whether the Committee ought to be increased.

MR. CAYLEY said, that he believed it would have been far better, considering its intricate nature, to have referred the subject to a smaller Committee, but as there was so little difference now whether the Committee should consist of twenty-three or twenty-six Members, he would state the grounds why he proposed the latter number. As the Committee then stood, there were fifteen Members taken from the Ministerial side of the House, and only six from the Opposition, and as the present was no party question, he was at a loss to know on what grounds such a selection had been made, or whether it had arisen accidentally or intentionally. On the former occasion, the Committee was selected as seven from the Government side of the House to four from the Opposition. As on a former occasion, he again warned the Government against this unfair selection, and he begged to inform the Chancellor of the Exchequer that the opinion the right hon. Gentle-

The Chancellor of the Exchequer

man had expressed on the Act of 1844, was not the opinion of the country, nor did he (Mr. Cayley) think it was of the Members of that House. He considered it unfair that a question of this kind should be prejudged by naming a Committee that was two to one.

THE CHANCELLOR OF THE EXCHEQUER said, he felt he should be doing an injury to the feelings of the hon. Member for the city of Dublin (Mr. Vance) if he again resisted the Motion that he be added to the Committee. He would therefore ask the House to agree to the following arrangement—that the Committee consist of Twenty-four instead of Twenty-two Members, and that Mr. Vance and Mr. Laing be added to the Committee.

Motion, by leave, *withdrawn*.

Motion and Question proposed, “That the Committee do consist of Twenty-four Members.”

MR. CAYLEY said, he should oppose the Motion, on the ground that the Committee was, as he had previously stated, unfairly constituted. If the right hon. Gentleman the Chancellor of the Exchequer had not sufficient confidence in his own proposition to press it to a division he could not have a very good opinion of its merits.

MR. W. WILLIAMS said, he was of opinion that there were too many Members upon the Committee.

MR. W. EWART said, he also thought a small Committee would be better than a large one, and that all Committees ought to be appointed by a Committee of Selection, or some authority which should be responsible for their nomination.

MR. J. L. RICARDO said, he doubted whether the Committee would arrive at a conclusion on the question during the present Session from its being composed of so large a number. He thought that the hon. Member for the North Riding (Mr. Cayley) had not put the question fairly when he compared the relative numbers of the Committee from the different sides of the House. He believed that although so large a number was taken from the Ministerial side of the House, it would be found that although generally of one opinion they differed from each other in many particulars with reference to the question under consideration. If the Committee were increased he did not see the slightest prospect of their deliberations being brought to a termination in time to allow of the House legislating on it during the present Session.

Motion agreed to.

Ordered, That the Committee do consist of Twenty-four Members:—Mr. Vance and Mr. Laing added to the Committee.

The House adjourned at half after Seven o'clock.

HOUSE OF LORDS,

Tuesday, February 17, 1857.

THE STATUTE LAW COMMISSION.

QUESTION.

LORD BROUGHAM said, he should be glad to hear from the noble Lord on the woolsack the progress made by the Statute Law Commissioners up to the present time.

THE LORD CHANCELLOR said, the Commissioners had been engaged during the recess in preparing a number of Bills, and it was his intention on an early day—in this or next week—to lay upon the table seven Bills for the entire consolidation of the law relating to criminal offences. The Bills had been prepared before the end of last Session, but they referred partly to England and partly to Ireland also, and it had been thought necessary to send them over to Ireland for the consideration of the proper authorities there. When they came back, they presented such an incongruous mass, that it had been found necessary to frame a number of separate Bills and these to the number of seven would now shortly be laid before their Lordships, and he would then state in detail what had been done and what was being done by the Commission. With regard to complaints made in another place, that the Commissioners did nothing, he only wished those who made the complaint had an opportunity of seeing one tenth part of the difficulties which beset the work on which they were engaged. Many efforts had been made to produce a greater amount of show for the labour bestowed, by means of short cuts, but it was found impracticable, and it had been unanimously resolved to begin from the statutes of last year, (19 & 20 *Vict.*), and go backward through the whole statute-books, section by section, in order to see what sections were repealed and what were not, respecting every head of consolidation. He hoped in the course of the Session to lay on the table two or three other Bills, in addition to those relat-

ing to the criminal law. He would not say more with regard to those Bills at that time, except that it was his wish to proceed with them at an early period of the Session: but he would not go further until he could see his way clearly.

LORD BROUGHAM said, he wished to ask his noble and learned Friend on the woolsack what means he had taken, or thought he could take, to obtain, he would not say the prospect, but the possibility of anything like a digest of the statute, and much more of the common law passing through the two Houses of Parliament? It was easy to complain of digests having been prepared and never passed. It was no fault of the Commissioners that those digests had not passed; it was the fault of our Parliamentary constitution, he feared its enemies might say; for, on three several occasions had digests of the criminal law been skilfully and carefully prepared by the Commissioners—those industrious, learned, and under-paid men, who were now the objects of such unmeasured attacks, he would not say in the other House of Parliament, but out of doors—on three occasions, he said, had digests of the criminal law been brought in and very nearly passed through their Lordships' House. His noble and learned Friend on the woolsack, and his noble and learned Friend not now in his place (Lord Lyndhurst), and he might say Lord St. Leonards also, with himself (Lord Brougham), came to the lamentable conclusion some time ago that it was in vain to pass a digest of 1,500 articles in their Lordships' House, and then send it down to be discussed in another place by 120 barristers, attorneys, and 300 or 400 magistrates, each having an attorney at his elbow to suggest doubts and difficulties at every step, in the hope of being able to pass it into a law. There was but one course to take, which was that adopted with respect to Sir Robert Peel's Bill for the Consolidation of the Law of Larceny and Lord Henley's on Bankruptcy—namely, that confidence, or almost entire confidence, should be given to the skilful, learned, and experienced men who were employed to draw up that digest, and after that was done that Parliament—he would not say in every particular, but generally—should accept and adopt it. Did they wish to have a digest or not? That was the real and only question. If they did, it was on those terms alone that they could have it.

He trusted that on this subject he might be found for once in error as a prophet of evil, as he was sometimes too sanguine a prophet of good, and that he was not taking a too desponding view of it; but he was confident that the sooner men laid to their hearts the necessity of that abstinence which he had suggested in the consideration of a digest, the better. He hoped these matters would be seriously considered by those who were desirous, year after year, to obtain this great good, a good which all seemed so desirous of possessing, and so few seemed disposed to make attainable. This observation certainly applied somewhat less to a digest of the statutes merely, than to what was the only real digest, one which embraced also the common law. Yet even to the statute law digest the remark was applicable. It would be found impossible to pass it through both Houses if every clause, every word, was to be the subject of discussion and contention among all the lawyers and all the magistrates in Parliament. He held it to be inexpressibly absurd for men, even eminent in the profession, to declare that they would withhold their confidence from the skilful and learned individuals who had prepared such digests, whether of common or of statute law, with infinite labour and pains. These men are lawyers, no doubt. Was Lord Eldon no lawyer? Perhaps, take him altogether, he was the most profound and accomplished that ever lived in this country, and equally versed in every branch of our jurisprudence. Was Lord Redesdale no lawyer? One of the most learned and accurate of men, and whose knowledge was not confined to law; yet these two, the first lawyers of the day, did not think it beneath them to accept the Consolidation Bills of Sir Robert Peel and Lord Henley (then Mr. Henley Eden), trusting to the accuracy of the draughtsmen who had prepared them, and the learned barristers who had revised and corrected them, and except here and there offering a suggestion, they never dreamt of examining the details of the clauses, or weighing the expressions, or even objecting to the manner in which they were framed. Was this abstinence the result of inability to find out flaws and slips, or to suggest improvements? Was Lord Eldon a person unused to object and to criticise, or slow to doubt, or unable to find the excuse for hesitation—the arguments for delay? The most ingenious, the most

Lord Brougham

refining, the most subtle of men he was, just as certainly as he was the most learned of lawyers, nay, the most habitual doubter whenever he had to deal with a matter from which all doubt was not excluded by the necessity of going straight forward to the necessary object in view. It was not because these truly great lawyers were incapable of finding flaws, or raising doubts, that they accepted the digests submitted to them, or because their habits in general did not lead them to discuss, and object, and even to refine. No such thing. It was because they were men of sense, of practical sense, as well as of learning and of subtlety, that they abstained from the needless parade of their learning and the hurtful display of their subtlety; well knowing that there was no other chance of the object in view being attained than by lending their confidence to the workmen who had been employed. Surely it is not beneath those of the present day to show the like abstinence. Again he (Lord Brougham) took leave to affirm, that the only question is, will you have a digest of the law, or contrive to go without one? If you desire it, there is but this one chance of its being enacted. Thrice the criminal law digest was elaborately prepared by the Commissioners during not merely months but years of hard labour by themselves and their learned and able secretaries, Messrs. Greaves and Lonsdale, of whose skill and knowledge their Lordships had ample knowledge from their attendance upon the Select Committee, as well as from their answers to the objections of the Judges. He (Lord Brougham) understood that the Commissioners had been complained of elsewhere as overpaid, and as having done nothing. Let any one look at their most able and useful reports, and the many digests of crimes and punishments, next of criminal procedure, as well as their Reports on Codification, with examples of a code, and he would be slow to say nothing had been done. He (Lord Brougham) had shown that the digests not passing was the fault of any one rather than the Commissioners. The attempts made year after year had been at length given up in despair for the reasons he had assigned, and in which no one more entirely concurred than his noble and learned predecessor, as well as successor (Lord Lyndhurst). As to the alleged over-payment of the learned Commissioners, he counted them as having

been ill-paid, from what other Commissioners received, and an attack had especially been made upon one of their number, who, from accidental circumstances, had been longer on the Commission than the rest, Mr. B. Ker. The fact was that when those Commissioners were first appointed, their salary was the same with the salary of the Real Property Commissioners, £2,000 a year; and he (Lord Brougham) afterwards, and he believed at the time when Mr. B. Ker was appointed by him, suggested that instead of a fixed salary they should be paid on their Reports—that was, on the work done. That reduced the payments to one-half. He had stated that Mr. B. Ker was only one of several. There were Mr. Starkie, Mr. Justice Wightman, Professor Amos, Mr. Jardine, and Mr. Austen. But Mr. B. Ker continued all through the Commission, and why? Because all the others had been promoted in the profession. Mr. Wightman had been made a Judge of the King's Bench, Mr. Starkie a County Court Judge, Mr. Jardine a police magistrate, Professor Amos had been appointed to India, Mr. Austen to Malta; and because Mr. B. Ker alone had not the good fortune to receive professional preferment, he was to have the other ill luck of being singled out as the scapegoat from among his brother Commissioners, and sent out, loaded with the sins of their imputed, but falsely imputed, shortcomings on his back, into the wilderness which resounded with the howlings of discontent at the perfectly imaginary crime of their not having been able to do what Parliament would not or could not effect. It was but ordinary justice to that gentleman who was first appointed by him (Lord Brougham), but afterwards by Lord Cottenham and Lord Lyndhurst, who had the highest opinion of the value of his services, to state that a more disinterested person was not to be found in any department of the public service. He was an active and most laborious member of four several Commissions for years, on not one of which did he receive any pay or any emolument whatever. On the Boundary Commission and Reform Bill of 1831 and 1832 for nearly two years; on the Commission of Arts and Manufactures; on the Record Commission for three years; on the Registration Commission for the same period. Not only he received no remuneration on any of these Commissions, but his devotion to the business of the one first named

(connected with the Reform Bills) had cost him the loss of a large portion of his business as an eminent conveyancer; and when others had in consequence of their services of a similar kind received great advancement, he received none, returned to the labours of his profession, without even mentioning what his services had cost him, and happily regained the practice which he had lost. He (Lord Brougham) only discharged a debt of strict justice to a person so deserving and so assailed by stating these facts, which were known to others as well as himself, to his noble and learned Friend on the woolsack, to his noble Friend not present (Lord Lyndhurst), to Lord John Russell, whose thanks had been again and again given for Mr. B. Ker's important services both on the Boundary Commission and in the preparation of those Bills carried through by the Government for the amendment of the Criminal Law and Abolition of the Punishment of Death.

THE LORD CHANCELLOR said, all that his noble and learned Friend had stated with regard to Mr. Bellenden Ker was founded entirely in truth; and he (the Lord Chancellor) would add that he never in his life saw a more laborious or a less selfish man. The Bills, for example, which he had stated his intention shortly to introduce, though they had been revised by different Members of their Lordships' House, were almost entirely to be referred to the labours of Mr. Ker in the discharge of his duty as one of the present Commissioners.

PETITIONS FOR PRIVATE BILLS— RESOLUTION.

On the Motion of Lord REDESDALE it was ordered:—

“That this House will not receive any Petition for a Private Bill after *Monday*, the 23rd day of *March* next, unless such Private Bill shall have been approved by the Court of Chancery; nor any Petition for a Private Bill approved by the Court of Chancery after *Tuesday*, the 19th day of *May* next.

Ordered, That this House will not receive any Report from the Judges upon Petitions presented to this House for Private Bills after *Tuesday*, the 19th day of *May* next.”

THE COUNTY POLICE—DISQUALIFICATIONS—QUESTION.

VISCOUNT DUNGANNON asked the President of the Council if it were intended by the Home Department permanently to rescind the rules relative to the qualifi-

cations of persons to be chosen as chief constables in the several counties of England and Wales, as respected their age not exceeding forty-five years, and their not having been declared bankrupts, or never having passed through the Insolvent Court? He had heard that the rules had recently been rescinded, and he wished to know what were to stand in their place.

LORD HATHERTON explained that some appointments having been made in Ireland, which were found to be obnoxious to the regulations, the law officers of the Crown were consulted, and pronounced them invalid. To legalise these appointments, a short Bill would be brought in, and the disqualification on the ground of insolvency withdrawn.

RAILWAYS (IRELAND)—THE COUNTY RATES—PETITION.

THE MARQUESS OF CLANRICARDE presented a Petition from Cesspayers in the barony of Clonmacnoon against any measure empowering railway companies to have interest upon their capital secured upon the rates of counties. It was certainly a principle most unsatisfactory that such a state of things should exist. He could conceive that in some small barony, where nearly every individual could give his assent, and where a railway might be of great advantage, such an arrangement might well be made; but in the case of a county it was impossible that anything like a personal assent could be given; and the petitioners broadly stated that they entirely dissented from the payment of the rate in this instance.

THE EARL OF LUCAN said, the plea put forward for these guarantees was that it promoted the making of railways; but he believed the contrary was the fact, and that they were discouraged because those who would come forward to construct railways were kept back by the restraint this system of guarantees placed upon their movements. The contractors ruled that the county believed the railway would pay or the county would not give the guarantee; and in exchange for that gratuitous undertaking the county magistrates peremptorily took upon themselves a very large share of the management, and which very much interfered with the movements of the promoters of the line. Now he believed that generally the railways in Ireland had been more successful than those in England, and therefore any well-devised line would be certain to meet with support on its own

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merits. He should therefore support the prayer of the petition.

LORD MONTEAGLE observed, that the system of guarantee ought, he thought, to be used with the greatest caution, and the Committee to whom the Railway Bill was referred ought to inquire before permitting it.

LORD STANLEY OF ALDERLEY said, that in most instances it was inexpedient to permit a guarantee on the original shares, but not always. Whenever it was done due notice should be given to all those who were likely to be affected by it, whether by means of the grand jury or otherwise. He thought that in small counties, with this restriction, the guarantee might sometimes be allowed.

EARL GRANVILLE said, that they must lay down a principle, and not suffer it to be tampered with by Committees. It might, in most cases, be injudicious to permit a guarantee; but if any portion of the county wished to secure that a railway should pass through it, and were willing to give a guarantee to effect that object, he did not see that Parliament ought to lay down any strict and inflexible rule that no such guarantee should be given.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 17, 1857.

MINUTES.] NEW MEMBER SWORN.—For Dumfriesshire, John James Hope Johnstone, esq. New Writ.—For Sussex (Eastern Division), v. Charles Hay Frewen, esq., Chiltern Hundreds. PUBLIC BILLS.—1^o Lunatic Asylums (Ireland); Sea Coast Fisheries; Petty Sessions (Ireland); Turnpike Trusts Abolition (Ireland). 3^o Royal Marine Forces.

REGISTRATION OF VOTERS AND POLICE (SCOTLAND)—QUESTION.

MR. BAXTER asked the Lord Advocate if he intended to bring in a Bill this Session extending to the Scotch Counties the provisions of the Registration of Voters Bill, passed last year for the Burghs; and also, if it was his intention to introduce a Police Bill for Scotland?

THE LORD ADVOCATE said, that he hoped shortly to introduce Bills upon both these subjects.

THE "MEGÆRA" TROOP-SHIP. QUESTION.

SIR JOHN PAKINGTON asked the First Lord of the Admiralty what was the cause of the detention of the *Megæra* troop

ship at Portsmouth after the time fixed for her sailing for the Mauritius with troops? Whether it was true, that shortly after she sailed she sprang a dangerous leak, which would probably have caused the loss of the ship, had the accident occurred at a greater distance from land? Whether the repairs which the *Megara* is now again undergoing at Plymouth are such as will enable the Admiralty to feel confident that she will be in a fit state to convey 400 or 500 of Her Majesty's troops so distant a part of the world?

SIR CHARLES WOOD: I have to state, in reply to the first question of my right hon. Friend, that the cause of the detention of the ship was, that the officer who commanded her had miscalculated the time which would be required in order to clean her up after she had come out of the dock-yard. The time occupied in that duty was longer than had been expected, in consequence of the state of the weather, and he had reported that she would have been ready for the embarkation of troops sooner than had actually been the case. When Sir George Seymour inspected her, he found that she was not fit for that service without exposing the troops to unnecessary discomfort, and he therefore thought it advisable to defer the day of her sailing. In answer to the second question of my right hon. Friend, I have to state, that it is not true that the *Megara* sprang a leak. It merely turned out that two small screws in the bottom of the ship had not been fixed in their places, and there were consequently two small holes in the bottom of the vessel about seven feet under water. Of course, the water came through them, but it was only in such a small quantity, that with the use of a common hand-bucket she might have gone round the world with perfect safety. In reply to the third question, I beg leave to say, that I have not the slightest doubt that the holes having been caulked, the *Megara* is now in a condition to perform the duty assigned to her of going to the Mauritius in a satisfactory manner.

LORD ADOLPHUS VANE TEMPEST said, he wished to put a question to the right hon. Gentleman upon the same subject. He begged leave to ask him, whether a similar accident had not occurred to that very ship upon a former occasion, when she had been employed to take out the first battalion of the Rifle Brigade a second time to the Cape? He had himself received a statement from a relative of one

of the officers on board the *Megara*, on the occasion to which a reference had just been made by the right hon. Gentleman (Sir John Pakington), which gave so totally different a description of the occurrence from that given by the right hon. Gentleman, that he begged leave to read it to the House. He believed he could read it without violating the rules of the House, if he were to move that they should then adjourn; and he would accordingly move that the House do now adjourn. The letter occupied only about ten lines, and, after he should have read it, the House, he thought, would agree with him that he had been justified in so doing. The letter was—"My relative left Portsmouth in the *Megara* transport, on Sunday last, and had to return to port on Tuesday; it was as much as ever they could do to keep the water from rising more than three feet in the lower cabin." This did not agree with the "little holes" described by the First Lord of the Admiralty. "She was just out of dock, and is now gone in for large repairs; meantime, 500 men are gone on board a hulk ship—a precious waste of public money from bad management." That was the statement he had received from a relative of one of the officers on board the ship; and he begged leave to ask the right hon. Baronet the First Lord of the Admiralty, whether a similar occurrence to that which had recently taken place had not happened to the same vessel upon a former occasion? With a view to place himself in order, he begged leave, in conclusion, to move the adjournment of the House.

Motion made and Question proposed, "That this House do now adjourn."

SIR CHARLES WOOD said, that the proceeding adopted by the noble Lord was not strictly in accordance with the practice of the House, and was not, in itself, a very convenient one. The ship in question had undergone considerable repairs at Portsmouth; she was brought from Portsmouth to Plymouth; and he would read to the House the report he had received on the subject of her leakage. [The right hon. Baronet then read the Report, which merely stated that two small screw-holes had been found in the bottom of the vessel, seven feet below water; that she had been since taken into dock; and that as soon as those holes were stopped she would again proceed at once to sea.]

CAPTAIN KNOX wished to know whe-

ther the right hon. Baronet was disposed to make any further inquiry into that matter? From what he had heard he had reason to believe that the water had entered through the bows of the ship, and that she was completely unfit for the service assigned to her.

SIR CHARLES WOOD said, that from the report he had received, it appeared that the leakage had taken place in the hold of the ship, seven feet under water, and not in her bows.

Motion, by leave, *withdrawn*.

APPOINTMENT OF A PUBLIC PROSECUTOR—QUESTION.

MR. J. G. PHILLIMORE asked the Solicitor General whether it was the intention of Her Majesty's Ministers to bring forward any measure founded on the Report of the Committee of last Session on the appointment of a Public Prosecutor?

THE SOLICITOR GENERAL said, that during the short time he had held his present office that subject had been under the serious consideration of Her Majesty's Government; and they still continued to give to it that consideration. He could not pledge the Government to any particular course upon the question, which was one, as his hon. and learned Friend was aware, involved in considerable difficulty. At the same time, he should add, that he was not without a hope that some scheme might be devised, if not for literally carrying out the Report of the Committee of last Session, at least for the substantial attainment of the object of the framers of that Report.

THE "RESOLUTE"—QUESTION.

MR. ROEBUCK said, he wished to be allowed to put a question, of which he had not given notice to the right hon. Baronet the First Lord of the Admiralty. The House was perfectly aware that the Government of the United States had made a present of the *Resolute* Arctic ship to this country. There was a very current report, that since that vessel had been brought back to England she had been ordered to be pulled to pieces. He wished to ask the right hon. Baronet if that report was true. He hoped that it was not, and he believed it would be a source of great satisfaction to the people of this country to learn that it was unfounded.

SIR CHARLES WOOD said, he hoped his hon. and learned Friend would not feel

offended if he gave him a very short answer. But the fact was, that the shortest answer was, in that case, the most satisfactory. He had simply to state, that the report was not true.

RELATIONS WITH NAPLES—QUESTION.

MR. COCHRANE asked the First Lord of the Treasury whether the Neapolitan Papers presented to Parliament comprised all the Despatches from Lord Clarendon to the British Mission at Naples between the 19th May, when Her Majesty's Government recommended the Government of the Two Sicilies to grant a general amnesty, and October the 10th, when the British Mission was instructed to leave Naples? Also, at what period and on what conditions Her Majesty's Government intended resuming diplomatic relations with the Kingdom of the Two Sicilies?

VISCOUNT PALMERSTON said: In answer to the first question of the hon. Gentleman, I have to state that the papers presented to the House do not contain all the despatches sent from the Foreign Office; but they contain all the despatches that bear upon the matters connected with the purpose for which the papers were presented. There are some other despatches which contain instructions with reference to contingencies that never happened, and therefore have no bearing upon the case, but relate to what are now unimportant points. With regard to the second question, perhaps I may without offence be allowed to answer it by putting another question—namely, whether the hon. Gentleman has full powers from the King of Naples in this matter? If his answer should be in the affirmative, I would suggest that his question had better be put to my noble Friend Lord Clarendon in Downing-street, than to me in the House of Commons. I believe that, on reflection, the hon. Gentleman will feel—or at least the House will feel—that it would be quite improper upon my part to attempt to answer such a question here.

MR. COCHRANE said, he believed his question was one which might fairly be put.

RELATIONS WITH CHINA—QUESTION.

VISCOUNT GODERICH asked the First Lord of the Treasury whether it was true that the case of the *lorcha Arrow* was not the only one in which the authorities of Canton had recently seized or entered upon

boats sailing under British colours or furnished with a British register; and, if so, whether he would lay upon the Table of the House any Papers relating to such proceedings? And also, whether he would have any objection to lay before the House any instructions which might have been sent by the Home Government to Sir John Bowring on his appointment as Governor of Hong Kong, or at any subsequent period previous to October last, on the subject of the exclusion of the British authorities and merchants from the city of Canton?

VISCOUNT PALMERSTON said, I believe, if my noble Friend will refer to the papers which have already been presented to the House, he will find from them that upon two former occasions lorchas had been molested by the Chinese authorities; and those papers also detail the steps taken by Sir John Bowring in consequence of these transactions. With regard to the instructions to which my noble Friend alludes, I have to state that I have no objection to lay them before the House; and I will undertake that they shall be produced.

SIR JOHN PAKINGTON said, he wished to ask the noble Lord whether it was true, as stated in the newspapers, that Canton had been bombarded by the British authorities with red-hot shot; and, if so, whether the noble Lord had any objection to lay before the House any papers he might have received in reference to that subject?

VISCOUNT PALMERSTON said, the only foundation for the report to which the right hon. Gentleman alluded is this—The Chinese set fire to some of the hong, and a number of the Chinese were congregated on the space near those buildings. It became desirable to disperse them in order to prevent any further mischief they might have done, and some shells were thrown into that space for the purpose of driving them off. The space was thereby cleared, but there was no bombardment of the town. [SIR CHARLES WOOD: And no red-hot shot was fired.] The result was that the English admiral still retained his position in the Canton river, but for the present no further steps had been taken.

MR. WALPOLE wished to know whether the noble Lord would have any objection to lay before the House a copy of the colonial ordinance with respect to the registration of vessels?

MR. LABOUCHERE said, it had been laid on the table yesterday.

SEA-COAST FISHERIES (IRELAND) BILL. LEAVE. FIRST READING.

MR. M'MAHON moved for leave to bring in a Bill to assimilate the Law as to the Sea-coast Fisheries of Ireland to that of England. He said that it would be supposed in this nineteenth century there could be no objection to allow the people of Ireland to catch fish off their own coasts on the same conditions as the English fishermen were allowed to catch them off the coast of England; but though he had ever since he had had the honour of a seat in that House, been urging the subject on their attention he had invariably been defeated in his attempt to gain the assent of Parliament to a Bill on the subject. The question was one which concerned England as well as Ireland, inasmuch as this country got seamen from the Irish fishermen, and might obtain from the Irish coast considerable supplies of fish. He proposed to assimilate the laws of the two countries. If the Bill was carried, and the existing laws repealed, the large trade in fish, which they formerly enjoyed, would be restored. Whilst the law imposed restrictions on the Irish fishermen, it actually gave a bounty of £12,000 or £14,000 a year to the Scotch fisheries, and though they had abundance of fish on their own coasts, the Irish trade was obliged to import large quantities from Scotland. Two hundred years ago, when the laws of England and Ireland were the same in this respect, there was a very large export trade even to Holland then the greatest fishery state in Europe, but ever since the restrictions of which he complained had been imposed the trade had dwindled away. During the reigns of Charles and James, the fish and flax trades in Ireland were considered the staples of that country. The town of Wexford alone, in the year 1654, exported an enormous quantity of herrings, and the fishing trade generally throughout the country was extremely prosperous. He read several petitions presented at different times to the House complaining of the gradual decline of the trade in consequence of the restrictions and prohibitions which had been imposed upon it. In 1816 the exports were reduced to almost nothing at all, and from 1817 to the present time, so far from there being any exportation, there was an actual importation of fish to a large extent from Scotland. He considered that the course taken by the legislature in reference to this subject was most unjustifiable, and one which the Government would not have

dared to pursue with reference to England or Scotland. A commission having been appointed about 1836 to examine the question of coast fisheries, their inquiry led to the passing of an Act of Parliament in 1842, which repealed several of the objectionable laws that had formerly existed, but on the other hand introduced several new ones equally mischievous. He felt so greatly the gross wrong and injustice of the system that as an Irish Member he should, even if there was not a single vote in favour of his measure, still feel it his duty to persist in it as a protest against the course which had been pursued. By the Act of 1842 no person was allowed to set a net at night, without taking it up before sunrise next morning, under a penalty of forfeiture and a fine. Under that provision, persons had even been fined for the infringement of the Act, although they had been prevented from taking up the nets in consequence of a storm. He described the various nets which were prohibited to be used, the result of which prohibition, he said, was that great inconvenience arose, and the difference of opinion upon the subject was so great, that while in the Bay of Galway their use was permitted, persons using them in the Bay of Dublin were fined. This observation applied to trawl nets, the use of which was permitted upon every part of the English coast. The prohibition was equivalent to an absolute denial to catch particular classes of fish, including flat fish, on the coasts of Ireland by nets, thus reducing the fishermen to the alternative of using the line. In 1851 an Act was passed prohibiting the fishermen from fishing for eels without obtaining a licence from each of the fishery districts along which their boats might be drifted. He complained that such a law was a disgrace to this country, and that its enactment was the result of jobbing. The House would, he thought, say, it was a system of legislation which it would not sanction. If this was a portion of the fundamental system of policy to be pursued towards Ireland his efforts to arrest it would be probably in vain; but he must say, that at the present moment the Irish people had less power than the natives of any country of Europe of availing themselves of the advantages of the riches to be found on the coast of that country. In his view, the present grievance was one which ought at once to be done away with.

Mr. M Mahon

MR. G. H. MOORE seconded the Motion.

Motion made and Question proposed, "That leave be given to bring in a Bill to assimilate the Law as to the Sea-coast Fisheries of Ireland to that of England."

MR. HORSMAN said that, being unaware of the exact nature of the provisions of the Bill, he was unwilling, on the part of the Government, to oppose its introduction; but, if he understood the hon. and learned Gentleman correctly, the Bill which he sought to introduce was identically the same in its principles and details with that which was rejected by the House in 1855 by a large majority. The hon. and learned Gentleman had said that his object was to assimilate the legislation with respect to the fisheries of Ireland to that which regulated the fisheries of England and Scotland; but he (Mr. Horsman) could assure him that the proprietors of the English and Scotch fisheries would be disposed to ask the House to substitute the Irish for the English and Scotch fishery laws. The effect of these annual discussions about the laws relating to the Irish fisheries was very prejudicial to the proprietors of them, and unless the hon. and learned Gentleman could assure him that this was not identically the same as the Bill of 1855 he should be disposed to ask the House to refuse the Motion.

MR. M'MAHON said, that the Bill contained only one section which repealed certain clauses of the Act of the 6 & 7 *Vict.* and subsequent Acts: and that it related to sea fisheries alone and did not touch inland fisheries.

SIR GEORGE GREY said, that as no doubt if the measure were introduced, the House would be better able to discuss its details, the Government would not object to its being brought in; but the hon. Gentleman must not expect its future support.

MR. G. H. MOORE wished to be understood that the present was not a question between salmon proprietors and the public. All that his hon. Friend asked was that the same laws which regulated the salmon fisheries in England and Scotland should regulate those relations in Ireland. It could not be right that there should be one law for the fisheries in Ireland and another for Scotland. He was glad that Government had consented to the introduction of the Bill, as it would then have an opportunity of being fairly discussed.

MR. FRENCH remarked, that if he understood the hon. and learned Gentle-

man opposite (Mr. Horsman), his objection to the Bill was that it had been introduced on a previous occasion and had been rejected. He did not quarrel with that principle, and he only wished that the hon. and learned Gentleman would act consistently with his opinion in relation to the obnoxious Judgments Execution Bill, which had been several times before the House and had not passed into law. He trusted, therefore, that when that measure came again before the House they might have the assistance of the hon. and learned Gentleman against it.

Leave given.

Bill *ordered* to be brought in by Mr. M^cMAHON and Mr. MOORE.

Bill read 1^o.

NAVAL ADMINISTRATION.

MOTION FOR SELECT COMMITTEE.

CAPTAIN SCOBELL rose, pursuant to notice, to move for the appointment of a "Select Committee to inquire into the Naval Administration relating to the Lists of Officers, the Patronage, the Promotions, and the Retirements and the efficiency of the Service in all its grades." The hon. and gallant Member said, that when he made a similar Motion last year, he was told that a time of war was not a proper season for such an inquiry. He felt the force of that objection; but now we were at peace, and he thought that for the investigation which he proposed no time could be more fitting than the present. This was not a party question, but one of naval administrative reform. If the Admiralty were a perfect institution no inquiry was needed; but the prevailing feeling in the navy was that they were unfairly governed. He complained of no Board of Admiralty in particular—he complained of the system. He should probably be told that there had been an inquiry into the administration of the navy in 1848, but it was an inquiry into all its branches, and not this one in particular, and all the recommendations made after that inquiry had failed. He would show that the number of naval officers on half-pay so preponderated over those on full pay, that great expense was caused, and there was little opportunity for naval officers to acquire experience in their profession. In the French and American navies there was some limit to the number of officers appointed, but in this country there was none. Again, in the army,

£60,000 a year had been granted for the purpose of allowing officers to retire on full pay, while there was no such provision for the navy. There was this important difference between the army and the navy, that while the army had at its head a soldier who was not removed by a change of Government, the navy was under the direction of a political First Lord; and the consequence was that, while in the army politics had nothing to do with promotion, in the navy they had considerable influence. The Prime Minister lately declared that the army would be insulted; if its promotions issued from the Treasury bench. Last year he gave the names of certain officers in the navy who had risen from lieutenants to be post captains in from three to four years, and he also enumerated others who, having entered the service long before those who had got on so rapidly, were, from the want of family, or political interest, still continued as lieutenants. He would not repeat those names now, but would merely mention the case of the First Naval Lord himself, who gained his steps from lieutenant to post captain in less than four years, while many other veterans, who had equally served their country at the cannon's mouth, were shut out from all such promotion. He trusted that gallant officer would not beat down the claims of his brother officers. Parliamentary influence, rather than long service and experience, forced men forward in the navy, and most deserving men were allowed to remain on the lieutenants' and commanders' lists till they died, or were sent into retirement on pittance wretchedly inadequate compared with the sums paid to officers in the army of corresponding rank. About two-thirds of the lieutenants never rose above that rank, and one-half of the commanders died as such. To begin with the admirals; we had 100 of them on the active list, only fourteen of whom, however, were employed. If we wanted to employ fourteen more, our admirals were so old that we could not obtain them. That, surely, was not a proper state of things. On the active list of captains there were 389 who were liable to be called on to serve, only 112 of whom were employed, the remaining 277 being on half pay. Of active commanders we had 542, of whom 144 were employed, and 398 on half pay. Was that a satisfactory mode of conducting the service? Look at the half pay awarded to these officers. A naval captain, if he had been three years

on the list of post captains, held equal rank with a colonel in the army. Now, the half pay of the first 70 of these captains was 14s. 6d. per day, or the same rate as a colonel in the line; nearly 100 more got 12s. 6d., or 2s. less than a colonel; and the remainder received but 10s. 6d. The commanders in the navy ranked with the majors in the army. The senior 150 commanders got 10s. per day, which was fair, being equal to a major's half pay; but the remaining 392 were paid but 8s. 6d. The lower down they went in the list the greater was the injustice done to the navy. We had 1,138 active lieutenants, 795 of them being employed, and marines, 343 on half pay. All captains in the army (with whom these lieutenants ranked) got 7s. per day, but only 34 out of the whole 1,138 naval lieutenants received 7s. per day, and each of the 34 had an average standing of 43 years in the service. The next 154 got but 6s. a day, the next 820 but 5s. and the remainder only 4s. There was a similar injustice as to mates. He now came to the class of naval cadets, who had been admitted more freely than before during the last two years. To neutralise that disturbing element, however, he took the fifteen years between 1842 and 1857 as the basis of his calculation. During that period 1,700 cadets had been admitted, while in the same space of time but 836 lieutenants were made from mates. It was impossible to absorb so great a number of cadets, and the consequence was that many officers had to serve twelve, sixteen, or even twenty years before they obtained lieutenants' commissions. The excess of cadets entering the navy during the last fifteen years, as compared with the lieutenants promoted, was 964. The influx of cadets must be checked, if the pressure for promotion was to be relieved. Not more than forty or fifty per annum ought to be admitted; but last year the number entering was 116; and in the year preceding it was considerably higher. We had no fewer than 641 reserved lieutenants—disappointed men, who had entered the service with all the first freshness of boyhood, but who were now shelved in middle age, put away out of sight, and left to pine in hopeless inactivity. They ranked with captains in the army, who received 7s. per day. The first 37 got 7s.; but the next 509, who were men varying from 29 to 44 years' standing in the service, received but 6s.; the next 80 but 5s., and the remaining 90 only 4s. Two-

Captain Scobell

thirds of those who went upon the lieutenants' list never got beyond it. Could any stronger proof be adduced of the necessity for revising the management of the navy list? Of course no sufficient remedy could be made while the old officers remained alive—except to put them on the same footing, in half pay, as officers of corresponding rank in the army; but as those old officers died off, the numbers on the list should be brought down to a healthy standard. The commanders retired, and reserved, were 431 in number, and ranked with majors in the army. The first 96 of them got 8s. 6d. per day, while a major got 9s. 6d. or 10s., and the remaining 245 got only 7s., being the same scale of half pay as a senior lieutenant of the navy, and a captain in the army received. Nearly half of those gallant men had medals on their breasts even when medals were not scattered broadcast as they were now, and many of them had wounds. There had lately been a large addition made to the retired and reserved captains' lists, and they now numbered 472. Most of these retired captains had been senior commanders of thirty, forty, and fifty years' standing, and all the additional half-pay which they got on being promoted was 6d. a day, making their half-pay 10s. 6d. a day, while the half-pay of officers of corresponding rank in the army and marines was 12s. 6d., 13s. 6d., and 15s. a day. From these officers I have just presented a petition. There was no such thing as full pay in the navy; while there were 165 officers in the marines who had retired on full pay. But worse than this, when these gentlemen were offered the 6d. a day extra, they were told they must give up all claims to Greenwich, and if they did not take what was offered they would have nothing at all. The reason of this injustice was, that the Admiralty was not a paternal Government. Those who were in power there had no certainty that they would not be ousted next week, and they therefore had no interest in setting these things right. As to seamen, the advice he would offer to the Government was to get as many able seamen as they could into the navy in time of peace; to man every ship with two-thirds or three-fourths of able seamen, who, when war came, might be distributed over double the number of ships. To do this a small bounty, and a slight addition of pay, must be given to able seamen, and there ought also to be, as a further inducement, a slight advance of pay at the end of every

seven years. At the present moment there were on the active list 2,169 officers, from the rank of admiral down to that of lieutenant. Of these 1,065 were employed, and the rest were on half-pay. The retired and the reserved list numbered 1,711; so that out of the 3,880 admirals, captains, commanders, and lieutenants 2,815 were unemployed. It might be said that the half-pay of officers in the army was higher than that of naval officers, because officers in the army purchased their commissions; but could not they sell them as well? Officers in the marines, artillery, and engineers, about 700 in number, did not purchase, and their half-pay was much larger than that of officers in the navy of the same rank, and, moreover, having gone through the *Army List*, regiment by regiment, he had no hesitation in saying that one-half of the officers had not purchased their commissions. It might be objected also that Parliament was unwilling to sanction unnecessary additions to the naval estimates, but surely that would not be called an unnecessary charge which was incurred in doing justice to an ill-treated and meritorious body of public servants. He hoped the First Lord of the Admiralty would not repeat the ungracious expression which he had used on a former occasion, that "he did not see any peculiar claims on the part of these old officers." No peculiar claim! Why, what claim could be greater than that of men who had spent their lives in the service? His only object in bringing this subject before the House was to increase the efficiency of the navy. By an alteration in the mode of arranging the active list, the inactive list might be reduced, and not only would money be saved, but the officers would be made more contented, they would be enabled to obtain more experience, and be of more value to the service. In the French navy the inactive list was not overloaded as in our service, for it was the practice to keep pretty nearly all the captains afloat. It might be said that the present overloaded state of our list was owing to the reduction at the end of the last French war, but at least 1,200 officers had been added during the peace. He did not want to interfere with the arrangements of the Government, but he had pointed out a specific grievance, and he was prepared to submit to a Committee a definite plan for its remedy. The navy ought to be treated equally as well as the army, for, although in a two years' war the navy had not had

the opportunity of winning many laurels, it should never be forgotten that during a twenty-two years' war that arm had kept the enemy from our shores and ruled triumphantly upon the ocean. If the Government would give an assurance that they would take the matter into their consideration he would leave it in their hands. It might, perhaps, be that the 4,000 officers for whom he pleaded were treated unjustly, as compared with the sister service, from oversight and not from intention, but, at all events, redress would not cost more than one of the largest sized transports for a single year. He felt that he had done his duty in asking for inquiry, and he hoped that the merits of the officers would weigh with the House, and not the demerits of their advocate. The grievances were great, and demanded redress.

MR. TITE seconded the Motion.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the Naval Administration, relating to the Lists of Officers, the Patronage, the Promotions, and the Retirements, and the efficiency of the Service in all its grades."

SIR CHARLES WOOD said: My hon. and gallant Friend has repeated to-night the Motion which he made last Session. I felt it to be my duty to resist that Motion, and the House of Commons agreed with me that it would not be advisable to appoint a Committee for such a purpose. I do not see that my hon. and gallant Friend has laid before the House any additional reasons for granting inquiry, and I am therefore relieved from the necessity of troubling them with a repetition of the arguments which I felt necessary to address to them last year. My hon. and gallant Friend altogether misrepresents the state of the case when he says, that every successive Board of Admiralty think everything in the state of the navy to be perfect, and never take the trouble to make amendments. I will venture to say, that for the last fifteen years—I might go back further and say, for the last thirty years—there has been no naval administration which has omitted to take some measure or another for the improvement of the condition of officers and of the men of the navy. Every successive Board has made some step in that direction, and my hon. and gallant Friend will forgive me for saying, it is a most unjust accusation which he has made, not only against me, but against the right hon. Gentlemen and noble

Lords who have preceded me, in alleging that the Admiralty have for years neglected the state of the navy. My conviction is, that the efficiency of the navy in the late war is attributable to the great improvements which have taken place, in various ways, in consequence of those improvements made by successive boards of Admiralty; and I believe that efficiency has been proved and tested in every rank, from the admiral to the common seaman. My hon. and gallant Friend repeats the charge that appointments are influenced by aristocratic and Parliamentary considerations. It is impossible to meet a general accusation of that kind, except by as general a denial. As far as I am concerned, all I can say is, that if he will be so good as to state any one case in which I have been unduly swayed by Parliamentary, family, or aristocratical influence, I will frankly meet it. I deny the truth of the charge, in the most unqualified manner which the courtesy due to my hon. Friend will allow, and I challenge him to name a single instance. My hon. and gallant Friend complains very much of the number of officers unemployed. No doubt it is perfectly true, that in the higher ranks there are more officers than can be employed. It was a subject which occupied the attention of a Commission of military and naval officers in 1840, and of a Committee of this House in 1848; and it was considered desirable that the number of officers on the lists should be considerably diminished. The course of promotions was checked, and the result has been considerably to diminish the number of officers in the higher ranks for whom employment cannot be provided, but this complaint of my hon. and gallant Friend is totally inconsistent with the complaint he generally makes of the want of adequate promotion, because if you considerably reduce the number of the higher ranks, which are obtained by promotion, the inevitable effect must be, that promotions from the lower ranks must be limited; and, if that be so, young and deserving officers are necessarily deprived of the just reward of their services. My hon. and gallant Friend complained last Session, that on the Committee of 1848 there was no naval officer. I pointed out that both branches of the service were impartially treated, and no officer of the army sat on that Committee. I am not quite clear, that officers are the fittest persons to sit upon an inquiry of the kind. But, I

Sir Charles Wood

remember, that seven years before a Commission was appointed, consisting principally of naval and military officers, for the purpose of investigating this very question, and the recommendations which they made have been carried into execution, and it is of this my hon. Friend complains. The Committee of 1848 recommended that there should be considerable means of retirement provided to relieve the active list of a number of officers who were never likely to be employed, and that recommendation has been acted upon ever since. An Order in Council was passed, that promotions should be made at the rate of one captain for three removed from the list, one commander for three removed, and so on, and this rule has been rigidly adhered to, except where great services have been performed. The result is, that the captains' and commanders' lists, although higher in number than the Committee recommended, are being gradually reduced. It is perfectly true, although my hon. and gallant Friend seems disposed to deny the fact, that a great number of the officers who fill the lower ranks of the service were placed there by the inordinate promotions at the end of the war, and most of them can only be considered as receiving pensions in the shape of half-pay. As many as 1,000 lieutenants were gazetted in one year, and I made a calculation that if every one had been employed, the last would have been eighty-two when sent to sea as commander. I need not say more to show the utter absurdity of supposing that they could all be employed. The naval Members of the Commission which sat in 1840 were Sir George Cockburn, Sir Thomas Hardy, and Sir Charles Adam—men well acquainted with and most devoted to the service. I have only stated what those naval officers asserted. They stated:—

“It would be incorrect to attribute the inactivity of these officers entirely to a voluntary relinquishment of duty on their part, as there is no doubt that very many of them would have been fully prepared to serve if opportunities had been afforded to them; but as we have shown that the proportion of the employed to the unemployed is as small as one to eleven in one class (captains); as one to ten in a second (commanders); and as one to six in the last class (lieutenants), it must be quite obvious that any full-pay employment must have been quite out of the reach of a very large number.”

Some of these officers may wear medals, as my hon. Friend says, for gallant actions performed as midshipmen, but to em-

ploy them all was impossible. As to the Commission that reported the long list of lieutenants, of which the hon. and gallant Gentleman complained, they said:—

“ Our examination of the evidence in regard to the rank of ‘ naval lieutenant ’ has led to the conviction that a very large number must be considered as having obtained this commission as a provision from the public for services in an inferior station. They did not, of course, obtain lieutenantencies exempted from a liability to be recalled to employment, but to many it must have been apparent that this contingency was remote, and they must have viewed the position they obtained as the ultimate station they would hold in the navy. The promotion of more than 1,000 officers to be lieutenants in one year at the close of the last war would in itself furnish a sufficient proof of this.”

The convenient mode of rewarding these officers and giving them a pension for life, was to make them lieutenants and to give them the half-pay of their rank, without of course a prospect of employment for the greatest portion of that number. It has been calculated that if all these lieutenants had been employed it would have taken forty years before the list would be exhausted, and those at the bottom of the list would have gone to sea as lieutenants at fifty-five years of age. But it has been proved that where an officer has been so long on shore it is neither for his benefit nor for that of the service that he should be sent to sea. The scheme for the retirement of the admirals has at least worked this beneficial change, that it has diminished the age of those officers who have attained the rank of admiral. It used to be a general complaint that officers were sent to sea of an age that rendered them incompetent to the duties of active service. What was the remedy for that state of things? Why, that a certain number of officers should be placed on the reserved list with the rank and pay of rear-admiral, thereby accelerating the promotion of captains to the rank of admiral. In 1841 the junior admiral had attained the rank of captain thirty-five years before he attained the rank of admiral. The last admiral, appointed two or three days ago, had served twenty-two years, and this is a reduction of thirteen years in the period of his attaining post rank. The second and third vacancy, which will occur, will bring us down to captains who will have attained that rank only twenty years before they attain the rank of admiral. A diminution of several years has thus been effected, and the result is that we have a

number of officers on the admirals’ list who are more efficient than they were twenty years ago. My hon. and gallant Friend has referred to the case of the retired commanders who, having held the rank of commanders, retired with the rank of captain, enjoying the half-pay of the captain’s rank. Then, again, he must beg leave to refer to the Report of the Commission, who said,—

“ With regard to retirement the commanders have some exclusive ground of complaint. They urge that there is no provision in the establishment of Greenwich Hospital for any officers of their rank, and farther that there is no retired list for the seniors of their class similar to the rank of retired rear-admiral, as opened to the captains, or to that of the retired commander, as opened to the lieutenants. For both of these grievances we should consider it expedient that redress should be afforded.

“ The advantages of Greenwich Hospital should be opened to commanders, as they are to captains and lieutenants; and we would therefore recommend that four commanders should be added to the establishment of that institution.

“ With respect to a rate of retired pay for commanders, we would suggest to your Majesty that the principle adopted in regard to the first 100 lieutenants should be applied to the commanders. These 100 lieutenants have the option of retirement as commanders, with the lowest rate of half-pay of that rank—namely, 8s. 6d. a day. We would recommend that a precisely similar indulgence should be extended to a limited number of the senior commanders; and we should consider that it would be fair to allow 50 of the seniors of that rank the option of receiving the retired rank of captain, with the lowest rate of half-pay allowed to a captain—namely, 10s. 6d. a day.

“ It is not in our view to reduce the numbers entitled to the half-pay of 10s. 6d. a day as commanders by the proposed boon. We contemplate the institution of a class of 50 retired captains, with 10s. 6d. a day, to be followed by the same number of commanders—namely, 150 at 10s. a day, as are at present allowed.”

These are the recommendations of Sir G. Cockburn, Sir T. Hardy, and Sir C. Adam, and they were immediately carried into effect. Four commanders were added to the establishment of Greenwich Hospital, and fifty commanders retired with the rank of captain, and with the lowest rate of half-pay of a captain. In 1851 my right hon. Friend (Sir F. Baring) doubled the number of retired commanders, and created a reserved list of fifty more; thus trebling the number of retired commanders, with the rank of captain. I thought the commanders would be still more benefited by increasing the number of retirements, and last year I added 150 to the retired list of commanders, and fifty to the reserved list. I thought it desirable, however, that

the fifty should not be added at once, but the result will be that there will be 200 retired naval commanders, instead of fifty, as recommended by the Commission, and there will be 100 permanently on the reserved list of commanders. The expense of the whole will be about £11,000 per annum. My hon. and gallant Friend then comes to the new cadets who have entered the navy. I took the liberty on a previous occasion of stating that the entry of cadets has not been unduly swelled, and that the establishment of mates, midshipmen, and cadets was during the war no less than 600 below the establishment, although the number to be borne in each ship had been reduced. The number of lieutenants is not above that prescribed by the Orders in Council, but at present the complaint is that the ships have plenty of lieutenants, but not enough mates. The number of cadets is considerably short of what is wanted at this moment. It must be remembered that a great number quit the service in one way and another. It is not every boy who takes a fancy to the navy who likes the service after he has seen a little of it. The cadets who entered in 1847 were 196, of whom 83 for one reason or another are no longer in the service. I am, therefore, inclined to think that the entries in the navy have been too much restricted, and certainly if another war were to occur we should have a great deficiency of subordinate officers, without whom it is almost impossible to maintain proper order and discipline. The service cannot, however, be said to be unpopular, as I am fully convinced from the number of applications made to me, which place me in a position of considerable difficulty in deciding upon them. It does not appear to me that my hon. and gallant Friend has shown any ground for the appointment of the Committee for which he asks. The questions relative to the reserved list and the retired list were inquired into by a very competent Commission, which made recommendations, and the same subjects were referred to a Committee of this House, under the presidency of the present Duke of Somerset. The combined system recommended by the Commission and the Committee has since been fully carried out by the successive Boards of Admiralty, and the result has been the gradual diminution of the officers of the higher ranks, though not as yet to the numbers fixed by Orders in Council. I do not think any better course could be

adopted for the attainment of the object which my hon. and gallant Friend seeks to effect, and it does not appear to me that his Motion is warranted by any of the grounds he has urged upon the attention of the House.

MR. LINDSAY said, he thought the right hon. Baronet had failed to make out a case against the appointment of a Committee. Although he (Mr. Lindsay) did not believe the present Board of Admiralty were less efficient than their predecessors, and although he knew that the First Lord of the Admiralty (Sir C. Wood) had been indefatigable in the discharge of his duties at a period when they were of a very arduous nature, he must say he considered it most objectionable that every change of Administration should involve a change in the Lords of the Admiralty. That system led to such alterations in the plans of the departments as to occasion a large amount of unnecessary expenditure, and he thought this evil would be avoided if there was a permanent head of the Admiralty. He did not see why the Government of the navy should not be assimilated to that of the army; and if the Committee were useless for any other purpose, it could inquire into the policy of assimilating the two modes of administering the service. The Commander in Chief of the army held a permanent office; and, although he was subject to the control of the Secretary of State for War, he was mainly responsible for the efficiency of the military forces. He (Mr. Lindsay) could not imagine why a permanent officer, who might or might not be a member of the naval profession, should not be placed at the head of the Admiralty to control all matters connected with that department. Such an officer might, if the House thought fit, be subject to the control of a First Lord of the Admiralty, or of a Cabinet Minister, in the same manner as the Commander in Chief was under the control of the Secretary of State for War. The right hon. Baronet (Sir C. Wood) had not explained how it was, that in the midst of the late war little more than one-half the number of naval officers on the active list were actually employed. In July, 1855, there were on the active list twenty-one full admirals, of whom only one was employed; twenty-seven vice-admirals, of whom two were employed; fifty-one rear-admirals, of whom fifteen were employed. The total number of flag officers on the active list was ninety-nine, but only eighteen of them were engaged on

active service. The number of captains on the active list at the same time was 399, of whom 139 were employed; commanders, 555, of whom 192 were employed; and lieutenants, 1,132, of whom 883 were employed. He feared that if during a period of war such a large number of unemployed officers remained upon the active list, they might see a similar state of things to that which existed in 1817, soon after the termination of the great continental war, when the House voted 17,000 men for the army, and there were 5,800 officers upon the active list, or one officer to every three men. He did not think the House was doing its duty to the country in paying large sums of money to officers who remained inactive, and such a state of things was calculated to excite great discontent among those officers who were unable to obtain employment afloat. The hon. and gallant mover said, he had a plan to be laid before the Committee. He (Mr. Lindsay) also had a plan, and he should like to see a Committee appointed, in order that these and other proposals might receive consideration.

ADMIRAL WALCOTT said, that having last Session entered fully into this question, he did not think it necessary to do so on the present occasion, but he would mention one circumstance which led to great discontent among naval officers, and which produced on their minds an impression that they were not dealt with fairly and justly. That was, that the First Lord of the Admiralty should have power to distribute employment, to confer promotion, and to recommend officers to the Sovereign for distinction. He wished the Board of Admiralty, which was composed principally of naval officers, to be made responsible, together with their political chief, for the distribution of employment, for promotions, and for recommendations to the Sovereign on account of distinguished services. Without making any reflection on the present First Lord or his predecessors—who were, he believed, actuated by the purest motives in the distribution of their patronage—he contended that that patronage was too enormous to be entrusted to one man. It comprised not only the navy itself, but the marines and a large portion of the civil service. An officer who distinguished himself, and was selected for an important command, could not be placed in that command unless two or three officers, probably equally deserving, were deprived of the opportunity of employment, so that the

country lost the services of three efficient officers in order to secure the services of one. He did not wish for a Committee, if the House did not think proper to appoint one; but he insisted that the naval officers of the Board of Admiralty ought to be made responsible, together with the First Lord, for the distribution of patronage. Every young officer ought to feel, on entering the service, that he had nothing to depend upon for his advancement but his own efficiency, zeal, perseverance, and courage.

CAPTAIN SCOBELL in reply said, that the Orders in Council to which the right hon. Gentleman had referred were, in his opinion, unwise. The right hon. Gentleman set up the decision of 1841 supported by that of 1848; but they ought not in 1857 to be bound by the Report of any Commission of 1841. They should remember, too, that one of the officers upon the Commission of 1841, Sir George Cockburn, left at his death a document stating that the Admiralty was too political. A man sometimes had to die before he was able to speak the truth. The right hon. Gentleman had not accounted satisfactorily for the £11,000 to which he had referred in bringing forward the Motion. He had a mass of letters from officers who had seen forty, fifty, and sixty years' service, detailing their grievances, but he would not read them, and he would now leave the matter in the hands of the House.

Question put.

The House *divided*:—Ayes 76; Noes 97: Majority 21.

BRIBERY AT ELECTIONS ACT.

MOTION FOR SELECT COMMITTEE.

VISCOUNT PALMERSTON said, it was understood last Session that, instead of a Bill for the renewal of the Act to amend the laws relating to bribery, treating, &c., at elections, the whole subject should be referred to a Committee to inquire into the operation of the Act, and to ascertain what improvements in it might be made. He, therefore, moved the appointment of a Select Committee “to inquire into the operation of the Act 17th & 18th *Vict.* c. 102, intitled ‘An Act to consolidate and amend the Laws relating to bribery, treating, and undue influence at Elections of Members of Parliament.’”

Mr. WILLIAM WILLIAMS was glad the noble Lord had brought forward this question. The Committee which sat a few

years ago agreed to a Bill which was admitted on all hands to be the most effective measure for the purpose short of the ballot; nevertheless the measure had proved so very defective, that it was necessary something should be done to prevent the shameful system of bribery and corruption that existed in many places.

MR. H. BERKELEY also trusted the noble Lord would appoint a Committee that would inquire fairly into the operation of the Act. There was no doubt an impression abroad that the Act was a pompous profession, meant to be inoperative; at least, the great journal of the day, *The Times*, had so described it. He was, therefore, glad that the noble Lord had submitted the question once more to a Committee; but he hoped its labours would not terminate as fruitlessly as other Committees which had had to investigate the direct operation of our legislative system.

Motion agreed to.

Select Committee appointed.

The House adjourned at half after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, February 18, 1857.

MINUTES.] NEW WRIT.—For Tipperary, *v.* James Sadleir, esq., expelled this House.

PUBLIC BILLS.—1° Education (Cities and Boroughs).

2° Public Health Supplemental (1857).

JUDGMENTS EXECUTION, &c. BILL.

BILL CONSIDERED IN COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. HUGHES said, the effect of this measure would be, in his opinion, to impose upon the Irish Courts the obligation of issuing execution on the memorandum of an English judgment, without allowing the exercise of that equitable power which courts of common law had always possessed with respect to granting or suspending execution. In this manner it might have the effect of nullifying the operation of the law of limitations; because an English creditor who had obtained an English judgment might, just before the expiration of the six years, send a memorandum to Ireland and have a right of execution during another six years in that country,

Mr. W. Williams

although he could have no such remedy in the county where he had recovered. He objected to such a violation of large and equitable rules, and moved that the House would, on that day six months, resolve itself into the said Committee.

COLONEL FRENCH seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

MR. HADFIELD supported the Bill, and said, that if the law in England and Ireland were put upon the same footing that would meet the case supposed. He could not see that either inconvenience or injustice would result from the measure; and, so far from being injurious to the Irish trader, it would be more to his advantage than to that of the English trader, inasmuch as the number of debtors coming from Ireland to England was greater than the number of English debtors going from England to Ireland.

MR. WHITESIDE said, that in introducing a new law, it was important to consider whether the remedy would not introduce greater mischiefs than the evil which it professed to cure. The instances in which the alleged grievance arose were very rare indeed; and by an Act which he had had the honour of introducing, a judgment creditor in an English or Scotch court could serve notice of action upon the defendant in Ireland and obtain judgment in twelve days at very small expense; but if the defendant settled within six days the costs would not be more than 30s. No counsel would advise a client to defend a *bonâ fide* judgment obtained in an English Court; and the consequence was, that the delay and expense did not occur. That was the extent of the evil which the present Bill was introduced to cure. In twenty years' experience he remembered but five instances of such applications. The assumption upon which the hon. and learned Member proceeded was, that the law was the same with reference to the judgments of the three countries, and that it was necessary to apply an equal rule of legislation to the three kingdoms. But that was not the fact. The country was promised a Minister of Justice, and as soon as he was appointed he (Mr. Whiteside) should be at him to do his duty and amend and revise the law of judgments in Ireland.

The law of judgments had been investigated by a Committee a few months ago, and they stated in their report that the law of judgments in Ireland required to be reconsidered; but that recommendation had never been complied with. At present a party who got a judgment could have it registered in the Court of Common Pleas, and then convert it into a mortgage, and then obtain a receiver to be appointed. That was not the case in England, and until that law had been amended, he thought it was not at all right to give this effect in that country to English judgments also. If this Bill was carried, it would lead to fraudulent preferences. He would suppose a merchant in Manchester or Belfast to say to a trader in Ireland or England, "You want goods. You are a little 'shaky,' and I want to get a preference. Come, give me a judgment. I will not use it against you or enter it until it is necessary." When the time came, and the merchant wanted to oust the debtor, he had only to send the little memorial of the judgment across the Channel. He could then get judgment in half an hour, and could sell up the debtor before the other creditors could interfere. This was both contrary to equity and to the spirit of the bankrupt laws. He would recommend the hon. and learned Gentleman either to postpone his Bill until the new Department of Justice was established, or to refer it to the Attorney General for Ireland, who was bound to bring in a Bill to remedy the law of judgments in Ireland in conformity with the recommendation of the Select Committee.

MR. BLAND said, it was absurd to call this Bill an assimilation of the laws of the three countries. He was surprised that such an assertion should have been made, that the Bill was required in order to make Irishmen pay their debts—an assertion with he repudiated with scorn. It was quite right that persons should be made to pay their debts; but he believed that if this Bill passed it would be used as an instrument to compel people to pay what they never owed, and that it would give facilities to debtors to make fraudulent preferences. The whole tendency of the measure was to extend the principle of centralisation, and instead of giving people a ready means of obtaining justice, to put them to the expense of defending cases in the metropolis which might be tried on the spot, and which alone would constitute a very strong objection to its passing.

COLONEL DUNNE also opposed the Bill, on the ground that it was objected to by the whole commercial community of Ireland. If such a Bill had been really required, it ought to have been brought in by the Irish Government, which they had not done, and in fact the law officers of Ireland—Mr. Justice Keogh and the present Attorney General—formerly opposed the Bill, though the latter now supported it. To say that the Bill was objected to because Irishmen would not pay their debts, was a vulgar argument; and he believed that if the condition of the two countries was looked into, there would be found to be a great deal more fraud in England than Ireland.

MR. M'CANN said, he objected to the Bill on behalf of the mercantile classes of Ireland, on account of the facilities it would afford for collusion. There were no petitions from the mercantile classes either in England or Ireland in favour of the measure.

SIR JOHN FITZGERALD supported the Bill, considering the question to be one entirely between debtor and creditor; and that it was the duty of the Legislature to give every facility for the recovery of debts.

MR. M'MAHON said, he must repeat the opinions which he gave last week on the injustice of allowing persons to obtain judgments in Scotland against men in their absence, which judgments could be put in operation in another country merely by presenting a memorial that the judgment had been obtained. If hon. Members would look to *The Times'* money article of Thursday last, they would find a letter the writer of which called attention to the great danger of judgments being obtained in Scotland against English debtors behind their backs. The writer showed that unless provisions were framed against giving decreets, or judgments in absence, the same force in England as those obtained in Scotland after defences were heard, parties might be unexpectedly called upon to pay debts sued in Scotland which they never contracted, or for which they were not liable. The fact was that the system of jurisprudence in Scotland was in many respects in a barbarous and primitive state, and required amendment. He opposed the measure on behalf of the English traders.

MR. WARREN: As this is a Bill of no little importance, I hope the House will bear with me if I endeavour, in a very few

words, to state the conclusion at which I have arrived, and also to attempt to explain one or two matters as to which a little confusion seems to exist, obscuring the true position of the Bill. Sir, after considering its provisions, which I had not seen till after coming into the House this morning and listening attentively, and with respect, to everything that has been said on every side, I think it clearly our duty to allow the Bill to go into Committee, where we can easily mould it so as to effectuate the intention of its framers. I think it a salutary measure; and to enable the lay Members present to appreciate it, I would explain what is meant by a Judgment. Well, Sir, what is a judgment? Simply this—the solemn declaration of a public Court of Justice, of competent jurisdiction—pronounced, not behind the back of a defendant, but in his presence, personally, or by his advisers and representatives, and after hearing all that he had to say—that he ought to pay a certain debt or sum of money to the plaintiff. The right to that debt or sum of money had been ascertained by the verdict of a jury, or by the decision of the Judge without the verdict of a jury, if there were no facts in dispute, or if the defendant did not choose to resist the plaintiff's claim, but, as it is called, had suffered judgment to go by default. Why, then, ought he not to pay? In other words, why should not the plaintiff have the fruits of his judgment, by obtaining execution on it? Of course he ought, unless the defendant can still show a reason why he ought not to be compelled to pay. Now, if this judgment be obtained in England, execution is easily obtained; but the object of this Bill is simply to give judgment—thus a public, solemn act of a court of competent jurisdiction—a similar effect in every part of the United Kingdom, in whichever portion of it the judgment may be obtained, so that the debtor shall not fraudulently delay and defeat his creditor; in England, for instance, by going into Ireland or Scotland. Now, the course proposed by this Bill is, to provide for a “brief memorial” of such a judgment, reciting its substance and identifying the Court in which it had been obtained, according to the forms in the schedule—to be transmitted for registration in Ireland or Scotland—and thereby to become possessed of the same operation as if the judgment had been itself pronounced there. But this is complained of as a great hardship, and various cases are

suggested, in which fraud or wrong may be done. But I really think them all disposed of by a single section of this Bill. The third section gives the debtor the same means of objecting to the issuing of such a memorial, as he had of contesting the propriety of the judgment itself; for it carefully provides that no such memorial shall be issued by any officer of the Court, without a rule of the Court, or the order of a Judge,—or—I beg the House to observe this—unless the Judge who tries the cause shall certify that such a memorial ought to issue. After this, what is there hard or unreasonable in putting the memorial, for practical purposes, on the same footing as the judgment? I really can see nothing objectionable in such a course—I cannot even fairly suggest anything of the kind. Sir, if I really saw that this Bill would inflict even the semblance of anything of the kind, I can assure my friends from Ireland here, that I should be one of the last men to raise a finger in support of the Bill. I want simply to put debtors and creditors, as far as possible, on the same relative footing in all the three kingdoms, and thus to secure, so far, that object to which so much importance is justly attached, the uniform administration of justice in the United Kingdom. That is, I am glad to say, the constant tendency of our present legislation—and this one is a step in that direction. Undoubtedly, however, if there be anything of the exceptional nature suggested by my hon. and learned Friend the Member for Enniskillen, it ought to be the subject of circumspect consideration; but I own that his very ingenious speech has failed to satisfy me that there is anything which we cannot satisfactorily deal with in Committee, especially with the able assistance of himself and my right hon. Friend (Mr. Napier) who sits beside him. I by no means desire to pledge myself to the completeness of the machinery provided by the Bill for carrying it into operation; but all these matters we can carefully consider and rectify, if need be, by and by. At present I think we are by no means justified in refusing to go into Committee. As to the general character of the Bill, I think it will have a very salutary effect on the country at large. It will teach improvident and fraudulent debtors in any of the three kingdoms that facilities for defrauding creditors are there greatly curtailed, and means of escape closed up—and that a debt once

duly established in any part of the kingdom can be promptly realised, by means of the person or the assets of the debtor in any other part of the kingdom. For these reasons I hope the House will at once go into Committee on the Bill.

Mr. NAPIER thought the hon. and learned Gentleman was not acquainted with the history of the Bill. In 1854, the hon. and learned Member for Ayr (Mr. Craufurd) introduced a Bill on the subject, which was referred to a Select Committee consisting of very able members, who were all desirous of giving a cheap and speedy remedy to creditors. He thought, however, that the remedy was worse than the disease. The Committee spent a great deal of time and much labour in endeavouring to frame clauses which would meet the case of a judgment obtained behind the backs of defendants; and a clause had been inserted which provided that no decretal order made against any defendant should be issued against him when residing out of the jurisdiction of the Court, unless some process of summons, or other proceeding, had been served upon such defendant while he was within the jurisdiction of the Court. He was surprised that such a clause had been left out of the present Bill, and he certainly objected to go into a scrambling Committee on the measure in its present state. There was no limitation to the judgments thus obtained provided in this measure. By the first clause a judgment fifteen or twenty years old, which could not be enforced in the kingdom in which it was obtained, might be transferred by memorial to another kingdom, and execution issued upon it without any notice to the person affected by it. Again, if a person issued execution for more than the amount due to him, if he "overmarked" it, he was now liable to an action; but by this Bill if a man "overmarked" an execution in Ireland, obtained by means of an English or Scotch judgment, the person against whom it was issued would have no remedy unless he took proceedings in England or Scotland. That difficulty had been felt by the Select Committee, and they had therefore confined the operation of the Bill to judgments obtained in adverse suits. The subject was full of difficulties, and it ought to be dealt with by the Government. The omission of the clauses which had been added to the Bill in Select Committee in 1854, and in the Bill of 1835, was, in his opinion, a reason why the Bill should be

rejected. He considered the conduct of the Government in reference to this matter had been very unsatisfactory. What was the position in which the Bill stood? A Select Committee considered the subject in 1854; in 1855 a measure was introduced; but the Attorney General objected to it, because the subject was then under the consideration of the Committee, and therefore would not agree to its second reading; and at the present time they found him arguing in favour of referring it back to a general Committee. It appeared to him that the Bill was a bad Bill for every part of the United Kingdom. In his (Mr. Napier's) opinion the proper way would be to enact that wherever there had been an adjudication of the demand of the debtor not resident in the country, a certified copy of the adjudication, and the proper affidavits, should be obtained, and that, armed with these documents, an application should be made to a Court in the country in which the debtor resided for a summary order, something similar to a rule of court, which, when the other party to the suit had had notice, was equivalent to a judgment. The Judge in such case, acting in his discretion, would say whether it was a proper case in which to issue the order. But he must protest against the system of carrying into execution judgments issued in another country in an action with respect to which one of the parties had no substantial notice, and where, consequently, judgment had gone by default.

Mr. ROEBUCK said, that considerable misapprehension seemed to exist with reference to the Bill. The hon. and learned Member for Midhurst (Mr. Warren) had stated that its object was to give to a similar law a similar effect in the three kingdoms. Such a course might be a wise one, because there could be no doubt that in a civilized country all laws similar to each other ought to have a similar effect. But the present Bill was not at all founded on that principle—on the contrary, the principle here was to give the same effect to different laws in all parts of the country. The Scottish, for instance, expressly provided that in all cases in which a person had any lands or hereditaments in Scotland, and resided out of the jurisdiction of the Scotch court, he should be considered to be lawfully summoned by a decretal citation at the market cross of Edinburgh; while in the case of a person possessing moveable property, a letter ad-

dressed to the supposed debtor was merely put into a box ; it might never be sent to him ; and if this Bill became law he might never hear of it until some person coming to London brought up the process of the Scotch law and acted upon it here, the defendant having no answer. He thought that the mere statement of the proposition would be sufficient to show the hon. and learned Gentleman who introduced this measure that he had begun at the wrong end. He ought to have begun with an attempt to reform the substantive law, and not with a little peddling legislation in reference to the process. What the people wanted was to see the law efficiently carried out in all parts of the kingdom.

THE LORD ADVOCATE said, he very well recollected the introduction of the first of these Bills. It was founded upon the principle that a judgment pronounced in one kingdom should have effect given to it in the other two kingdoms ; and the Committee of 1854 were quite clear in their opinion that the principle was a good one. But the Bill also contained provisions relating to the service of process ; and the Committee were equally clear that process ought not to be served out of the jurisdiction of the Court from which it was issued. The Bill was reintroduced after the Report of the Committee, with Amendments ; but only passed through this House. In the following year the Bill was again introduced, but it contained clauses allowing the process of the Court of Chancery to be served out of the jurisdiction of that Court, and his hon. and learned Friend the Attorney General objected to it on account of those clauses. The Bill was reintroduced last year without the objectionable clauses, but it could not be carried for want of time. The present Bill merely carried into effect the principle unanimously recognised by the Committee of 1854. He agreed with the hon. and learned Gentleman who had just sat down that it would be desirable to assimilate the laws of the three kingdoms ; but there were great difficulties in the way of that result, as all nations adhered as long as possible to their own laws, whether those laws were good in the abstract or not ; because they were intimately linked in with the history and traditions of their country ; and sometimes the jurisprudence of the smaller nation was better than that of the larger nation into which it was sought to be moulded. Effect was given to a foreign judgment in every civilized

Mr. Roebuck

country of continental Europe, and he thought the time had now come to make a judgment obtained in one of these three kingdoms available in the other two. Even without this Bill effect was given in English Courts to judgments pronounced in Scotland, if the Courts in Scotland had proceeded regularly, and had jurisdiction. The only question was whether they ought to continue to treat the three kingdoms as foreign kingdoms ? He thought they ought not. The fact that actions were not very often brought upon English judgments in Irish Courts proved that a measure of this kind was necessary. Hitherto it had been almost impossible for a creditor in one kingdom to obtain a remedy against a debtor in another, because he had to run the gauntlet of the three kingdoms against the debtor ; being obliged, after having got his judgment in one country, to raise a separate action in each of the others—thus making three actions necessary for the three kingdoms. Was it not reasonable that, under such circumstances, creditors should prefer to lose their debts altogether than to incur expense and loss of time ? He was sorry to see a measure of that kind treated as if it were a question of nation against nation. He believed the hon. and learned Gentleman opposite (Mr. M'Mahon) would alter his opinion of the jurisprudence of Scotland when he had studied it more deeply ; but some of the questions which had been raised with regard to Scotch process might very well be considered at a future stage of the Bill. That, however, formed no objection to the present measure in its present stage, and he therefore hoped the House would allow it to go into Committee.

MR. SPOONER assured the House that he had come down perfectly prepared to offer no objection to the Bill going into Committee ; but he had heard such sound arguments against the Bill, and such an utter want of argument on the other side, that he must vote against it. The measure opened undoubtedly a great door to fraud by means of friendly judgments. If the Lord Advocate would take care that the debtor should not be proceeded against without notice, and that provision should be taken against unfair advantage, the opposition to the measure might be mitigated. But at present he defied the hon. and learned Gentleman or the Government to show what would be the operation of the Bill. He considered that the objections to it were not answered, and

he should vote against it going into Committee.

Mr. G. BUTT said, that while he admitted that the Bill ought not to pass unless it could be shown that its operation would be fair as regarded equally the three kingdoms, he had really not heard any valid arguments against the Bill, the principle of which was simply to give effect to the judgments of the Scotch, Irish, and English Courts in each country respectively, upon a proper affidavit being made; and not to compel the judgment creditor to bring his action on his judgment in England if the judgment were obtained in Ireland; and similarly, if the judgment were obtained in England or Scotland. It was a principle of English law that if a judgment were obtained in a local court, say of Durham, and the debtor removed out of the jurisdiction of the court and went to Cornwall—the distance being considerably greater than from Bristol to Dublin—the creditor was not obliged to bring his whole action over again, on the judgment obtained in Durham, but he got an order from the Court of the Judge to issue execution on the person and property of the debtor in Cornwall. Was not that a wholesome law, and one which it was desirable to extend? It was not true that the measure afforded no security against fraud, or that old judgments obtained in England might, under the provisions of the Bill, be enforced in Ireland. If it were a very old judgment the debtor must, by the course it would be necessary to pursue, have notice. If such a law as was now proposed did not pass, frauds which had been practised for many years would not be prevented. At present, when a man obtained a judgment in England, his debtor went to Scotland. What was the course the English creditor had to pursue? Why, with his judgment in his hand, go to Scotland and bring another action against the debtor, and get another judgment in Scotland. But while the Scotch judgment was being obtained, the debtor, if he wished to evade payment, went to France, and left the creditor without remedy. It was only when a fraudulent debtor wished to avoid payment of honest debts, that they relied on the proposed Act at all. Was it not desirable to prevent the enormous injustice which was created by such a course of proceeding as that? He took it, that if a man had obtained a judgment in one country, he ought to be able to enforce it in either of the other two to which the

debtor might have retired. The principle of the Bill was one which ought to receive the sanction of the House, and he hoped it would be allowed to go into Committee. If the objection made by the right hon. Member for the University (Mr. Napier) were not met by the third clause, he should be most happy to give his assistance in amending it.

Question put, “That the words proposed to be left out stand part of the Question.”

House divided:—Ayes 127; Noes 80: Majority 47.

Main Question put, and *agreed to*.

House in Committee.

On Clause 1 (where judgment has been obtained in the Courts at Westminster a memorial thereof registered in Ireland, and *vice versa*, shall have the effect of a judgment of the Court in which it is so registered).

Mr. M'MAHON said, he did not see why, if the judgment of Scotch Sheriff's Courts were to be enforced under the Bill, the judgments of the English County Courts should be omitted. Indeed, he thought that all Courts of Record should be put on the same footing in this respect. He should propose that the judgments in the Common Pleas of Lancaster and Durham should be included in the Bill; and also the judgments in the County Courts in England, the Lord Mayor's Court of London, so lately presided over by the present Solicitor General; so of the Tolsey Court of Bristol, lately presided over by the present Lord Chief Justice of the Common Pleas; so of the Passage Court of Liverpool, lately presided over by Mr. Justice Crompton; so of the Court at Manchester; and so of the Courts of Assistant Barristers in Ireland. All these were tribunals, not only equal, but superior, to the Courts of the Sheriffs in Scotland, who were not by any means Judges of such high standing as the Judges of the Courts he had mentioned. He therefore moved to include the courts in question.

Mr. G. BUTT said, he did not suppose that the Amendment was seriously proposed. The object of the Bill was confined to the judgments of the Superior Courts of Justice, and was not intended to apply to the judgments of the smaller courts with limited jurisdiction. Nevertheless, he thought there would be no objection to include the Common Pleas of Lancaster and Durham in the Bill. With

respect to courts of inferior jurisdiction, he thought it would be unwise to extend the operation of the Bill to those courts which were for the recovery of debts of small amount.

MR. CRAUFURD said, he had included the English County Courts in the original measure, but they had been struck out by the Select Committee. He could not accede to the introduction of the Lord Mayor's Court into the measure. There might be some reasons for the introduction of the Common Pleas Courts of Lancaster and Durham, as they were Superior Courts. If, therefore, the Committee agreed to their being included, he should offer no objection.

MR. NAPIER said, undoubtedly the matter had been considered in Committee, and it had been judged proper to restrict the Bill to the Superior Courts; but certainly in consequence the Bill did not carry out its professed principle, and it would subsequently be said that the inferior courts ought to be included.

THE SOLICITOR GENERAL said, the Committee would do wisely in rejecting the Amendment, except as to the courts at Lancaster and Durham, which were virtually Superior Courts.

MR. WHITESIDE said, the original Bill included all the inferior courts of the country; but the absurdity of this proposition became manifest in Committee. But he certainly should prefer including the Lord Mayors' Courts of Dublin and London rather than the Sheriffs' Courts of Scotland. Why, it appeared that in Scotland judgment could be obtained against a man without having served him with any process. He had no objection to Scotchmen being under such law (if they liked it), but he objected to it on the part of Ireland.

MR. HUGHES had had so many suggestions made to him which would tend to improve the measure, that it had occurred to him to propose that any further discussion on the Bill should be postponed to that day week, and in the interval Members having Amendments could have them printed with the Notices. By adopting that course much time would be gained which would otherwise be taken up in discussing Amendments which did not appear on the paper, and the Committee would be able to arrive at a fair determination as to the form of the Bill. Several Amendments had been proposed to him by one of the Irish Judges.

Mr. G. Butt

MR. J. D. FITZGERALD said, the proposition was entitled to consideration, and he advised that the Committee should report progress. Moreover, he thought that Amendments might be made in the Bill which would free it from all objection—for example, as to judgments of old standing, it might be provided that the judgments should be transferred within a certain period. Again, he thought there ought to be a copy of the judgment sealed with the seal of the Court instead of a memorial, as provided in the Bill. It had been said that the mercantile community of Ireland were against the Bill; but the Chamber of Commerce in Dublin was in its favour, suggesting, however, a few amendments. Upon full consideration of the subject he should be prepared in a week to place a series of Amendments on the Notice Paper. On the present occasion he recommended a postponement. With regard to himself, as there had been an imputation cast upon him for neglect of law reform, he had to explain that he had given full attention in the course of a Procedure Act to the provision suggested by the right hon. and learned Gentleman opposite (Mr. Napier), which, however, he found would be inconsistent with the English and Irish Common Law Procedure Acts. For that reason, and not from any disregard of the suggested provision, he had declined to adopt it. He had only to again recommend the postponement of the Bill.

MR. HUGHES moved, that the Chairman do report progress.

MR. CRAUFURD, of course, wished that the Bill should be perfect, and he hoped that by yielding to the suggestion, and by securing the assistance of his hon. and learned Friend, it would be made perfectly acceptable to the House.

Committee report progress; to sit again on *Wednesday* next.

EDUCATION (CITIES AND BOROUGHES) BILL.

LEAVE. FIRST READING.

SIR JOHN PAKINGTON said, I rise once more to request the permission of the House to introduce a Bill having for its object to give increased facilities for the extension of Education. In making this Motion it is not my intention to trespass upon the House at any considerable length. I am the less disposed to do so, because I am sorry to observe that, in consequence of the somewhat unexpected termination of

the Bill which has occupied the attention of the House this morning, a good many of those Gentlemen who are anxious to take part in the discussion, or at all events who take a great interest in the question, have left the House; but, Sir, I do not think it would be respectful to the House if I were to move a Bill of this description without offering some explanation of the principles upon which the Bill is founded, and of the circumstances under which I am induced to bring it forward. The first explanation which I wish to offer to the House is, that this Bill has been so drawn as not to contravene or reverse the decision to which the House arrived last year upon the Resolutions moved by the noble Lord the Member for the City of London. I will not now advert at length—I have done so on previous occasions—to the somewhat peculiar circumstances under which the division on the Resolutions of the noble Lord was taken. All that I now wish to say on that subject is, that putting a parliamentary construction upon the negating the Resolutions of the noble Lord by the large majority who then voted against him, I understand the decision of last year to have practically amounted to this—that it was an expression of disapprobation on the plan of the noble Lord considered as a whole. Looking at it in this light, I feel that the two most important Resolutions of the noble Lord were these, that by the plan which the noble Lord proposed education should be compulsory, and that it should be general. Under these circumstances, I have thought it would be respectful to the House to draw this Bill in a manner that it should not appear to be treating with disregard the determination to which the House then arrived. The Bill, therefore, in these two important respects, is directly the reverse of the plan of the noble Lord. I desire now to propose a Bill which shall be permissive instead of being compulsory, and shall be local only instead of being general. In the speech which the noble Lord then made, he alluded to a Bill which I introduced two years ago, and to a Bill that he introduced at the same period, and he mentioned that both those Bills having been permissive that was an objection. In a measure of this great importance I beg to say that I entirely agree with the noble Lord that a compulsory and general system of education would be far more satisfactory, and far more beneficial than a mere permissive Act; but on the other hand, I find that great doubts are enter-

tained by many parties in the country, entitled to great respect, as to the success of a compulsory system; and when I find that the sense of the House has been so distinctly expressed against compulsory education, I think I have taken a more cautious part, and to the House a more respectful part, when I say I think it would be better that this attempt should be to carry a Bill for permissive rather than compulsory education. It will then leave it optional to the locality to adopt the Bill or not. Having arrived at this decision, I naturally inquired what are the precedents before us with regard to permissive legislation, and whether those experiments are encouraging or otherwise. There are two very recent precedents of permissive legislation; the first is the Act passed by the hon. Member for Dumfries (Mr. W. Ewart), permitting corporate towns to raise rates to establish a library. I find by a paper recently laid on the table that that Act has been taken advantage of, not in many instances I admit, but in five or six remarkable cases. I think the House will feel that the appeal to a town to establish a library is not an object to be compared to an appeal to the sense of duty in the rate-payers to provide the means of education. And yet we find that that Bill has been taken advantage of in several cases. I should be well satisfied to find that the Bill I am seeking to bring in was carried into effect even in as many places as have adopted the Library Act. But there is another instance of permissive legislation more germane to the present subject,—I mean the Act passed some fifteen or sixteen years ago, to enable counties, if they chose, to adopt an improved system of police. That was a direct appeal to the people whether they would consent to tax themselves for an object of great public importance and interest. That Act is made compulsory now, but while it was permissive half the counties in England adopted it; and I must say that both the instances to which I have referred are encouraging with regard to permissive legislation. In the second place, I am disposed to propose that the Bill should be local, and not general, and I intend to propose that it should be applied only to cities and corporate towns. I have selected these for the reason that the boundaries of those jurisdictions are defined, and there is, therefore, no necessity to call into action any fresh machinery for the purpose of defining the limits of the operation of the Act. There are many persons—I have myself commu-

nicated with many—who entertain sincere apprehensions of the plan of the noble Lord, and of the plan that I myself introduced two years ago, but who, nevertheless, are very desirous, feeling the importance of this subject, that the experiment should be tried, and, who think that it would be most fitly and beneficially tried in large corporate towns. I will not say, and I do not think, that the want of this measure is greater in towns than in rural districts. I believe that the deficiency in the means of education is as great or greater in the rural districts; but, on the other hand, we must recollect that it is in towns that great numbers of persons are collected together, and it is in towns that we should be able to accomplish the greatest amount of good by the immediate introduction of a system of general education. It is not my intention, as I said before, to detain the House with any of those statements as to the necessity of education, which I have before made here and elsewhere. I am the less disposed to do this, because I hope I may say, without disrespect, that those statements, although they have in some cases been contravened, and in some cases contradicted, have not been disproved. I will say, they cannot be disproved, because they rest on the foundation of truth and incontestable facts. I therefore will not detain the House by referring to them; but in adverting to the importance of introducing some such Bill I may refer to two facts proving the necessity of some measure of this kind in certainly one of the most important cities in the Empire—I allude to the great town of Manchester. I am glad to see my right hon. Friend the Member for Manchester (Mr. Milner Gibson) in his place. I am sure he will not dispute the accuracy of my statement. Dr. M'Kerrow, who was examined before the Committee upon the Manchester and Salford Education Bill, stated, from his local knowledge of Manchester, that there were 32,100 children in that city who were neither at school nor at work. I had the opportunity, a week or ten days ago, of conversing with Dr. M'Kerrow on this subject, and he says this state of things has become rather worse since he gave that evidence. And I have before me a memorandum of a report given to me a few days ago by a clergyman who has ensured in that great town of Manchester the general respect of all classes—Mr. Canon Rickson. He has the charge of a poor parish, called St. Andrew's, in which, with an area of ninety-seven acres, there is a population of 13,000

souls. He reports that of the children of that population between three and sixteen, 43½ per cent go to Sunday schools, twenty-five per cent are at work, twenty-nine per cent are at day schools, and forty-six per cent are neither at school nor at work. The result being, as he assures me, that not less than 1,200 children in this single parish attend no school whatever. I will trouble the House with no further statistics on the subject. I thought it right to state thus much, because I am introducing a Bill for cities and towns; and I would appeal in the most temperate manner to any gentleman, be he who he may, even to my greatest opponent on this subject, whether there is in the present system as it stands—and I do not undervalue it, I acknowledge all that it has done—but is there anything in that system, as it stands, which its warmest advocates can say is competent to cope with the state of things I have represented? Sir, I wish to deal with the House with the most perfect frankness, and therefore desire to say, whether this Bill be extensive in its operation or limited, it involves principles which I consider to be of primary importance in connection with this subject, and I hold that the establishment of those principles upon the Statute-book is of infinitely more importance than the question whether this Bill is permissive or compulsory. The principles which I desire to establish by this Bill are three. The first, religious freedom and toleration; the second, that there should be local contribution to the support of an object which is interesting to every home in England; and the third is, that following out the principle of all our most important institutions, there should be local management and control of the funds so raised for the local school. To the assertion of those principles I attach the greatest possible importance. I will now briefly advert to the religious part of this question. If I remember aright my right hon. Friend the Member for Manchester (Mr. Milner Gibson) in addressing the House upon the Bill which I introduced two years ago, said he thought the division of the British public into three great parties on this question, and their mutual antagonism, was fatal to legislation. The three great parties to which my right hon. Friend adverted were—first, the advocate of religious teaching being combined with general instruction; second, those who are called the voluntary party; and third, those that are called the secular party. My right hon. Friend

stated his belief, further, that no general measure on this subject would ever be passed till some two of those parties could be brought to act together, and he stated that the two who were most likely to combine were the party in favour of religious teaching and that which had been called the secular party. I may state, that so far as the great locality of Manchester is concerned, this combination of the religious and the secular party is effected, and this Bill that I seek to introduce I have prepared with the co-operation of a large committee consisting of a very able body of men, and comprising an equal number of those two parties, who, I am thankful to say, are now cordially acting together on this subject. The bases of the agreement—if I may so call it—upon which these two parties have consented to act together are briefly and simply these:—On the one hand, the party who are favourable to religious teaching have consented that, so far as they are concerned, the rate should be extended for the benefit of secular schools; and on the other hand, the secular party have withdrawn the language which my right hon. Friend broadly held two years ago—that no national system could ever be adopted until it was arranged that every school in the country should be a secular school. The secular party are willing that the rate should be extended to all schools where religion is taught—in fact, to all schools coming up to a given standard—on one condition only, that the money contributed by the ratepayers should not be directly applied to doctrinal religious teaching. I cannot pass from this subject without for a moment touching on a matter which was discussed a good deal when this subject was brought before Parliament two years ago—I mean what is the secular party and what are the real objects of that party? In my humble judgment that party, whatever they have done in other respects, have made one very serious mistake, and that is in the name which they have selected. I think they have greatly injured themselves by taking that name, that they have misled the country, and that if they had called themselves the separate party they would have done themselves more justice. It is not the object or intention of the secular party to deprive the children of England of religious education. I believe their object is quite the reverse. I believe that, so far from that being the case, the gentlemen who are

most prominent as the leaders of the secular party are as sincere and zealous and as deeply impressed with the necessity of religious instruction as those who profess to belong to the religious party. I believe that the difference between the religious and the secular party is not so much a difference of principle as it is a difference of time and place. The most eminent members of the secular party, looking at the sacred nature of religious instruction, think that school is not the best place for imparting it, and that, above all, schoolmasters, speaking broadly, and looking at the character of schoolmasters generally, are not the men to whom they could safely intrust religious instruction. I do not deny that there is force in this view, though I must confess that my own opinions are on the other side. I am disposed to think that you might obtain a safer system of instruction from other quarters, but I think that religion ought to be mixed up with the whole system of training from infancy, and that it can never be with safety entirely put aside. On the other hand, I cannot deny the force of this view of the secular party, and before Gentlemen make up their minds to condemn the so-called secular system as irreligious, I beg to call their attention to the Report of the Rev. Mr. Brookfield, a clergyman of the Church of England and one of Her Majesty's inspectors of schools, given in the Minutes of Council for 1855, which were placed in our hands in the course of the last spring. Those who consult that Report will find a very striking statement of the effect of the system of religious teaching by schoolmasters. He states that those formularies which we hold in the highest estimation are taught to the children by rote, without impressing on their minds any idea connected with them. The Report gives the answers of the children to the written questions with respect to their duty towards God, and their duty towards their neighbours; and if the subject were not a grave one, those answers would only supply food for merriment. Mr. Brookfield, himself a clergyman, dwells with great force on this mode of teaching. He says:—

“It grieves me, who am not prone to use such words,—it grieves me to think how this daily half-hour, which is usually spent in learning the Catechism by rote, and with such poor success, might have been spent in learning small portions, such as the Lord's Prayer, the Commandments, and the duties towards God and our neighbour, thoroughly and well and with intelligence, and

how in the course of those years which result in such grotesque results as I have recited almost every recorded word of the Redeemer might have been stored in the memory, never to be forgotten."

That I think ought to show us that we ought not too hastily to condemn the view of those who think that the schoolmaster is not a fit person to impart a religious instruction to his scholars. However, that which I have stated is the arrangement that has been made; and the mode in which it is proposed to carry it out is this—that the rate shall be granted to all schools that may come up to a given standard, and that the religious teaching in those schools shall be left on precisely the footing where it now rests, but every school, whether belonging to the Church of England, or whether it be denominational, shall be at liberty to teach their children religion, reserving only the condition that there shall be no violation of conscience, that there shall be no compelling children to learn creeds or catechisms to which the parents of the children object. In my opinion, as I stated in a speech which I recently delivered elsewhere, in the present state of this great question it is most desirable to recognise all that has been done, and that any legislation should be rather in the direction of a supplement to the existing state of affairs, than a substitution of another system which is wholly new. I have endeavoured to have this Bill drawn in accordance with that feeling. The Bill proposes that the rate to be levied shall be a rate in aid of the existing system; that the pence now drawn from the children's pockets shall be continued to be drawn; that the system of grants from the Privy Council shall not be interfered with; but that the difficulty of giving certainty and permanence to the schools, which now exists, shall be removed by means of a rate in aid, to be levied according to regulations laid down in the Bill. At one time I thought of introducing a system with regard to free schools. I should myself prefer a free system to be adopted throughout the whole country, but at present, at all events, the country is not prepared for that; and I think that unless a general free system could be adopted, it is better not to adopt it in part. Upon this subject, therefore, the only extent to which there is any proposal in the Bill for the establishment of free schools is that there should be power on the part of the local committees which the Bill seeks to establish in particular localities,

Sir John Pakington

or clear proof of poverty being given, either to establish free schools or to admit a given portion of free scholars into the existing schools. I am not sure that there is any other principle of the Bill to which it is necessary for me to advert, with this important exception, that the framers of the Bill are most anxious that it should be made perfectly clear that there is no interference intended with the management of any existing schools beyond the point to which interference may be necessary and inevitable to insure compliance with those conditions without the compliance with which the objects of the Bill cannot be carried out, but that the principle of the Bill with regard to religious teaching shall be perfect freedom, and that with regard to the general management and conduct of the schools, there shall be no unnecessary or avoidable interference. I have now stated to the House as concisely as I could the leading provisions of the Bill which I desire to introduce. I am quite aware that I run the risk of being assailed with those imputations which I have met with before. I may be told that I am seeking to introduce an irreligious system—that I am endeavouring to destroy an existing system which works well. I may be further told that I am introducing a system which, if successful, will put an end to the voluntary exertions that are now made. I can only say, being of course aware that I am open to these charges, that so far as my imperfect and humble judgment goes, I have deeply and anxiously considered this question. I feel profound respect for the zeal and good feelings of those who urge these objections, but while I feel respect for the objectors, I feel bound to disregard the objections themselves. I will not consent to be diverted from the line of my duty by objections which I conscientiously believe to be erroneous and unfounded. All that I venture to implore of the House is this—that they will consider the case which I may say without exaggeration is proved, without reference to party, or to existing views—I will not call them prejudices, and will approach the consideration of this subject in the most calm and dispassionate spirit. I believe it is only in this way that this subject, which has been so long before Parliament, can be made a subject of legislation. If this Bill should be more fortunate than its predecessors—if Parliament would adopt the principle which I am about to propose, as a Christian, as a churchman, as an English politician—I

declare my firm belief that we shall not only promote the intellectual development of the people, but shall do more than we can accomplish in any other way to promote sound religion. On the other hand, it is my belief that the discussion of such a measure can only do good. I offer this Bill to the House as a contribution. I believe that the more we analyse and discuss the subject the more we shall remove the erroneous impressions that prevail, the more we shall elicit the truth, and thus we may hope ere long to arrive at a practical solution of this great and important question. The right hon. Baronet then moved for leave to bring in a Bill to promote Education in Corporate Cities and Boroughs in England and Wales."

MR. COBDEN seconded the Motion.

Motion made and Question proposed.

MR. W. COWPER said, that he did not think that any one would oppose the introduction of the measure which the right hon. Baronet had with so much perseverance, and from so high a sense of public duty, proposed for the consideration of the House. The right hon. Baronet should be met in the same conciliatory spirit which he had shown in not reproducing his measure of a former year, but turning his attention to meeting the objections of some of his opponents, and introducing a Bill which might receive the support, not only of those whose views he represented, but also of others of different sentiments. This Bill was entitled to full consideration as being the result of a compromise between two parties who had hitherto been in direct and long-continued opposition to each other. He (Mr. Cowper) did not at present feel competent to judge of the character or nature of that compromise; but when the Bill was before it the House would ascertain what was the force of the concessions which had been made on each side. With regard to religious instruction the turning point would be whether, according to the terms of this compromise, the master of a denominational school was to be prohibited from giving doctrinal instruction to those pupils who were of the same denomination as himself. The right hon. Baronet had not clearly explained that point, which seemed to him (Mr. Cowper) to be the most important one; for if all that was asked by the secular party was that no distinctive religious formulary should be taught to the children of those parents who objected to it, that was no more than was constantly

done in national and Wesleyan schools, the directors of many of which allowed children, whose parents objected to their being present, to absent themselves during the time set apart for the teaching of the Catechism. The principle which was contained in the Bill introduced by the right hon. Member for Manchester (Mr. M. Gibson), and which was advocated by the secular party, was, that no distinctive doctrinal religion should be taught to the children by the schoolmaster. That was a principle to which the denominational party in this country was not prepared to accede, and therefore if it formed part of this compromise the right hon. Baronet would meet with a very formidable opposition from that party. To deprive the schoolmaster of the right of giving any doctrinal instruction was to restrict him to the conveyance of information, the exercise of memory, and the development of the mental faculties of his pupils, and to deprive him of his best instrument in their moral and spiritual training, to silence him in respect to their higher and inner faculties, to limit his appeals to conscience, and to prevent him from pointing to the grand sanctions of moral obligations. In the Bill to which he had referred, it was declared that, although the schoolmaster was not to teach doctrinal religion, he was to inculcate truthfulness, temperance, justice, and the other virtues. It was assumed by those who prepared that Bill that all the cardinal virtues could be effectively inculcated without any allusion to doctrinal religion. From that position he (Mr. Cowper) entirely dissented. Take, for instance, the first thing that should be taught to a child—his duty. How could the master teach a child his duty to himself without a reference to the self-denying principles and examples of Christianity; his duty to his neighbour, without teaching him something of Christian love; or his duty to the Almighty, without speaking to him of the covenant under which he is placed, and his relationship as the child of a heavenly Father? To say that the schoolmaster should teach virtue without doctrinal religion, and inculcate duty without distinctive Christianity was to impose upon him a difficult or hopeless task. But on the other hand, to enact that a master should not teach a particular formulary; or that it should be taught at particular times and under certain conditions, was a much less objectionable arrangement. The right hon. Baronet had referred to the

faulty manner in which the Catechism had been taught in certain schools inspected by the rev. Mr. Brookfield; but it seemed to him (Mr. Cowper) that this did not go so much against the teaching of the Catechism altogether as against the mode in which it was taught; and he was afraid that the teaching of it only at a particular hour, instead of allowing it to form part of the ordinary teaching of the schoolmaster, would have a direct tendency to encourage its being taught in a perfunctory and ill-arranged manner—being learned by rote, and not being understood. Upon this point, however, and upon others connected with the arrangement mentioned by the right hon. Baronet, he would not now pronounce an opinion, because the House was not sufficiently informed upon the subject. To the principles stated by the right hon. Baronet he thought that no reasonable objection could be taken. Whatever might be the objections to proceeding by a voluntary and local adoption, yet at present this was the only way in which any progress could be expected. It was pretty clear that no system of national education to be supported by rate could be adopted so as to be compulsory upon the whole country, but it was quite possible that certain parts of the country—such, for instance, as the city of Manchester, which seemed anxious to be allowed to rate itself for the purposes of education—might adopt some such system as that now proposed. There was also advantage in dealing separately with towns and rural districts, since the difference in the circumstances of those two classes of places rendered necessary some distinctions made in the mode in which they were dealt with. Indeed, much embarrassment was daily experienced in legislation by having to devise one measure which should apply alike to towns and country. The right hon. Baronet had quoted as precedents two cases of successful permissive legislation. Perhaps he (Mr. Cowper) might be allowed to add to these the Public Health Act, which had now been adopted very extensively throughout the country, and under which more than two hundred towns had obtained advantages which they would have rejected and repudiated had it been sought to force the measure upon the whole country at first. He was glad that the school committee to be elected by the ratepayers was to have no power to interfere with the management of existing schools, because such a provision would preserve the advantages of the

present system, the voluntary management of schools with aid from the general funds, and with such further assistance as could be given by a local central authority. The help to be given to schools, from local rates, would ease the burden often borne with great difficulty by the friends of education in raising the funds necessary for the support of schools, and such assistance would be a great benefit to them, especially to the clergymen who were now constantly obliged to provide from their poor pittances funds for the support of schools which they did not like to see neglected. If the arrangements proposed by the right hon. Baronet for establishing a system of local permissive rating were agreed to, many benevolent persons who were now absorbed in the task of supporting primary schools would be relieved from the necessity of attending to the wants of children under eleven or twelve years of age, and would be able to devote their attention to those young men and women who, having left the primary schools, needed help to enable them to pursue their studies in the evening, and we should then make some real advance in the education of the people. He could not at present, knowing very little of the details of the measure, commit the Government to the adoption of any particular course in regard to this measure; but he should offer no opposition to its introduction.

MR. E. BALL said, that he felt quite sure that no Member of the House was inclined to assail the motives of the right hon. Baronet in introducing the Bill, or withhold his tribute of admiration for the industry and perseverance with which he endeavoured to attain his object. At the same time he felt bound to declare that any system of national education, which did not embody religious teaching, would not only not be supported by the great body of the religious denominations throughout the country, but it would have to encounter their direct and positive opposition. He had been heard to declare on a former occasion that education, unaccompanied with religious teaching, was rather hurtful than beneficial to the community at large; and the reports made to them as to the increase of crime throughout the country inclined him the more to that opinion. He was, therefore, extremely sorry to find the right hon. Baronet introducing an educational measure which in a great degree excluded the religious teaching, which he himself had on former occasions so strongly

advocated. The measure being only permissive might not be as obnoxious as former measures, still it would create a great evil if it was intended that the Word of God was not to be explained in the schools of this country.

LORD R. CECIL said, that he did not think that the House had any reason to complain of want of candour on the part of his right hon. Friend, for he had admitted that this was an attempt to introduce the thin end of the wedge, which was sought to be introduced by the Resolutions of the noble Lord the Member for the City of London (Lord J. Russell), which were so signally defeated. The instancing of the police Bill, which had just been changed from a permissive to a compulsory measure, was a clear intimation of what was the ultimate intention of the right hon. Baronet, and showed that the only advantage over the rural districts which he designed for the towns was that of being eaten first. Having caught the towns, he fully intended to catch the rural districts, which he said required such a measure still more. In his representation of the several parties into which the friends of education were divided, the right hon. Baronet had entirely forgotten the adherents to the Privy Council system. His (Lord R. Cecil's) objection to this measure was, that its supporters were too hasty, that they were in too great a hurry, and would not allow the existing system to be sufficiently tried. That system had been in existence only ten years; we had had no Census for six years, and we had therefore actual information as to the result of only four years of its operation. It was hasty and unjust to condemn a system on such slender evidence as this. The right hon. Gentleman had, it seemed, for the first time discovered that the secularists were not anxious to prevent children receiving religious instruction in the course of their education. If he ever entertained the belief that the supporters of the secular scheme had such anxiety, he alone in that House must have entertained it, for no one else could ever believe that persons of sense—persons knowing the feelings of the people of this country—would seek to exclude religion from education. He had found that they sought merely to exclude religion from the domain of the schoolmaster, because he taught it inefficiently, and he cited the Report of the Rev. Mr. Brookfield, who said that we ought to provide more efficient instruments for teach-

ing religion; but did this Bill provide them? The right hon. Baronet had regaled the House with figures showing the frightful ignorance and destitution in which the juvenile population of our large towns were plunged; but would he tell them that the homes of these children would furnish them with more efficient religious teaching than that now given by the schoolmaster, and to which he sought to put an end? He had said that the money of the ratepayers was not to be applied to the support of doctrinal teaching, but he had at the same time said that it was to be applied in aid of existing schools. Would he tell the House how many schools there were in the country in which doctrinal religion was not taught? It was of no use urging other objections, because the right hon. Baronet had given notice that he did not intend to be convinced; and he (Lord R. Cecil) would therefore confine himself to the expression of his opinion that in exact proportion as you raised money by a rate in that exact proportion would subscriptions fall off. In support of this position, he appealed to the experience of any hon. Members who had during the last few years been engaged in promoting the establishment of reformatories. He had heard of cases—and he had no doubt there were numbers of instances—in which persons had promised to subscribe to the erection of reformatories by means of private funds, but withdrew their subscriptions as soon as they heard that the Government was going to contribute. It had been tried in a hundred cases, and had always failed. You never would get both voluntary subscriptions and Government aid for the same object, and within the same limits. He (Lord R. Cecil) would not oppose the introduction of the measure of the right hon. Baronet, but he hoped that it would not meet with the ultimate sanction of the Legislature.

MR. COBDEN:—Sir, the objection urged by the noble Lord who has just spoken has rather surprised me. He accused the right hon. Baronet (Sir J. Pakington) of haste. Now, I think it is more than twenty years since this question of education was launched in this House. I have witnessed the discussion of many knotty subjects in this country, and have been a party to some, and have always been accustomed to consider that seven years is about the natural duration of any agitation or any great movement before it effected an important political change.

This measure of education has to my knowledge had three seven years of discussion in this House, and therefore I think that, whatever other fault may be laid to the charge of the right hon. Baronet opposite, he ought not to be accused of haste or precipitancy. I do not now intend to go into the details of a Bill which is not before us, but I am always prepared for the difficulty which has already been thrown in our way—the question of religious teaching. The noble Lord who has just spoken asked whether it was intended that the rate should be applied to pay for doctrinal teaching? I answer, “No; that is not contemplated.” The essential difference between this Bill and others which have been brought into this House is, that while it leaves denominations to teach religion in their own schools it does not propose to raise a rate to pay for that teaching; and it, at the same time, stipulates that parties having schools in connection with churches or chapels shall set apart a particular time when their own doctrinal religious instruction shall be given, and during that time they shall not be subject to the visits of Government inspectors, nor shall children who are not of the religious denomination to which the school belongs be required to attend. Well, surely there is nothing so difficult about this that it cannot be accomplished, if we are in earnest and wish to accomplish it. It is not a question of principle, but merely a question between nine o'clock in the morning and some other hour. If I am to be told that it is not possible to set apart a particular portion of the day when the Catechism can be taught, it must be equally impossible to set apart a particular hour for the teaching of geography, arithmetic, history, or any other subject; yet it is essential to the well-ordering of a school that you should have a time for each subject, that the times should be defined by the master, and that one study should not run into another. Surely, if doctrinal religious teaching be of that importance which those who object to the right hon. Baronet's Bill attach to it, you yourselves will say that it is of so much moment that a time should be named when such instruction should be given. It is done already. When this subject comes to be fully discussed it will be found that your national schools have already adopted this plan; that many national schools are now receiving children of all denominations, with the understanding that they

are not to be taught the Catechism. And how are you to carry out that in good faith, unless you have a particular time when the Catechism is taught? Then see how the middle classes overcome the difficulty. There are many schools in the county of Middlesex and in the city of London which act upon the plan. In the city of London you will find a school kept by that excellent man Dr. Mortimer, who will tell you that he has Jews, Roman Catholics, and every denomination of children. If you ask him how he gets over this difficulty, he will tell you what every man who is worthy to be at the head of a school will tell you, that he has forms of prayer—which he will show you—which are read to the children; and that when this is over he directs their attention to French, to German, to mathematics, or to classics, but that he does not, nor would any other man of sense, run one study into another and blend in the minds of his pupils things which are entirely unconnected with each other. There is really no difficulty, and the reason why I am satisfied that the right hon. Baronet has brought in a permissive Bill is this, that when the matter comes to be put to a practical test, when you have one municipality which does itself the honour to lay a rate in the cause of education, you will find that all this religious difficulty will vanish, and that we have been amusing, or rather terrifying ourselves for twenty years with a mere chimera. There is no practical difficulty in the matter. In the Bluecoat School you have from 700 to 800 boys, but you have no difficulty about this religious question. There are also in different parts of the country many proprietary schools. There is the celebrated school at Birmingham, of which the present Bishop of Manchester was head master, and it is his boast that no one was ever excluded on account of his religious opinions. The Bishop of Manchester gives his sanction and approval to this measure. He was head master of this Birmingham school, in which there are 1,200 or 1,300 boys. He had children of all denominations, but he did not attempt to proselytise them and turn them from the faith to which they belonged to his own. There is really no difficulty about this question if we set honestly to work; and I do sincerely hope that at this day, in the year 1857, we shall not lay ourselves open to the reproach which was made by Sir Samuel Romilly in his diary

some forty years ago. When speaking of the discussions concerning education in this House, he wrote,—“I am afraid that people are not in earnest about education; that they are opposed to the tax that would be imposed upon them to educate the people.” We have come to a time when we are all in earnest, all wishing for a better system. If so, I do not think we shall have any difficulty in carrying out some plan, and I do not think there has been any scheme submitted to the House more likely to meet with general acquiescence than that which the right hon. Baronet has proposed. I do not intend now to go into details, but I thought it necessary to allude to the religious difficulty, which has been thrown in our faces so long that it is high time that we should in some locality put to the test this great difficulty, which I apprehend will instantly vanish, and we shall then find that we have been alarming ourselves with a shadow.

MR. HENLEY:—Sir, I am quite ready to concede at the outset that the discussion of questions of this kind does good, and leads eventually to the discovery of the truth; but I disagree with my right hon. Friend as to the effect of the decision which the House came to on the scheme of last year. It is taking a very narrow view of that decision to say that it was based on the simple fact that the measure was intended to be general and compulsory in its operation. The Bill of my right hon. Friend the year preceding and the scheme of last year were both objectionable, because they would have completely sapped, and ultimately done away with, the existing system of education; and that was the ground on which the House rejected them. The hon. Gentleman who spoke last told us that the religious difficulty is a bugbear, and that no man of common sense would have any trouble in overcoming it. Every man has a perfect right to hold his own opinions, but the assumption of the hon. Member unquestionably implies that some three-fourths of the people of this country are destitute of common sense. A great many persons, quite as earnest in the cause of education as the hon. Gentleman, have applied their minds for many years to this subject, and they never thought of calling the religious difficulty of education a bugbear.

MR. COBDEN: The right hon. Gentleman must excuse me. I attach as much importance to religious education as he

does. I say the bugbear is—not religious instruction, but—the difficulty of separating doctrinal from secular instruction.

MR. HENLEY: I thank the hon. Gentleman for his correction, because I am the last person who would fix upon another man the result of my own misapprehension; but he must allow me to say that the religious teaching which is confined to half an hour or an hour per day, and is imparted simply as you would teach French, German, and mathematics, or as you would give any other lesson, is not a teaching likely to reach the hearts of children, but will prove wholly barren and inoperative. Religion must be diffused over the whole surface of their training, or it can never be useful in regulating their conduct. Hence arises the difficulty when the matter comes to be fairly worked out. This point was well touched upon by the right hon. Gentleman opposite (Mr. Cowper), who said that if this important branch of instruction could be limited to half an hour each day it might be easily dealt with, but that when you come to teach the child his rule of life, doctrinal religion meets you at every turn and constitutes your real difficulty. As far as I gathered from my right hon. Friend's statement, he makes no provision whatever for new schools. How, then, is the deficiency to be supplied? All that his scheme does is this,—there being a certain number of schools now in existence, the greater proportion of which are attached to some religious denomination or another, it is proposed that you should aid the funds of these schools by a rate. This is what my right hon. Friend in very gentle language calls a local contribution. Why, we have local contributions now, only they happen to be voluntary, and are not exacted by the tax collector. My right hon. Friend, putting his case with great skill, said, “I am for local contributions and local management.” Well, so am I for local contributions and local management; he says also he is for religious freedom; but I am also for religious freedom. How does my right hon. Friend deal with that point? There are numerous schools in the country, each affiliated to some religious community, at whose cost, either entirely or in the main, they have been built and supported; and what has been the great incentive to the public to devote its money and, what is a thousand times more valuable, its time, for the organisation of the vast machinery now at work? Undoubtedly, the mainspring of it all has

been the desire to give a religious education to the children of their neighbours. In this state of things my right hon. Friend interposes. "True," he says, "you have got your schools and your schoolmasters; true, you are making no complaints; but I think you have not enough money. I must levy a rate and pay you a certain sum from it for every child that comes under your training." The schools, however, having been established on the express condition that the scholars are to have religious instruction, my right hon. Friend says, "I will give you money to take a number of children who shall receive no religious instruction at all." That is the principle of his scheme. Let us see how it would work. Suppose a Presbyterian school to be set up in a locality where many Roman Catholic children reside. The Presbyterian schoolmaster is to be compelled—on the principle of religious freedom, forsooth!—to admit any number of these Roman Catholic children for whom there is room in his school, and to teach them everything else, but not a word of religion. What is that but ignoring religion altogether, under the specious guise of religious freedom, and doing palpable violence to the consciences of the men who, in order to give religious instruction, set on foot your present machinery, and who are nevertheless to have pupils thrust upon them (in place of those whom they now teach) of whose education religion is to form no part? True, my right hon. Friend says he is for religious instruction, but the supporters of the secular system hold that the school is not the place for teaching religion. [Sir JOHN PAKINGTON: I do not say so.] I am aware that my right hon. Friend does not say this, but his new allies do. He differs in opinion from them, but then he proposes a scheme that will do exactly what they wish—not what he wishes. The House must not be led away by the notion that this Bill is only permissive. Permissive for what?—that is the question. Is it under the vote of a narrow majority, obtained in a canvass you do not know how, to permit a system to be set up for giving any instruction, except religious? If so, where there are 100 people in a place, and fifty-one of them are favourable to such a proposal, the remaining forty-nine being strongly opposed to it, this large minority will be taxed, against their consciences, to teach anything in the world except our duty to God and man. I cannot believe that the people of

this country will ever be content with such a state of things; and in so grave a matter I, for one, doubt whether they ought to be allowed to establish it. I know it is said that unless persons possess a great deal of secular knowledge your labour in attempting to give them religious instruction is thrown away. ["Hear!"] My right hon. Friend cheers that statement. I am sorry to hear him cheer it. All I can say is, that I differ from that opinion as much as light differs from darkness. I do not believe that the most ignorant man who ever drew the breath of heaven was not amenable to the truths of Christianity. Those who have had the most extensive experience on this point will tell you that the best examples of a truly Christian spirit are often furnished by the most illiterate of our fellow creatures. The Divine message of mercy to man is so wonderfully adapted to the wants of man, that while the humblest peasant can understand and receive its gracious accents, the highly intellectual and most cultivated of our race will esteem it their greatest privilege to submit themselves to its lessons of humility. If you assert that our duty to God and man is to be sought only through the intellect, you have only arrived, as the result of seven years of discussion, at what you might easily have seen from the beginning was the radical difference between us. I say that you must invert the process. You must first teach our duty to God and man, and as a consequence of that teaching induce people to cultivate their intellects according as their means and opportunities enable them. I hold, then, that you never will teach the young their duty to God or man if you attempt to do it through the intellect. Such an attempt strikes at the root of the whole religious teaching of this country; and I trust, that when my right hon. Friend's Bill is before us it will not be found to be based on so pernicious a principle. If, however, it is otherwise, I can only promise to give him my warmest opposition. There is an essential difference of opinion on this subject between two parties in this House; but I am not sorry that this discussion has been raised, because I believe it will elucidate the truth.

LORD JOHN RUSSELL:—I am glad, Sir, that the right hon. Gentleman the Member for Droitwich Sir John Pakington has again brought the question of national education before the attention of this House, I cannot but admit—although I do so reluctantly—that the best, or at

least the most prudent course is to make the Bill merely permissive and local. At the same time, I have no wish now, any more than on any former occasion, to conceal my individual opinion that it is the duty of this country to render national education general and compulsory. Yet I am quite aware that that is not the view taken by this House, and that such differences of opinion prevail in the House and in the country that it would be utterly impossible at present to obtain the assent of Parliament to any measure founded on such a principle. I think, however, that the right hon. Gentleman does well in endeavouring to take a step in advance with the view of giving an impetus to this great question. I am afraid, indeed, that the prospect before us, partially opened though it is, is not quite so encouraging as the right hon. Gentleman seems to imagine, and that local and permissive as this measure is, and confined to promoting the success of the existing schools though it appears to be, still it is liable to misconceptions and misrepresentations, producing unfavourable opinions, which always impede the progress of a measure of this kind. The right hon. Gentleman, in some degree representing as he does the sentiments of others, seems to me rather to place a bar in the way of his own Bill when he says that the rates are not to go towards religious instruction. What is intended, as I understand, is that they shall be applied in aid of schools belonging to different religious denominations, in which, under the present system, doctrinal instruction is given. [SIR JOHN PAKINGTON: My expression was, "not directly applied."] I do not quite see the value of that distinction. The rate will go in aid of a national school—say, in Birmingham or elsewhere, and that school will continue to give doctrinal instruction in precisely the same manner as it has hitherto done—that is to say, the Bible will be read, the Catechism taught, and the great truths of Christianity impressed on the pupils exactly as is the case now. Therefore there is no room whatever for the question just raised by the right hon. Gentleman (Mr. Henley)—namely, whether religion should be taught by the intellect, or whether the heart ought rather to be appealed to; because that religious instruction is still to be continued with which that right hon. Gentleman himself and also the noble Lord (Lord R. Cecil) are perfectly satisfied. The only question regarding

the application of the rate is that the money will not be directly and professedly given for the purposes of that doctrinal instruction; that that instruction will be imparted at certain fixed hours, which will be duly notified; and that children may be admitted who do not accept it, and who will be absent during the time that it is given. But, then, it is not a correct description of the scheme to say that the rates will not go in aid of doctrinal teaching. They will support the school; and the school will still remain a national or a denominational school, as the case may be, in which religious instruction will be given exactly as heretofore. I have heard of a proposition, emanating, I believe, from a section of the voluntary party in Scotland, to the effect that, while consenting to give religious instruction in the public schools, there should be a separate payment for that instruction. This appears to me a very objectional proposal, but I do not understand it to form any part of the right hon. Gentleman's scheme. Therefore, notwithstanding all the objections urged to his plan, the right hon. Gentleman does propose that this rate should form an additional fund for schools in which religious instruction is given, and given, too, not according to a mode of which some hon. Members disapprove, although I do not—namely, by the teaching of the Bible only, but according to the form now adopted in the national and many other schools. This being so, it does not appear to me that the right hon. Gentleman has made any such dangerous concession to the secular party as the right hon. Gentleman opposite seems to suppose. On the contrary, that has itself made an important concession—namely, that the religious teaching of the schools shall be supported from the rates, provided only that religious liberty is not infringed by compelling those of the pupils to attend such instruction whose parents dissent from it, and that it is given at certain fixed hours, to be duly notified. The right hon. Gentleman elsewhere stated fairly the opinion of the secular party when he said that they hold that the children ought to be religiously brought up, but that the schoolmaster is not the person nor the school the place for doing so. My view, agreeing with that of the right hon. Gentleman, is, on the other hand, that the school is the place and the schoolmaster the person. At the same time, if you support a school by rates—if you require that people not of one, but of many different

denominations, be they Presbyterians, Roman Catholics, or Jews, shall contribute towards the maintenance of that school—you cannot after that well insist that only a particular kind of doctrinal instruction shall be given, or that the children of those who do not receive that instruction shall be excluded from the school. Thus far I think the Bill of the right hon. Gentleman accords with the principle of religious liberty. I do not quite understand whether or not he proposes to assist by a rate a school in which the secular principle is followed, and no religious instruction given. Such a provision, if it formed any part of the measure, might create considerable difficulty. It has had no place in any scheme which either the right hon. Gentleman or I have ventured to propose to the House. We shall, however, be better able to judge of this Bill when we have had an opportunity of carefully examining its various clauses; and I can only trust that until that time no hon. Gentleman will raise a prejudice against a scheme intended by its author as a concession to objections which he does not himself feel, but by conciliating which he hopes to be able to take a step towards the attainment of a proper system of national education. For my own part, I heartily wish the right hon. Gentleman every success, and sincerely trust he may be able to obviate the objections to which his scheme is liable.

MR. HADFIELD said, he regretted that the right hon. Gentleman (Sir J. Pakington), in his review of the educational condition of this country, had omitted to notice the 2,500,000 children now regularly receiving instruction, under upwards of 300,000 teachers, in the Sunday schools of this country, nor had he made the least allusion to the enormously increasing literature of the day. The right hon. Gentleman had hitherto identified his advocacy of education with a section of the clergy of the established Church, but he now suddenly turned round and threw himself into the arms of the secular party, whose views he sought to embody in his scheme. He lately went down to Manchester to hold a conference with the leaders of that party, and in a two hours' interview with them he professed to have settled this great question off hand for the whole world. How powerful must the spell of the right hon. Gentleman's genius be when with a single wave of his wand he could set at rest the vexed ques-

tion that had so long agitated the country! [Sir John PAKINGTON: I never said that]. He had not heard the statement himself; his only authority for it was the newspaper reports. This Bill would stir up and perpetuate a greater amount of sectarian bitterness from one end of the country to the other than had ever been produced by the agitation about church rates or Maynooth. The Roman Catholics would not send their children to the Protestant schools, and the consequence would be that the Roman Catholic schools would also have to be supported from the proposed rates. The hon. Member for North Warwickshire (Mr. Spooner) vehemently condemned the vote of £26,000 a year from the public funds for the College of Maynooth; but what would he say to a measure like this, which would probably saddle the people with taxation to the extent of several hundreds of thousands per annum for the support of a religion often described by the hon. Gentleman in terms which he (Mr. Hadfield) would not venture to repeat? The sacred principles of religion were made the football of parties in that House who ought to set the people an example of respect for them. He was confident that this Bill would be unpopular with the country, and would share, as it deserved to do, the fate of its unlucky predecessors.

MR. W. EWART said, that the state of education in the country, and especially in the rural districts was positively disgraceful, and that until the education of the female population in the humblest ranks of life was better attended to, instead of being, as at present, grossly neglected, it was vain to expect the home training of the young to be what it ought to be. The true system of national education was the voluntary system, but that would be best conducted by means of a rate. If a rate could only be imposed, as in the case of the Libraries Act, by the declared will of the majority, was not that essentially a voluntary species of taxation? Religious training was, no doubt, the highest object of all education, but then religious instruction was perfectly compatible with religious freedom. This Bill sanctioned doctrinal teaching where it now prevailed, and did not impose the secular system where it did not exist. If the right hon. Gentleman would introduce a clause providing that, while the religious teaching should be free, the conductors of a school should nevertheless be bound to

see that no child was left without religious instruction of one kind or another, religious freedom would thereby be maintained inviolate, and religious instruction at the same time extended. This was the plan adopted in the Liverpool Corporation schools; there religion was free, but it was necessary that every pupil should have some religious instruction. It was quite right to make this a permissive Bill only, and it was to be hoped that when the good effect of the system had been shown in one or two instances it would be adopted generally throughout the country. Under the Factory Act a certificate of attendance at school must be produced before any child could be employed, and he was in favour of extending this principle to agricultural labour as well. A crisis had now arrived in the educational question, and it behoved all parties to unite to solve it in a conciliatory spirit, for unless some system of national education were adopted there was but little hope of preserving our prosperity or of bettering the condition of the people.

SIR JOHN PAKINGTON, in reply, said: Sir, I only wish to request the hon. Member for Stamford (Lord R. Cecil) when he thinks proper on any future occasion to allude to me in debate, that he will make a memorandum of what I have said, because he has so altered every portion of the speech to which he has referred that I by no means am willing to accept the opinions which are imputed to me. Referring now to the hon. Member for Oxfordshire (Mr. Henley), I admit that the Bill I propose to introduce contains no provision for the establishment of new schools; but my right hon. Friend is not correct in the conclusions he has drawn from that circumstance. It is a fact known to all who have studied this question that the greatest difficulty is not that of establishing schools, but the real difficulty to be surmounted is the maintenance of those schools when they are established. In proof of which I am acquainted with a rural district in Shropshire, in which a good schoolhouse had been built and aided by a grant of several thousands of pounds. Nevertheless, up to a recent period, that school, though built about eighteen months, has never yet been opened for want of funds to carry it on. My right hon. Friend alluded to the case of the Presbyterians, who would be compelled under this Bill to give up their principles. Well, my answer to that objection is this—that in the event

of this Bill passing, whether they be Presbyterian or Church schools, the parties will have to decide for themselves whether they stand in need of the aid which this Bill holds out. If they feel they do stand in need of this Bill, they must accept it with their eyes open, subject to all the conditions which it imposes. In the concluding part of my right hon. Friend's speech he used most impressive language in expressing his belief that the humblest amongst us was fully accessible to the Divine truths of Christianity. No one can be more sensible of that fact than I am myself. God forbid that I should ever say or think that the humblest man was not accessible to the Divine truths of Christianity. But, on the other hand, as I have said—and I refer to clergymen and ministers of religion who exercise their duties in crowded districts to bear me out in the opinion—that the intellectual ignorance and moral debasement of a portion of our population are found to be the great barriers to the teaching of religion in such classes. I have now, Sir, but to express my sense of the general kindness and forbearance of the House towards me.

Leave given.

Bill ordered to be brought in by Sir JOHN PAKINGTON, Mr. COBDEN, LORD STANLEY, and Mr. HEADLAM.

INCUMBERED ESTATES COURT (IRELAND).

RETURNS MOVED FOR.

MR. WHITESIDE said, he wished to call the attention of the House to a paragraph which appeared in the newspapers, and had excited much interest on the other side of the Channel, announcing that a certain eminent lawyer had been appointed to the office lately held by Baron Richards, at a salary of £3,000 a year. The House would remember that about two years ago a Commission was appointed to get at the true state of affairs in the Incumbered Estates Court, and this Commission, oddly enough—though certainly it was only following the recent fashion of law reform in this country—had proposed to get rid of the arrears by throwing the whole Court into Chancery. A difference arising in that House when legislation was proposed on the subject, a Select Committee was appointed, on which some of the most eminent Members of the House sat, with the Attorney General for Ireland in the chair. The proposition made by the Government before that Committee was rather a strange

one. It was asserted that two Vice Chancellors could transact all the business of the Court of Chancery now done by four Masters with their staff of clerks, all the business of the Incumbered Estates Court, and clear off all the arrears. Two of the Commissioners—Dr. Longfield and Mr. Hargreave—were examined before the Committee, and gave evidence in support of this proposition. When pressed on the amount of “arrears,” they objected to the term altogether, and preferred to call them by the name of “business undone,” but in the course of transaction; and they further stated that they were able to clear off all the business of the Court as it came in. Baron Richards was not summoned over, but it was taken for granted that the business in Court was pretty much in the same condition. It turned out that these two gentlemen were engaged two days a week in hearing appeals from each other, and it naturally suggested itself to the Committee that if a new court of appeal were appointed, and these two Commissioners sat separately every day in the week, they might be able to do all the business of the Court, and Baron Richards might be sent back to his own Court. It was understood that this arrangement would be carried out, and it might therefore have been expected that some formal notice would be given to the other two Commissioners that Baron Richards was to be sent back to his own Court in order that they might make arrangements for the disposal of the business in the absence of Baron Richards. But no such notice was given to them—he had from one of the Commissioners—and to the surprise of everybody a notice was posted one fine morning on the door of the learned Baron’s Court announcing that he was removed altogether. On inquiry, it turned out that there were 700 petitions in Baron Richard’s office and 500 abstracts of titles which were unread, and which it was absolutely necessary should be read before any of the estates to which they referred could be put up for sale, and 200 schedules were unsettled which should be settled before a farthing of money could be paid in respect of them. No information as to this enormous amount of arrears had been laid before the Committee. The Bill brought in by the Government was one to create two Vice Chancellors, with all their staff, who were to transact all the business of the Court of Chancery; and, according to report, it appeared that a third Commissioner

Mr. Whiteside

was to be appointed. He trusted that the House would not suffer a new place to be created until they knew the whole facts. The hon. and learned Gentleman concluded by moving—

“That there be laid before the House, Returns of any Communications addressed to the Commissioners for the Sale of Incumbered Estates in Ireland, or to any of them, relating to the removal of Baron Richards from the office of Chief Commissioner, and of the dates of the said Communications, if any:

“Of the Order or Communication addressed to Baron Richards, containing his removal from said Court, and of the date of same:

“And, of any Order or Warrant for the appointment of a third Commissioner since the removal of Baron Richards.”

COLONEL DUNNE seconded the Motion.

Question proposed, That, &c.

MR. HORSMAN said, that the hon. and learned Gentleman had evidently founded his statements upon a newspaper report, without taking the pains of ascertaining the accuracy of them by putting a simple question across the table. Although the hon. and learned Gentleman had now thought proper to speak in terms of praise of the two Commissioners, they have had on former occasions reasons to complain of the charges which he had brought against them. The Commissioners had performed their duties faithfully, zealously, ably, and beneficially, to the country as well as to the Government, and the Government were desirous of giving them every assistance in their power. As to the arrears in Baron Richards’s office, it appeared to him (Mr. Horsman) that all the returns relating to them had been laid before Parliament. Why, the First Minister of the Crown, in answer to complaints made against the Incumbered Estates Court, had long ago stated that Baron Richards would be removed from that Court to the seat which he had before occupied in the Court of Exchequer. Why, the hon. and learned Gentleman himself had frequently complained of the way business was transacted by the three Commissioners, and stated that two were amply sufficient for the discharge of the duties. The Attorney General had refused to give any pledge that a third Commissioner would not be appointed. It appeared that his right hon. and learned Friend was entirely in the right, and the hon. and learned Gentleman opposite, as was not unusual with him, entirely in the wrong.

Debate adjourned till *To-morrow*.

The House adjourned at ten minutes before Six o’clock.

HOUSE OF LORDS,

*Thursday, February 19, 1857.*PUBLIC BILL.—1^a Royal Marine Forces.

THE WAR WITH CHINA—THE “ARROW.”

QUESTION.

EARL GREY: I wish to put a question to my noble Friend the President of the Council which I understand he is willing to answer at once. It has reference to the debate which is to take place on Tuesday next. It is of the utmost importance to ascertain whether the *Arrow* was, or was not, legally entitled to carry British colours. I find that in the Merchant Shipping Act, passed in 1854, it is provided that no ship is to be deemed to be a British ship, in any part of the British dominions, unless she be entirely owned by British subjects, answering to the definitions given in the Act. Now, we know from the papers which have been laid before us that the *Arrow* was not owned by British subjects, complying with the definitions. The Act of 1854 further confers powers upon colonial legislatures to repeal or vary the provisions of that Act relating to ships registered in that colony, but subject to the condition that any Act or ordinance so passed by the colonial legislature for the purpose of altering the Act of Parliament must be approved by Her Majesty in Council; and such approval must be proclaimed in the colony before such ordinance can take effect. I want to know whether there have been any Orders given by Her Majesty in Council sanctioning the two colonial ordinances which are printed in the papers recently laid before the House; and, if so, what is the date of those orders, and also what is the date of the proclamation in the colony? I am induced to ask these questions, because it is the ordinary practice with regard to ordinances passed by what are commonly called “Crown Colonies”—that is to say, colonies possessing no representative legislature—that their ordinances are always confirmed, not by Orders in Council, but by a simple signification of Her Majesty’s pleasure in a despatch from the Secretary of State. As far as I can gather from the papers before the House it does not appear that in this instance the usual form of proceeding in the case of Crown Colonies has been departed from, although the Act of Parliament is express in requiring that

any ordinance altering the provisions of the Merchant Shipping Act shall be confirmed by Her Majesty in Council. This point is material, because it appears that the despatch approving the ordinance in question is dated December, 1855, while the register of the *Arrow* is dated in September, 1855.

EARL GRANVILLE: I must inform my noble Friend that he is correct in inferring from the papers on the table that no Order in Council has been passed in reference to the two ordinances in question. They were confirmed by Her Majesty with the advice of the Secretary of State. The first of these ordinances—the more important so far as the Debate of Tuesday next is concerned—was passed in the colony before the Merchant Shipping Act came into force. It would be necessary now, to any amendment or repeal of any portion of that Act, that the colonial ordinances having that object should be confirmed by Her Majesty in Council, and proclaimed in the colony. But this particular ordinance, in the opinion of the law advisers of the Colonial Office, is not of that description. It is not considered to be a repeal or amendment of the Merchant Shipping Act. As to the vessel being required to be the property of British owners, it is quite true that in this case, under the ordinance a register was given to a ship in the possession of a Chinese, he holding a long lease of land in the colony. The noble Earl will remember that the Alien Act conferred upon aliens in the colonies the same privileges possessed by our own countrymen. The subject will, no doubt, be fully debated on Tuesday next, and, therefore, it is not necessary I should enter further into the matter at present.

EARL GREY: I will just read the clauses of the Merchant Shipping Act, which seems to me to be very important upon this point. The first clause of the second part of the Act applies the Act to the whole of the dominions of Her Majesty. The second clause of that part of the Act declares that no ship shall be deemed to be a British ship unless belonging to owners of the following description:—Natural born British subjects; Persons made denizens by Letters of denization, or naturalized by or pursuant to any Act of the Imperial Legislature, or by or pursuant to any Act or ordinance of the proper legislative authority in any British possession; or Bodies Corporate establish-

ed under, subject to the laws of, and having their principal place of business in the United Kingdom, or some British possession.

GOVERNMENT OF INDIAN TERRITORIES.

RESOLUTION MOVED.

THE MARQUESS OF CLANRICARDE, in rising to move, pursuant to notice, a Resolution condemnatory of the present system under which the Government of India is administered, was deeply sensible of exposing himself to a charge of something like presumption in attempting to bring before their Lordships a subject on which the greatest statesmen in our Parliamentary history had differed, and with which the Legislature of this country had ever found it most difficult to deal. But feeling as strongly as he did upon the subject he should not be fulfilling his duty if he did not attempt to bring it under their Lordships' consideration. He might be told that it was impossible for any Member of either House of Parliament, not having at his back a large party to support him, to attempt to carry to any successful issue a discussion like that which he was now originating. If the object he had in view was to snatch a momentary triumph, or to catch a majority on a division, he might be amenable to the charge of being actuated by party or by personal motives; but he had no such wish; on the contrary, his only desire was to impress on the Government and on Parliament the necessity of dealing with the question; and, that being so, he saw no reason why he, holding though he did a very humble position in that House, should not endeavour to draw their Lordships' attention to it. The subject itself had had the advantage for many years of being elevated above the region of all party objects and all party feelings. Their Lordships knew, moreover, by experience that it was only by repeated discussions that measures of real and urgent importance could be forced on the attention of the Government. It was by such discussions that every great measure had passed since he had had the honour of a seat in that House and had ultimately been brought to a successful issue; and it was only by the voice of Parliament and of public opinion operating upon the Government of the day that any Ministry could be compelled to take up many important questions which ought to be made the subjects of legislation.

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The testimony of all those most entitled to credence tended to prove that the higher classes of the people of India were passing wholly away, that those in the middle ranks of life were becoming gradually depressed to the condition of a lower order, and that the condition of the peasantry was the most abject that could possibly be imagined. If that were true, he submitted it was a subject for immediate inquiry. When we assumed the government of India we took upon ourselves a heavy responsibility. It was by force of conquest that we became the governors of 140,000,000 or 150,000,000 of human beings. He believed our power in that country might be used greatly to advance the happiness by improving the condition of its inhabitants and natives; but that could only be done by our showing our capacity to govern them, and by the supervision of Parliament, and its interference whenever interference was necessary.

He had a strong opinion that the improvement of India, which had gone on at so slow a rate that it could hardly be said to progress at all, had been greatly impeded, and was at this moment impeded, by the machinery of our system of administration. He did not mean, in saying that, to point to any person or individual whatever; on the contrary, he had the highest respect individually for the various persons who were concerned in conducting that complex system of government. He had the fullest confidence in his noble Friend and relative who now filled the distinguished office of Governor General, and in the ability, firmness, and discretion which he would bring to bear in improving, so far as he had the power to do so, the condition of the people and the British service in that country. He knew that the Court of Directors was composed of men of consideration and position, entitling them to the highest respect of every Member of their Lordships' House; and he must say that his right hon. Friend the President of the Board of Control (Mr. Vernon Smith) had evinced the greatest desire to benefit the condition of the Indian people, and to bring an honest and zealous application to the discharge of his official duties. That right hon. Gentleman had done himself great honour, and won for himself the confidence of the public, by the mode in which he had administered the office with which he was entrusted and by the appointments he had made. But it was the

system with which he (the Marquess of Clanricarde) found fault; and the Resolution which he was now about to move was one which attacked, not the persons with whom or with whose aid, but the system and the machinery under which our Indian Empire was governed. He (the Marquess of Clanricarde) had conversed of late years with many persons, both in and out of that House, on this subject, and, although he had heard a great many different opinions upon what ought to be the system on which the Indian Government should be conducted, he had never heard any one man say that the present system was satisfactory, wise, consistent with reason, maintainable in argument, or really and substantially advantageous. The mode of administration introduced by Mr. Pitt, considering the great difference of opinion which then prevailed, and the times and circumstances under which his Bill was framed, was on the whole a wise one, and it worked well for a certain time; but we had totally abolished that system in its integrity and substance, and were keeping up a shadow which at the present moment was utterly absurd and untenable. The East India Company had been lords of the soil and territorial proprietors as well as rulers of India, but Parliament had totally deprived them of all such rights and possessions. By the Act of 1833 the Company was really and virtually in its substance at an end. In that year, however, the public mind of this country was still disturbed by the contest which arose out of a great reform. It was impossible that the minds of men should be properly directed to the analysis and rectification of the Indian Government at such a moment, and on the whole he did not think it was unwise on the part of Lord Grey's Government to avail themselves of a machinery which they found to their hands, and (although they took away really the substance and the property of the East India Company) to continue the Court of Directors, and allow them to carry on, with some modifications, the Government of India. But the very modifications then introduced showed the feeling entertained on the subject. In 1853 Parliament was unfortunately again not in a condition to deliberate calmly upon the subject, because there had been changes of Government which disturbed the attention of the Administration; and no man could say that

the Bill which passed in that year was intended as a final settlement. The Committee appointed at the instance of the noble Earl's (the Earl of Derby's) Government instituted their inquiry, as he believed, with a sincere desire to elicit information and facts upon which a decision might be based. It was, however, indisputable that long before the labours of the Committee were brought to a conclusion it was determined by the Government to continue for the nonce the Indian Government pretty much in the state in which it then existed. "Oh, but," it was said in the Report of the Committee "the evidence taken was, as far as it went, in favour of a continuance of the existing Government!" Of course it was, because that evidence was given by men whose whole lives, so to speak, were bound up with the existing system; but the inquiry ought to have extended much further and other evidence called for before any satisfactory decision could be come to as to the form of government required. Parliament, however, determined to continue the Board of Directors and what was called the Court of Proprietors. Now, if it was wise to allow the Court of Proprietors to elect eighteen gentlemen to consult upon the affairs of India, and to interfere with the deliberations of Her Majesty's Government, he wanted to know why Parliament took away from them the power of electing six more, and why six nominees of the Crown were introduced? The reason given by Ministers themselves for the direct nomination of these six gentlemen by the Crown was, that many men best fitted to act as Directors would not submit to the canvass which was necessary to secure their election. Now, it was known that this canvass was anything but a pure one, and that nothing in the world could be more absurd than to place the election of Directors intrusted with the Government of India in the hands of a constituent body simply because they happened to hold East India Stock—a body of men who had no more interest in the welfare of the people of India or the prosperity of that country than had the proprietors of any railway company. The electoral body consisted in great part of a number of old ladies, minors, and others residing in the suburbs of London, or scattered over England, Ireland, and Scotland, and the Continent, and what did they know of the

merits of the candidates? Many of the candidates had never even been in India, and others might have lived twenty years in India and yet might know no more of the real requirements and condition of the people than a man who had passed all his life in London would know the condition of the peasants of our midland or distant counties. Then, the way in which Parliament had connected the Directors with the public service was perfectly ridiculous. They were allowed £500 a year, the Chairman and Deputy Chairman receiving £1,000. Could anything be more absurd than to suppose that for such sums the services of such Gentlemen as were proper candidates for the office could really be retained? According to a Return moved for by the late Mr. Hume, giving an account of the salaries of those Indian officials who received £1,000 and upwards, it appeared that one Gentleman had earned in his office the sum of £23,000 a year. Was he to be told that, after residing, perhaps, for many years in a country where such a sum might be honourably earned, where the interest of money was notoriously high, and where a rapid fortune might therefore be accumulated, the services of such men, when they returned home, could be secured for such a sum as £500 a year? The thing was a perfect farce, and threw ridicule upon the whole proceeding. Again, with regard to the London bankers and merchants who accepted places in the Direction, was it to be supposed that men of their wealth and position would give their time and attention for such a salary? No. Then, why did they covet the situation? Because of the patronage it bestowed; and this had been really at the bottom of all the misgovernment of India. It was the power and patronage in the hands of the Directors which had really retarded the improvement of the country, and had excluded the natives from any fair share in the government in a manner unknown in any other country. The civil service patronage had, indeed, now been taken away in a great measure; but the military appointments were still dispensed by the Directors. Was there any good reason, he would ask their Lordships, why they should leave the nominations of young men for the military service of India in the hands of persons elected by some 2,000 constituents such as he had described? He was not disposed to say upon mere theory

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alone that the present system should be abolished if the results of it were satisfactory; but in reality they had been quite the reverse, and had not been caused by the individuals connected with the Government of India, but by the system itself.

One of the most important functions of a Government was the regulation of financial operations in accordance with the condition of the people of the country, and to levy a becoming and proper amount of revenue from the people with the least possible pressure. Such duties required skill, judgment, and discretion for their performance, and how had they been executed by the Government of India? As an example of the expense of the East India Direction, what could be more ridiculous than the cost of the establishment in Leadenhall Street? It was difficult to say what ought to be the cost of a home Government supervising the affairs of an empire so vast as that of India; but there were colonies which required great administrative machinery at home. According to Returns which had been laid before Parliament the entire expense of our Colonial Office, governing fifty-three colonies, was £28,421. It would be dealing liberally with the question to suppose that the Government of India might cost double this sum, or £56,000. Let the House listen to the actual figures. The cost of the Board of Control amounted to £29,421. The expenses in Leadenhall Street were—salaries of Directors £10,000; contingent expenses £32,063; salaries of officers, clerks, &c., £94,387; law charges on an average, £14,200; making a total of £180,071. Now, the whole cost of the Colonial Office was £28,241, making a difference of £151,830, and supposing, therefore, the expense actually necessary for the Government of India to amount to double that of the whole Colonial Office, the sum at present expended exceeded that sum by £123,589. He did not mean to say that by altering the present system of government the whole of that sum would be saved, but he believed that the cost of the Home Government need not exceed £50,000, and thus over £100,000 would be saved, which, considering the condition of Indian finance and the state of the inhabitants of that country, might prove of great advantage in providing for the proper administration of law and the security of life and property.

The true object of good Government in

their financial administration must be to raise the supplies which were necessary with the least possible burden to the people, and to adapt the expenditure to the resources of the country. It would, he thought, appear, before he resumed his seat, how inadequately the Indian Government fulfilled its duty in this respect. The debt of India was now about £54,000,000. Such a debt, spread over so vast a country, presented no very alarming aspect, and ought not to present any overwhelming difficulty to any Government. That, however, would only be the case, supposing the Government was carried on with a due regard as well to economy as to efficiency. But if their Lordships found that through a series of years that debt was constantly increased even when it ought—through the prosperous state of the country—to have diminished; if they found that that increase had been caused not by any extraordinary expenses, but by mere want of proper adjustment of expenditure to income, then he thought the House would be satisfied that the finances of the country were not satisfactorily administered. With regard to the public debt, it appeared that in 1848 it amounted to £43,085,263; in 1849, to £44,204,080; in 1850 to £46,908,064; to which, if £7,797,569 for the late deficiencies were added, the debt in December, 1857, would amount to £54,795,623; while in the nine years previous to 1850 it had been increased by £5,000,000, and in the eight subsequent years by nearly £8,000,000. One great difficulty in dealing with this subject was, that Indian accounts were not only almost impossible to be understood by persons who, like himself, were not versed in financial affairs, but even by those who were most accomplished examiners of accounts. In a statement published by Lord Dalhousie, which he held in his hand, that noble Lord stated the revenue of India to be £30,000,000, and he believed that that calculation was a fair one, although most certainly it could not be founded upon any return which had been laid before Parliament. It appeared from the Report of Lord Dalhousie that, during the years 1847–48 and 1848–49 the annual deficiency, which had long existed, still continued to appear in the accounts. But in each of the four following years the deficiency was converted into a surplus, varying from £360,000 to nearly £580,000. During the years 1853–54 and 1854–55

there was again a heavy deficiency, and the deficiency of the present year is estimated at not less than £1,850,000. The noble Lord went on in his Report to state that the apparent deficiency had been caused by the enormous expenditure of the Government on public works and upon designs for general improvements; but he (the Marquess of Clanricarde) begged to assure their Lordships that either Lord Dalhousie, when he made that statement, was greatly deluded, or else the papers which had been laid before Parliament were a gross imposition. So different were the statements which were made upon the subject that it was difficult to ascertain what was the real amount expended upon public works. For the year 1853 the territorial account gave the amount laid out in public works at £512,141; Mr. Danby Seymour's return for the same year gave it at £592,516; while Mr. Grant's minute gave it at £1,706,250. The same discrepancies were observable in the returns for the following year. For 1854 the territorial account estimated the money expended in public works at £844,773, while Mr. Seymour's minute amounted to £952,103, and Mr. Grant's return was no less than £2,367,187. He would adopt Mr. Grant's figures for the purpose of his argument, because they were the largest. Taking the expenditure, then, for 1853 at £1,706,250, and for 1854 at £2,367,187, the difference between the two years would be £660,937; and it was clear, if the deficiency were occasioned by the amount expended on public works, that some such deficiency as between £600,000 and £700,000 should be found in 1854 in excess of that of 1853. So far from that being the case, however, it appeared that there was in 1853 an actual surplus of £424,000, while in 1854, although only £660,937 additional had been expended in public works, there was a deficit of £2,044,117, the difference between the two years being equivalent nearly to £2,500,000. It appeared to him, therefore, that Lord Dalhousie was clearly labouring under a misapprehension when he attributed the deficiency which appeared in the revenue to the amount which was disbursed upon the public works. But that was not all. There was a peculiar difficulty in investigating Indian finance arising from the ever-varying extent of our Indian possessions and gross revenue. The India of one year was not the India of the next—at one time one and at another time

another portion of territory was annexed—and thus the area of taxation and of Government property was perpetually altering. Now, Lord Dalhousie stated in general terms in his last account, that the revenue of India had increased from £26,000,000 in 1847-8 to £30,000,000 in 1854-5, and the income of the last year had been estimated at the same amount—£30,000,000. Appended to that statement was a foot-note, which enumerated all the different annexations since 1848, and which showed a revenue to have been derived from those annexations of £4,330,000. That would lead to the inference that the increase in the revenue was derived from annexations; but it was well known that the increased charges consequent upon these annexations had been so heavy that, instead of adding to the net and disposable revenue of the country, they had in reality proved to be an encumbrance. Of the increase of income which had taken place, however, since 1848, he found that no less than £2,730,000, or about £500,000 a year had been obtained from the article of opium alone—an increase which was entirely attributable to the policy of the noble Earl opposite (the Earl of Ellenborough), who, turning to proper advantage our conquests and extensions of territory on the western side of the Indian Empire, raised the duty, and at the same time took effective steps to prevent the smuggling of opium. He (the Marquess of Clanricarde) could not admit, however, that that was a safe or steady basis upon which to rely for a permanent revenue; because it did not depend upon the energy of the cultivators of the soil, or the exertions of the Government, but wholly upon the taste and folly of the Chinese people. Moreover, the war which we had just commenced with China was likely, he apprehended, to strike a heavy blow at that source of revenue; and he believed that if that party in China who were now called “rebels” should succeed in expelling the ruling dynasty, and in establishing their own power, they would allow opium to be grown in China itself, and, while they raised from it a considerable home revenue, they would take care that the price should be such that opium grown in Western India would not be able to compete with it. Another and the largest source of revenue in India was derived from the land-tax. It was very difficult to ascertain what were the progressive receipts of that tax, because

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the area of the empire was constantly increasing; but he feared that an examination of its proceeds would fail to denote any augmented prosperity among the cultivators or holders of land. He was afraid, if they looked to the incidence of that tax, with a view to its revision, which ought to take place at once—not for fiscal purposes, but for the cause of humanity and of good government—that they would find that it was very improperly and unequally levied, and that, instead of increasing it, they ought to make an immediate, a large, and perhaps a permanent, reduction in that impost. That course had been recommended in Madras by Lord Harris, and he knew not upon what principles the advice could be resisted. The other sources of revenue comprise the Excise, which was so mixed up with the land tax that it was not easy to separate its amount, and the Customs' duty, which, from a population of 140,000,000, yielded only £1,200,000 a year, and that most oppressive and iniquitous of imposts, the salt duty—a tax essentially barbarous, and which had been abandoned by the Government of every civilized country.

Another matter connected with the financial prospects of India, to which he thought it right to refer, was of the Guarantee which had been given to Railway Companies. He doubted whether railways were the most profitable enterprise into which the Government of India could have entered, having regard to the improvement of that country. He was aware that an idea prevailed that the railroad would be useful and economical to the Government in enabling it to convey troops expeditiously, and at small cost. But with regard to the general welfare of India, he thought that it would have been better for the Government to have looked rather to the formation of ordinary roads and irrigation canals. It was lamentable to think how little had been done for India in the matter of railroad communication where railways were desirable. Up to 1849 no contract had been made for any railway in India. In that year two contracts were entered into; but up to last May no more than about 200 miles of railway had been opened in the whole country. Colonel Kennedy, in his evidence on public works, said truly that prosperity in India could not exist to any appreciable degree without railways, roads, and irrigation. It was but just to Lord Dalhousie to state that he deserved the greatest credit for

the completion of the Ganges canal. That was a work of the highest importance, and its completion reflected honour upon the Government of Lord Dalhousie. Colonel Kennedy further said :—

“ There are not in India above 3,000 or 4,000 miles of good metalled roads, while in England there are 120,000 miles. One-tenth would probably be a fair proportional extent, and this would give a demand upon Indian Government for 200,000 miles of roads.”

The witness was not speaking here of provinces lately taken from Native Princes, but also of districts which had been in our possession for 50 and 100 years; and his statement was that in the whole country there were only 3,000 or 4,000 miles of road. The truth seemed to be that the machinery of double Government for India impeded the construction of railways and other public works. In 1851-2, there was a great and general demand for railways in India. It was said that India ought to be supplied with railways throughout its whole extent. That, of course, was an exaggeration; but the Indian Government, roused by the clamour, recommended that the three Capitals should be connected by railways at once. It was calculated that a great saving to the Government in military expenses would be gained by the construction of such railways, and therefore it was thought that the Government should guarantee to Companies a dividend of 5 per cent. That was rather an imprudent arrangement for the Government to make; but it had been entered into to a considerable extent, and many Companies had been formed in England for the construction of railways in India. Colonel Kennedy, the engineer of the principal railways in India, in a report addressed to the directors of one of the Companies, said—

“ In London there are at present the directing boards of five different Indian railway companies, in reference to the proceedings of which companies the most minute control is practised by both branches of the Home Government of India. All railway matters, however slight, must receive the consideration and sanction of the Court of Directors and Board of Control, carried on with all the tedious forms of epistolary routine, but without the exclusive devotion of any special and publicly responsible professional officer whose duty it should be to inform those bodies on matters requiring professional explanation.”

He went on to relate the mischievous interference of the Board of Directors as to rails for a particular line of railway which he had planned, but which they rejected,

requiring the construction of another kind of rail, and then naturally remarked—

“ If engineering details are left to the decision of men without professional knowledge, acting either upon their own unaided intellect or upon secret counsel derived from irresponsible professional persons, nothing can be more certain to produce confusion and waste, and this secret counsel would be the most mischievous of all. The interest of companies should be cautiously guarded against the effects of all officious and underhand influences of every class, more particularly in reference to their engineering proceedings, considering the number of patentees, their connections and patrons—of men identified with particular views by previous practice, and clinging, perhaps, to errors by the mere force of habit, or vanity in sustaining their past acts—of men connected with particular cliques, parties, or theories, or who may be interested in supporting antagonistic projects.”

No Imperial Government would venture to act in such a manner; but the Board of Directors, so used to screening others from responsibility, and being screened themselves, had no hesitation in doing these things. Colonel Kennedy then gave the following instance :—

“ On the 16th of April, 1855, we received the official communication from the Hon. Court adopting our company for the line between Bombay and Ahmedabad, but requiring us to commence at Surat, 180 miles from Bombay, thereby rendering futile the providence of our arrangements to secure profitable work for our engineers during the summer. The result of all this has been that, out of thirty months that our establishment of engineers has been located and paid in India, they have been only fourteen months profitably employed, and sixteen doing nothing—a waste of time and money which our directors sought by every possible means to avert.”

Such was the result of the interference of the Board of Directors in the matter of railways.

Reverting for a moment to the public debt of India, he might mention that on a portion of that debt the interest had been reduced from 5 to 4 per cent; but that reduction was one of the most improvident and unfortunate steps which had been taken of late years in Indian finance. A blow was struck at the credit of the Indian Government; there was a subsequent demand for money; a loan of some millions at $4\frac{1}{2}$ per cent was obliged to be opened, and the Government had to attach to the offer a condition to the effect that the interest would not be reduced. That loan was still open, and they could not get it taken at the higher interest.

He would now refer to another test of good government—perhaps the first and

most important of all—the administration of justice. The administration of justice in India was a disgrace to England, and would be a disgrace to any country in the world, pretending to call itself civilized. He need not prove that, because it had been admitted by every one, out of, and many in the Court of, Directors. In 1833, Mr. Macaulay said that there was no country in the world which so much required a new code of laws as India; but it was not a code only that was wanting. What he (the Marquess of Clanricarde) complained of was, not the absence of uniformity of law, but the absence of anything deserving to be called law, and the fact that the criminal courts were not really courts of justice, but instruments of cruelty, persecution, and revenge. In 1834 a Commission was issued, and in 1837 a new criminal code was presented to the Government. It was sent for examination to India, was returned thence to the Board of Control and the Court of Directors, was again sent to India, was returned a second time to England, and was again despatched to India, where it remained for some time in the hands of the Government. If one of Her Majesty's Ministers had been officially responsible for the good Government of India, no such delay would have taken place; at all events, he would have taken care that the objects of the Commission were properly carried out. He would on this subject quote the words of a right hon. and learned Gentleman whose name and character were respected by all—he meant Sir Edward Ryan. That gentleman said:—

“Have the provisions of the Act of 1834 effected the objects which were contemplated in 1829? Certainly not. It was the intention of the Legislature, under that Act of Parliament, as is to be gathered from the words of the Act itself, that the Commission should make inquiry into the existing system of the Courts, and examine the state of the judicature generally in both the Queen's and the Company's Courts; that, after a full examination into the subject, it should report the results of those inquiries; that the Governor General should direct what inquiries it should make, and what places it should visit, for the purpose of making those inquiries. No searching inquiry has been made by that Commission into the state of the existing Courts, nor into the state of the Queen's Courts; nor have any reports of that nature been made; nor has the Commission personally visited or inspected the state and condition of any of the Courts in the interior; but it did proceed in 1835, when it was established, to the consideration of a code of criminal law.”

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A new code of laws had been promised for that country, but as yet that code had not been introduced, and meanwhile the administration of justice remained in a state of confusion and uncertainty that was positively disgraceful. Could it be believed, that in India there was a large body of Her Majesty's subjects who had no legal protection whatever for their property? The rights of property as respected a large class of persons commonly designated as East Indians were in a state of utter confusion, and had been so ever since we took possession of the country and called that class into existence. In his remarks upon the Indian tribunals he excepted, of course, the Supreme Courts of the Presidencies, which were administered by persons trained to the exercise of the law, and by whom justice was dispensed with as much care as in this country. But their Lordships would be enabled to judge of the gross partiality with which the law was put in force in the interior of India when he stated, that if an Englishman murdered or inflicted serious injury upon a Native, no matter in what part of the country, the relatives of the deceased Native, or the Native himself, should he not be killed outright, would obtain no redress without going to the Supreme Court of the Presidency. The consequence was, that if an Englishman murdered a Native in the Punjab, 1,500 miles from Calcutta, or made a murderous assault upon a man there, no redress could be obtained unless the witnesses were taken the whole distance of 1,500 miles to Calcutta to be examined and the case tried there. But if a Native committed any crime, he could be brought at once before a Court of Judicature on the spot, the magistrate presiding in which was, in almost every instance, utterly unfit for the discharge of such duties as were intrusted to him. The conduct of these magistrates and the administration of the criminal law were so notorious that the whole of the European community were rising up against the idea of being placed under the same code as the Natives, as has been lately proposed—not that they objected to this notion in the abstract, or thought the Natives ought to be treated hardly, but because the character and qualifications of the magistrates who were to be intrusted with the execution of the new code was such, that they could not submit to their jurisdiction. On this point he would quote the opinion of a gentleman who had

lived long in India, who was an officer of the Supreme Court of Calcutta—he meant Mr. Dickens. He said—

“The best tools in the hands of bad workmen can produce but indifferent results. In this case you have Judges and magistrates wanting in legal knowledge, without administrative experience, without the check of a Bar, hardly able to speak, and certainly not to read, the language in which their proceedings are recorded, and very often not understanding the dialect of the witnesses; at the mercy, in an extraordinary degree, of ill-paid native underlings; men of extreme youth, discharging other functions incompatible with judicial duties, totally without independence; each man *ex-officio* a Judge, whether fit for the office or not, with more work than he can do, however honestly disposed, and yet without any incentive to work at all. What in the world can you expect from an average man under such circumstances? And what manner of thing, think you, is that which they dispense, and which has been with grim facetiousness called justice? A law made by the angels of heaven, and administered by such Judges, sitting in such Courts, could scarcely be anything short of a curse.”

Undoubtedly the administration of the law in such circumstances would be a curse to the Europeans in India as it was to the Natives, and it would remain so till such improvements were introduced as would place the local courts in the hands of properly trained and trustworthy magistrates. It would, perhaps, be said by those who supported the existing system that various laws were applied to different districts to suit the varying circumstances of the people—at one time adapted to the wants of the Gentoos, at another time to those of Mahomedans, and so on—but the grievance was that the men who administered the law were wholly without training and experience in any system of law whatever, and the consequence was that, in many cases, they created what in this country was called judge-made law. As a specimen of the spirit in which the law generally was administered in that country, he would draw the attention of the House to the following case:—A Mr. Plowden was sent into the interior to govern one of the newly-acquired territories—in fact, he was made the despot of Nagpore. This gentleman was an old and experienced servant of the Company, and must have known what were the usages and feelings of his masters, and what was likely to be approved by the British authorities in India. There was at the same time at Nagpore a British subject—a Major Ouseley—with whom he had a dispute, and this individual he arrested and forcibly deported out of the country. The injured individual brought

an action against him and recovered damages; but an appeal to the highest tribunal was brought by Mr. Plowden on the advice of the Advocate General, the chief legal functionary in the country, equivalent to our Attorney General. That functionary made so able and strong an appeal to the Court, that it actually took time to decide! It was considered a doubtful matter at this time of day whether there was a part of Her Majesty's dominions in which it was in the power of a gentleman, sent to a particular district to represent the Government, forcibly to take a British subject and deport him out of the country! This showed the spirit of our juridical system in India, and in which the civil service of the country was carried on. He would mention another case. A Mr. Thomas, a magistrate, sent notice to a wealthy native merchant named Bhawanny Lallah to appear before him at a distance of seventy miles, without any reason, or proper form of summons, or any charge being made against him. On the merchant declining compliance he was compelled to walk to the Resident, being dragged backwards a great part of the distance through the sun. On his appearance the Resident committed him to prison. He was kept in prison for a fortnight, and was then ordered to find bail; but the sureties he tendered were refused, and he was again imprisoned for a further term. The merchant brought an action, and obtained small damages against Mr. Thomas, Chief Justice Rawlinson remarking—

“I cannot find in my notes that any charge whatever was made against this plaintiff; nor does all alleged against him in the highly-coloured statement called ‘a sentence’ amount to any charge.”

The whole proceedings must have cost the plaintiff at least £600 or £700, and the damages he obtained were very small in amount. No poor man could have brought an action under such circumstances, and this respectable merchant was subjected to torture, for, considering his religion, this Bhawanny Lallah was subjected to nothing else by Mr. Thomas. He (the Marquess of Clanricarde) wished to know how it happened that, after such an occurrence, Mr. Thomas was allowed to retain his office? He had seen it stated publicly, and upon high authority, that within a few years a Judge in India, in the receipt of £2,000 a year, who had been convicted of fraud in open court, and who was re-

moved from the judicial bench, had been appointed to an office in which he received £6,000 a year. It could not be expected, when the Natives witnessed such proceedings as these, that they should feel any confidence in or attachment to the Indian Government, and it was not surprising that British capital should be withheld from a country where law was administered in such a manner. Their Lordships were aware that young men of twenty years of age were sent out to India, where they were at once appointed deputy-magistrates, and, although without any legal training or experience, were required to adjudicate upon questions of the utmost importance to the parties concerned. To show their Lordships the feeling entertained on this subject by capitalists in India, he would beg their attention to the following extract from a petition presented to Parliament by the indigo planters :—

“The criminal courts of the East India Company have been the dread and terror of the people, are used as instruments of revenge and persecution, convictions in them are regarded as evidence quite as much of misfortune as guilt, and the public have no confidence in them. It is in the character not of a privilege that the British inhabitants so tenaciously cling to the exemption from these jurisdictions, in cases in which not mere fines are involved, but the life, or liberty for long terms, or character and social existence of the accused, is concerned. The British inhabitants only desire justice and fair trials, and they claim these in the Supreme Court because there only can justice and a fair trial be had.”

Such was the feeling of Englishmen settled in that country. In order to satisfy their Lordships of the condition of India, and of the unsatisfactory manner in which the present machinery of Government worked, he would refer them to a witness whose evidence was above suspicion—Mr. Halliday, the Lieutenant Governor of Bengal. That gentleman thus described the condition of the Bengalese :—

“For a long series of years complaints have been handed down from administration to administration regarding the badness of the Mofussil police under the Government of Bengal, and as yet very little has been done to improve it. Throughout the length and breadth of the land the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money. It is a lamentable but unquestionable fact that the rural police, its position, character, and stability, as a public institution, have in the lower provinces deteriorated during the last twenty years. The criminal judicatories certainly do not command the confidence of the people. Whether right or wrong, the general native opinion is certainly that the administration of criminal justice is little better

than a lottery, in which, however, the best chances are with the criminal ; and this is also very much the opinion of the European Mofussil community.”

It had been stated by members of the mercantile community in India, that in consequence of the loose manner in which law was administered, it took twenty or thirty years to realise the profit which might be easily made in five or six years if law and order were properly maintained. A planter in India said :—

“In consequence of this want of law in the country the planters suffer immense losses. In short, so far from the Company having aided the planters by its Government, it has done nothing but increase the facility of their ruin ; and they would have created a hundred times more commerce in India had they not been hampered by the existing system. They now run enormous risks, and make in twenty or thirty years as much profit as they would make in five years with perfect ease if there were any law or order in the country, such as is found in every other civilized country. From want of it their loss of capital each year is at a rate which would not be credited in England. I myself have lost during the past year £2,500 in debts, which have been accumulating for three years, from the impossibility of obtaining redress in the Company's courts. I never dreamt for a moment of seeking my remedy in the law courts ; that would have only increased my loss.”

Mr. Mackenzie confirmed this statement, and said that he had in his own case abandoned bonds and debts to the amount of a lac of rupees—£10,000.

He (the Marquess of Clanricarde) considered that the chief causes of these evils were the system of double Government and the manner in which the patronage of the East India Company had been exercised. It was true that the civil service was now thrown open to public competition, and that appointments were given to persons who passed a prescribed examination ; but he wished to know what measures had been adopted to insure the qualification of young men of twenty years of age, who were appointed to judicial offices, and who decided questions affecting not only the property but the lives of the native population. This system was defended, on the ground that out of 140,000,000 of Natives, not one could be found who was fitted to fill an office of real responsibility ; but the truth was, that the system upon which India was governed tended to degrade the Natives, and to render them cunning, sordid, and deceitful. If the Natives were treated as friends and allies, and employed in the public services, as had been recommended by some of the greatest men who

had been in India, including the Duke of Wellington, they would be found to be valuable servants and faithful friends. The Mahomedan conquerors had found no difficulty in administering Government, combined with justice towards the Natives of India. But, instead of acting upon that principle, the very opposite system was adopted, even in the army, and how could it be expected that the Natives of India should be contented with British rule when that rule rested upon a base which no Englishman could justify? Within the last few days he saw in a newspaper that there was a question of removing two European regiments to the Persian Gulf; but this was considered impossible, because if that were done, some Sepoys regiments would be left without control and without a sufficient number of European officers. He, however, would suggest that the people who, in former times, furnished not only large armies, but able officers could be relied upon again to supply men to whom we might entrust command. At present those men were confined almost to the ranks, and could not rise beyond the grade of *soubahdar*—equivalent to captain; but, even then, a Native captain was inferior in command to the youngest ensign fresh from college in this country. How was it possible to depend upon the fidelity of an army thus constituted? He would abstain from reading extracts from the works and correspondence of the most eminent Indian authorities, including Sir T. Munro, Mountstuart Elphinstone, and Lord Metcalfe; but they all concurred that Native Indians might and ought to be employed in the public service, and attached to it by the hope of honours and rewards. If, however, such a plan were to be tried, the whole Civil Service press and community would be in arms. He had heard that, not long since, the Governor General wished to appoint a native to an office in the uncovenanted service as secretary, but the whole Civil Service rose in a body, and the Governor was forced to forego his intention. He (the Marquess of Clanricarde) repeated that so long as the system continued of confining the civil service to a select body, making it a close service, and repudiating the assistance of able, honest, and learned natives, they could not expect the Government to be served in a manner worthy of the Queen and Parliament of Great Britain.

He might be asked, what were his ideas

of the alterations which should be made. He did not profess to have prepared any plan, neither was he bound to propound one; but he was certain that it would not be difficult to adopt a plan which should be a vast improvement upon the present system. If there were to be, as there ought to be, an Indian Council, he could not see why there should not be a Secretary of State for India, with a subordinate Board, instead of leaving matters to a lot of gentlemen, receiving £500 per annum each, elected by a constituency which had nothing to do with India, and retiring by a system of rotation the most ridiculous and monstrous ever introduced. By that system, as soon as a man had imbibed official habits and acquired a knowledge of business which rendered him a valuable official he was removed, simply because he had acquired experience by a certain number of years' service. He would not trouble their Lordships farther, but would leave them to decide upon the reception they would give to his Resolution; being, however, convinced that, whatever that decision might be, the Resolution was in complete accordance with the public opinion of this country; and he was sure that Parliament would soon, to use the words of his Resolution, decide that the present machinery and system of the Indian Government required Amendment. The noble Marquess concluded by *moving* to resolve,

"That the System under which the Government of Her Majesty's Indian Territories is administered is no longer suited to the Condition and Prospects of that vast Empire or to the Development of its Resources and the Improvement and Welfare of its Inhabitants."

The DUKE OF ARGYLL said, he would in the first place remind the House that in discussions which took place in previous Sessions respecting India, the question was whether the renewal of the Government of that country should be for a term of years or until "Parliament should otherwise provide." Upon the one hand, it had been argued that it would be best that the government of India should be settled from time to time, because that plan would compel the public men of this country, at stated periods, to reconsider the whole question, and would thus bring the collected intellect of Parliament to bear upon it. Upon the other hand it was argued that the excitement which arose upon periodical discussions of that nature was not a healthy excitement, that during the interval the attention of Parliament was

almost wholly withdrawn from India, and that when the stated intervals arrived, the public mind was fixed rather on theoretical changes in the form of government, than on those practical measures by which alone the country could be benefited. Without deciding which of those two views was the soundest, he (the Duke of Argyll) would point out that the noble Marquess had adopted a plan which possessed the disadvantages of both and the advantages of neither. The noble Marquess giving only some ten days' notice, had proposed, not a practical remedy for a real evil, nor even had he made out any definite case respecting any particular evil, but he had proposed an abstract Resolution condemning the whole system of Indian government as rotten from top to bottom. The noble Marquess, however, during his whole speech had failed in laying any clear or logical ground for so sweeping a charge. He (the Duke of Argyll) would not be betrayed into following the noble Marquess into details, but would rather direct the attention of the House to the question really raised by the Resolutions on the table, how far the evils which he had pointed out arose from the structural system of the Indian Government. The noble Marquess had several times referred to the system of "double government," and appeared to regard it as the one source of evil; but it would be remembered that this term "double government" of India had borne two or three different and distinct meanings. The term was first applied to the system under which the East India Company administered the government of Bengal, not in their own name, but in the names of the Native princes from whom they derived their authority. Subsequent to the Regulation Act, between that period and 1833, the term "double government" meant that system by which the power of administering a great Empire was vested in the hands of a commercial Company. It was then urged, as he thought with justice, that a trading Company, acting solely with a view to its own interests, was not a fit body to govern a great empire. That system had since been changed, and a very different mode of government adopted; and it had been admitted on all hands, even by those most opposed to the government of the East India Company, that the change in the character of the Company had been beneficial to India. When, therefore, his noble Friend said the system might have

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worked well originally when the "Company" was still what its name imported, but that the total change which had taken place in the constitution of the Company had now made that system ridiculous, he (the Duke of Argyll) contended, on the other hand, that the absurdity, if such there were, was only in name, and that the actual result of the change had been to make the Government of India much more effective than it had been before, and to remove from it the main objection entertained by those who had formerly denounced the system of "double government." The question of the double government, therefore, was not now what it was before those changes, and he would ask his noble Friend to define a little more clearly in his own mind than he had done in his speech what he now meant by a system of double government. The question now respecting that system was very much reduced to a question of name. It had been suggested, and much debated on previous occasions in that House, that we should altogether abolish the name of the Company, and that we should govern India directly in the name of the Crown. He was very far from depreciating the importance of that question. In 1813, for example, it was largely debated, and Lord Grenville, in one of the most remarkable speeches ever delivered in this House on the affairs of India, argued with great power in favour of governing that Empire directly in the name of the Crown. But here, again, this question was associated in the mind of Lord Granville with two arguments, neither of which has any force now. First, there was the argument to which I have already referred on the inexpediency of confiding powers of government to a commercial Company. Next, there was the argument that the "unexplained" nature of our footing in India, so long as the Crown did not directly claim that Empire as its own, increased the danger of collision with France and other European Powers, which were still contending with the advancing power of the Company. Lord Grenville says that so great was the danger from this cause that he was convinced that the Peace of Amiens, if it had not been broken in Europe, would soon have terminated from collisions in India, mainly attributable to the distinction made between the "Company" and the Crown. All this has passed away. It was now notorious over the whole of Europe that India was held in trust for

the Crown, and that any attempt to injure or enroach upon our dominion there would be resisted by the whole power of the English Government and the country at large. He did not deny, however, that there were important considerations still attaching to this question. His noble Friend opposite (the Earl of Ellenborough) during the debate of 1853, urged that the name of the Company should be abolished, and that India should be governed directly in the name of the Crown; but, the argument of his noble Friend was that the change might be effected at that time with comparative ease; they were withdrawing the patronage of the Company to a great extent, and there need be no organic change, and, indeed, no change whatever, except a change of name. The noble Earl desired the change entirely with reference to the effect it might have on the minds of the natives, and on the mind of the civil and military services. He (the Duke of Argyll) was far from wishing to underrate the importance of those considerations; but, at the same time, he thought he might safely submit to the judgment and opinion of that House that the change then recommended by the noble Earl was not one which could effect that total alteration of system which would be required to satisfy the argument of the noble Marquess who had brought the subject under their Lordships' consideration. There was another point of great importance connected with the question of change of system in the speech of the noble Marquess, and that was that the Government of India should be more responsible to the Parliament of England. He gathered from his noble Friend (the Marquess of Clanricarde) that he attached great weight to that consideration, for he asked, after enumerating some of the evils arising, as he contended, from the present system of administration, "Could these things have happened if there had been a Minister directly responsible, and who was not shielded by any intermediate body?" Did his noble Friend propose, then, that the Government of India should be conducted by an English Minister, not assisted by any intermediate body? At present, whatever complaints might be made of acts done or omitted to be done in India, the complainant had a right to go to the President of the Board of Control, and tell him he was vested by Parliament with almost complete power over the Court of Directors and over the people of India, and was there-

fore responsible for the evils of which complaint was made. That being so, he (the Duke of Argyll) would ask his noble Friend if he was prepared to vest that great power over the Government of India in the President of the Board of Control without the action of any intermediate body? He paused for a reply. He saw the noble Marquess admitted that there must be an intermediate body. He (the Duke of Argyll) then asked how such a body was to be constituted? Was it to be a Council of independent men, intimately acquainted with the Government of India, to assist the President of the Board of Control in his deliberations? If that were so they could not help such a Council coming under the description of "an intermediate body," which would in some degree shield the President of the Board of Control from his responsibility to Parliament. This was inherent in the circumstances under which they were placed. Then it came to this. Was the present mode of electing the Council the best? He freely admitted if they had to inaugurate a new mode of election that the present system would not be that most naturally chosen. The council was elected by a constituency, many of whom, his noble Friend said, might be old women or lunatics. But what did this objection amount to? The present system of electing Directors was but part of the system out of which the Indian Empire had itself arisen. Nor even theoretically was it so absolutely absurd as at first-sight it might appear to be; for it must be remembered that a large proportion of the present holders of stock, in whom was vested the election of a great part of the Directors, derived their property from persons who had made their fortunes in India, and who were in consequence interested in the well-being of that country. Although, therefore, he would not abandon the system solely because it was not such as their Lordships would start with from the beginning, if they had the system of Government to settle anew, still, if they could trace up to the mode of electing that Court any great practical evils, they ought to alter the constitution of it at once. He could only say that if another and better mode of electing the Indian Council could be devised, the proposal would receive the best attention of Parliament; but at present there was only an abstract Resolution before the House. Before he left that part of the question he wished to remind their Lordships of the

position in which they now stood as respected Imperial legislation on the structure of the Indian Government. In 1853 very important changes were made in the structure of the Government of India. First of all, they diminished very largely the total number of the Indian Council—from twenty-four to eighteen. That was, perhaps, no very important change in itself; but there was another, one of very great moment, because it introduced the principle of nomination by the Crown. Their Lordships had therefore taken a step in the direction which his noble Friend (the Marquess of Clanricarde) had recommended. But, even as regards that change, it would not come into full operation for some years; and he (the Duke of Argyll) would ask whether, since the last settlement of the question by Parliament, any event had happened to induce their Lordships to make further alteration in the plan then adopted. But this was not all; other changes of great importance had been made. With the view to remedy the comparative absence of any effective control over the great province of Bengal they had appointed a separate Lieutenant Governor, and they had introduced into the Legislative Council representatives from the several Presidencies. These changes were referred to by the Marquess of Dalhousie as promising well for the future improvement of India. In connection with this subject he might, perhaps, refer to the condition of the people in the great province of Bengal. A noble Friend of his had some time ago furnished him with an extract from a private letter, written by a person who had lately travelled in that part of India, and who certainly gave a deplorable account of the condition of the people, representing that condition as not only bad in itself, but as becoming decidedly worse. Since perusing that letter he had consulted with many persons who had lately been in India, as well as with the noble Marquess recently Governor General, without having been able to procure a complete contradiction of the statement. As far, however, as he could make out, there was a general impression that the petition of the missionaries presented to Lord Canning was, on the whole, overcharged. His noble Friend, in referring to those statements, had dwelt with triumph on the fact, that some of the most prominent evils mentioned in that petition were admitted by the Lieutenant Governor of Bengal him-

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self. But this fact weakened rather than strengthened the arguments of the noble Marquess. If it were found that the Government were ignorant of the evils which existed, or did not wish to take steps to remedy them, that would certainly strengthen his noble Friend's case; but when the Lieutenant Governor was seen directing the attention of the Legislature in India to the subject, and suggesting a remedy, did this not afford ground for hoping that the present system of government was working well, and that remedial measures would be adopted in reference to acknowledged evils? He had lately seen the minutes of his noble Friend the Governor General of India and the other Members of the Council to which the petition of these missionaries was referred. He was told that a Motion had been made in the other House for the production of the papers, and when they were produced their Lordships would be able to come to a satisfactory conclusion on the whole subject. In the meantime he might say that the refusal to issue a Commission to inquire into these evils was rested very much upon the ground adopted in this House the other night in reference to the proposal for a Select Committee on secondary punishments. The answer of the Governor General was not "This is a question which we wish to hush up and conceal." What he said was, "This is no time for inquiry; this is the time for action;" and he (the Duke of Argyll) believed that remedial measures were now in process of being considered by the Legislative Council of India in reference to the land tenure of Bengal, the state of the police, and the administration of justice. When the papers to which he referred were laid before their Lordships he thought that, instead of throwing doubt and distrust on the existing system, it would afford hope for believing that that system was likely to work well. He should be reluctant to follow the noble Marquess through some of the points referred to by him, which were not very relevant to the question in hand. It might be that the Government in India had made great mistakes, that there were great evils in connection with that Government; but, at all events, under the existing system there was a Minister responsible for all such faults as could be directly traced to the action of Government. The real fact, however, was that neither his noble Friend who had just spoken, nor any other man, had been able to lay his fingers

upon any acknowledged evils and to bring the responsibility home to that Minister And why? Because they had not the detailed information necessary to enable them to cope with this question, and because the proportion of men in Parliament competent to deal with such difficult points as the land revenue, or the administration of justice in the various provinces of India, would be always a very small one. With regard to the question of finance, his noble Friend found great fault with the statement made in his minute by the Marquess of Dalhousie as to the outlay upon public works. Now, there might possibly be discrepancies in the figures laid before Parliament; but on this point he might remark that there was always considerable doubt as to the items which should be included in a statement of Public Works. It was certain, however, that the expenditure on extraordinary public works had been in 1854-5 very nearly £2,000,000; the estimates for 1855-6 were about £2,000,000, although the average expenditure in this way, from 1851 to 1854, had been only £719,000. The deficiency in the revenue of India was caused, if not entirely, yet in a great measure, by the expenditure upon the public works—he meant by public works such works as the Ganges Canal and the irrigation works in Madras and Bombay. It was stated by Lord Dalhousie that a large annual deficiency must and would continue to appear unless the Government should unhappily change its present policy, and abandon the duty which it owed to the Indian empire. The noble Marquess had referred to the very large war expenditure incurred by the Indian Government; but it was only fair to give the reply of the Court of Directors when such a charge was made—namely, that this war expenditure was frequently due to the direct action of the responsible advisers of the Crown. His noble Friend had talked about the acquisition of territory in India by conquest. Now, for himself, he (the Duke of Argyll) believed, looking to the stringent provisions introduced by Parliament into its Acts on the subject of India, in order to prevent aggression against the Native Powers, that we had come to our vast empire in India from no original idea of conquest, but from the force of circumstances, and from that which his noble Friend near him (the Earl of Clarendon) called “the destiny of nations”—an expression so much quoted by the Americans. He also

believed it to be strictly true that a great number of the wars, for the expenditure upon which the Indian Government was held responsible, had been urged upon that Government by the advisers of the Crown, and, where that was not the case, by the Governors General of India, who were English statesmen sent out by the home authorities, and operating to a great extent independently of the Court of Directors. He was unwilling to detain the House long, and the more so as he felt there was no question before it. His noble Friend could hardly have imagined that this Resolution could be adopted; and the condition of the House at that moment was an indication of the small amount of interest which it had excited. While, however, he was not disposed to enter into the questions of detail referred to by his noble Friend, he would allude for a moment to that part of his speech in which his noble Friend had referred so many of the evils of India to the administration of the Company’s civil service. The whole of that portion of his noble Friend’s remarks had reference to a state of things which to a great extent had passed away. It could no longer be said, even if it had been ever true, that the evils of India were attributable to the patronage exercised by the Court of Directors with regard to the civil service. The civil service of India had been thrown open to all the subjects of the Crown, and it was illogical and absurd now to charge the system of double government with the results of appointments to this service. Then his noble Friend had referred to the imperfect mode in which the examinations were conducted. Well, that was a matter directly under the control of Parliament. The Board of Control was bound to lay before Parliament every year the rules and regulations connected with this subject, and a few days ago he had, on the part of his right hon. Friend (Mr. Vernon Smith), laid this paper on their Lordships’ table. If his noble Friend, therefore, saw any defect in the present system of examination let him bring that subject practically before the House, instead of asking its assent to an abstract Resolution which was without any reasonable foundation. Before sitting down he was anxious to offer one general caveat to the observations of his noble Friend. He should be sorry if anything which he had said should seem to deprecate, or tend to deprecate, discus-

sion upon the affairs of India in the British Parliament; but those discussions ought not to be taken upon abstract resolutions, but upon substantive proposals. When he considered the tremendous power wielded by the Government of India, and how great a pressure that Government might impose upon the people by the adoption of any erroneous principle, either of finance or of judicial administration, he felt how narrowly the British Parliament ought to watch their proceedings; but he asked noble Lords not to delude themselves with the belief that they were discharging their duty, or acting in the sense of their obligations in regard to it when they brought forward Motions like the present, characterised rather by an unreasoning prejudice against a particular body of men, than by that careful analysis of the causes of existing evils which could alone enable Parliament to influence for the better the condition of the people of India.

On Question, *Resolved in the Negative.*
House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 19, 1857.

MINUTES.] NEW MEMBERS SWORN.—For Limerick, Right Hon. William Monsell; for Clonmel, John Bagwell, esq.

PUBLIC BILLS.—1° Extra Parochial Places; Court of Chancery (Ireland) (Titles of Purchasers); Ministers' Money (Ireland); Court of Chancery (Ireland).
3° Chief Constables.

CORPORATION OF LONDON—QUESTION.

MR. HANKEY wished to know when the right hon. Gentleman the Secretary of State for the Home Department intended to proceed with the Bill for the reform of the Corporation of London?

SIR GEORGE GREY: Sir, there are two reasons that have prevented me from asking for leave to introduce this Bill. The first is that I have recently received a communication from the Lord Mayor, informing me that certain resolutions connected with the subject were under the consideration of the Court of Common Council, which he was anxious I should see before my Bill was introduced. I requested that he would transmit them to me as early as possible, and I received them yesterday. Independently of this, the state of public business affords no prospect that we shall be able to proceed with this Bill for several weeks, and there has therefore been no delay.

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It is my intention, however, to take the earliest opportunity of asking for leave to bring in a Bill after I have considered these resolutions.

CONVICT DEPOT AT BRITISH GUIANA—QUESTION.

MR. LIDDELL said, he would beg to ask whether it was true that, in consequence of a Resolution passed by the Combined Court, a communication was addressed by the Governor of British Guiana to Her Majesty's Colonial Secretary in June last, on the subject of receiving Convicts from this Country; and, if so, whether there was any objection to lay a Copy of such Correspondence on the table of the House?

MR. LABOUCHERE said, it was true that the Legislature of British Guiana had been considering whether the penal establishment at present existing in that colony could be made available for convicts from the West Indies and also from this country. The Governor of British Guiana, in transmitting that information, gave it as his opinion that although that penal settlement might be made available for convicts from the West India Islands, he considered that it could not be properly made available for convicts from England, in consequence of the nature of the climate; and that was an opinion in which he (Mr. Labouchere) entirely concurred. He could not help adding, in reference to that subject, that he had read with the greatest pleasure that paragraph in the Speech of the Emperor of the French to the Legislature of that country in which he stated that the French Government intended to withdraw their convict establishment from the neighbouring colony of Cayenne, on account of the frightful mortality which had prevailed there. With regard to the correspondence to which the hon. Gentleman referred, he had only to say that he could have no objection to its production.

FEEES OF COUNTY OFFICERS (IRELAND)—QUESTION.

MR. J. D. FITZGERALD, in reply to a question from Captain Archdall, said that the question of the Fees of County Officers in Ireland was a question of law, and not one for the consideration of the Government. His own opinion with regard to some of the fees of the clerks of the Crown was that they were illegal. Other legal authorities, on the other hand, thought differently. The origin of some

of those fees was lost in the remoteness of time, and there was consequently great difficulty with respect to their legality. It was a question, however, that must be decided in the Superior Courts. Any one who was aggrieved by the exaction of those fees could institute an action and an indictment for extortion; but it was not a question for the Government, but for the individual aggrieved.

OUR RELATIONS WITH CHINA— QUESTION.

LORD CLAUD HAMILTON said, he wished to ask Her Majesty's Government whether any orders or instructions had been issued to the British Authorities at Hong Kong, or to the Admiral in command of the Squadron in the Chinese Waters, suspending or superseding the directions given by Earl Grey in November, 1847, whereby offensive operations against the Chinese were peremptorily forbidden without previous sanction from this Country; and, if any such order had been sent, whether they would lay a Copy of the same on the Table of the House.

MR. LABOUCHERE: Sir, no instructions relating to this subject have been sent to the authorities at Hong Kong subsequent to the date of the papers to which the noble Lord has referred.

AGRICULTURAL STATISTICS— QUESTION.

MR. BLAKEMORE said, he would beg to ask the Vice President of the Board of Trade whether it was the intention of Her Majesty's Government to introduce any measure during the course of the present Session for the collecting of Agricultural Statistics; and, if so, whether it would comprehend any regulation for the measure in bushels or gallons, or the weight in pounds, whereby the sale and purchase of wheat and other grain shall be compulsorily fixed; and also whether it would contain any regulations whereby the quantities and average prices of wheat and other grain sold in the various counties of England and Wales should be more correctly ascertained.

MR. LOWE: Sir, Her Majesty's Government have no intention to introduce a Bill this Session on the subject of agricultural statistics.

MR. BLAKEMORE said, he should then give notice that on as early a day as possible, before Easter, he should call attention to the subject.

BILLETING IN SCOTLAND—QUESTION.

MR. BAXTER said, he would beg to ask the hon. Under Secretary for War what steps had been taken to give effect to the Resolution passed by that House on the 7th day of April, 1856, namely—

“That in the opinion of this House the practice of billeting Soldiers of the Militia, and of the Line, in Scotland, upon private families, is injurious to the comfort and discipline of the men, as well as oppressive to the people, and that it is the duty of the Government to take means to abolish the grievance.”

MR. FREDERICK PEEL said, that the power of billeting soldiers was given under the Mutiny Act. It was his intention to introduce a change in that power under the Mutiny Act of the coming year. As soon as the number of men were voted for the army he should bring in that Bill, and if his hon. Friend would wait until then he would find an answer to his question.

THE “RESOLUTE”—QUESTION.

MR. EVELYN said, he wished to ask the First Lord of the Admiralty whether it was true (as stated in the Public Journals) that the Arctic vessel the *Resolute* (though not ordered to be broken up) had been stripped and dismantled and placed in ordinary; and whether he had any objection to state what was the present condition of this vessel, given as it was by the American people to the Queen of England.

SIR CHARLES WOOD: The hon. Member must be aware that it is not the practice to keep vessels full rigged or manned, except they are fitting for service. The *Resolute* is in the same state as all other vessels that are not intended for immediate service. A great part of the stores are not in a state to be kept, the only exception being the rum, which has been improved by so long a voyage.

SURREY COUNTY LUNATIC ASYLUM— QUESTION.

MR. OTWAY said, that it would most probably be in the recollection of the House that a lunatic confined in the Surrey County Lunatic Asylum was recently subjected to certain treatment and died in twenty minutes afterwards. The medical officer, Mr. Snape, was committed for trial; but the Grand Jury ignored the Bill, and Mr. Snape had been re-appointed to the medical charge of the asylum by the

visiting committee of Magistrates. He wished to ask the right hon. Baronet the Home Secretary whether he had the power upon the appointment or re-appointment of such an officer to remove him; and, secondly, whether he had signified his disapprobation of the re-appointment of Mr. Snape. He also wished to know whether the right hon. Baronet would lay upon the Table the Correspondence between the authorities at the Home Office, the Commissioners in Lunacy, and the Committee of the Surrey County Lunatic Asylum.

SIR GEORGE GREY said, that after the occurrence adverted to by the hon. Member, the medical officer was suspended during the inquiry and prosecution. He believed that he was not dismissed, and that there had strictly been no re-appointment, but that after the inquiry the Committee of visiting Justices recommended that the suspension should cease. The Secretary of State for the Home Department had no power as to the appointment or dismissal of the medical officer of a lunatic asylum, that power being entirely vested by the Act of Parliament in the visiting Committee. He had received a statement from the Lunacy Commissioners on the subject, which he had transmitted to the visiting Committee, and he had also received a communication from the visiting Committee in reply, which he had transferred to the Lunacy Commissioners. There would be no objection to the production of that correspondence.

MR. DRUMMOND said, he hoped that the papers would include Mr. Snape's statement, and also copies of the medical evidence taken by the visiting magistrates.

SIR GEORGE GREY said, if the hon. Gentleman (Mr. Otway) would make a Motion for the production of the papers, the hon. Member for West Surrey could add the papers to which he had referred to that Motion. If he (Sir G. Grey) could procure the papers they should be produced.

THE SOUND DUES.—QUESTION.

SIR JAMES GRAHAM: I wish, Sir, to ask the First Lord of the Treasury whether Her Majesty's Government has come to an agreement with the Government of Denmark respecting the commutation of the Sound Dues; and whether Parliament in the present Session will be invited to provide the sum necessary for such commutation?

VISCOUNT PALMERSTON: Sir, Her Majesty's Government have for a long

Mr. Otway

time been in communication with the Danish Government, and other Governments of Europe, on the subject of the Sound Dues. No arrangement has yet been come to on the subject; but I hope that some arrangement will shortly be made, and in that case we shall have to submit to Parliament the provisions necessary for carrying that settlement into effect.

SAVINGS-BANKS.—QUESTION.

MR. MICHELL said, he would beg to ask the Chancellor of the Exchequer whether Mr. Tidd Pratt had certified the Savings-Banks Deferred Annuity Tables?

THE CHANCELLOR OF THE EXCHEQUER said, the Registrar of Friendly Societies had to revise the rules of savings-banks, but he had no concern with their tables. Those tables were prepared by the actuary of the Savings-Banks Department, and submitted by the direction of the Statute for the approval of the Lords of the Treasury, and the approval of the Lords of the Treasury was then published in the *London Gazette*. That was the course which had invariably been followed.

ENDOWED SCHOOLS COMMISSION

(IRELAND)—QUESTION.

LORD NAAS said, he wished to inquire of the Chief Secretary for Ireland when the Report of the Endowed Schools Commission was likely to be presented to Parliament; and whether it was the intention of the Government to propose any measure on that subject during the present Session?

MR. HORSMAN said, he could not say exactly when the Report would be laid upon the table, but when he left Dublin in January the Commissioners had terminated their inquiries and were deliberating upon their Report. Until that Report and the evidence on which it was founded was in the hands of the Government he could not state their intentions on the subject.

PERSIA AND RUSSIA.—QUESTION.

MR. LAYARD: I wish, Sir, to ask the noble Lord at the head of the Government a question of which I was unable to give him notice, as I have only to-day received the information upon which it is founded. The question is whether a treaty was signed between Russia and Persia on the 5th of January last, and ratified at Teheran on the 18th of the same month, by which Persia ceded to Russia certain terri-

tory between two places on the frontiers of Turkey?

VISCOUNT PALMERSTON: Sir, Her Majesty's Government have no knowledge of any such treaty, except from what has appeared in the newspapers.

THE PERSIAN EXPEDITION.—

QUESTION.

MR. GLADSTONE: I wish, Sir, to ask the right hon. Gentleman the President of the Board of Control when we are likely to have two papers laid before us connected with the Persian expedition, but unconnected with the negotiations now in progress? I mean—first, the instructions from the Government under which a military expedition was sent to Persia; and, secondly, the correspondence between the Government and the East India Company as to the mode in which the charges of the Persian war are to be borne?

MR. VERNON SMITH said, there would be no objection to produce a portion of the papers immediately. His right hon. Friend the Chancellor of the Exchequer had on a previous occasion stated the nature of the arrangement with the East India Company.

MR. GLADSTONE: Is there any objection to state the date of the instructions to which I have referred?

MR. VERNON SMITH said, the instructions for sending a military and naval expedition into the Persian Gulf were dated September 26.

MR. BAILLIE: Sir, I beg to ask the right hon. Gentleman whether instructions for fitting out an expedition to the Persian Gulf were not issued in the middle of July last; whether they did not reach Bombay on the 20th of August, and whether transports were not taken up and other preparations made for the expedition on the receipt of those instructions?

MR. VERNON SMITH: Provisional orders were despatched in the middle of July to the Government of India to make preparations in case an expedition should be necessary, but final instructions for the expedition were not sent until the date I have mentioned.

COUNTY FRANCHISE.

MOTION FOR BILL. LEAVE REFUSED.

MR. LOCKE KING then rose to move for leave to introduce a Bill to make the franchise in Counties in England and Wales the same as that in Boroughs, by

giving the right of Voting to all occupiers of tenements of the annual value of £10.

The hon. Gentleman said that in the year 1853 he had brought a similar measure under the consideration of the House; but he had been induced to withdraw it in consequence of a promise from the noble Lord the Member for the City of London, that he would introduce, on behalf of the Government, a measure for effecting a general reform in our representative system. Accordingly in 1854 the noble Lord brought forward such a Bill; but the outbreak of the war prevented the House from giving it consideration, and the measure was withdrawn. Since then the question had remained in abeyance; and considering the distance from the Treasury bench of the seat which the noble Lord now occupied, he thought there was not much probability of the speedy reintroduction of that Bill. Under these circumstances he felt justified in submitting his own proposal to Parliament the first Session after the conclusion of peace. His measure had the constitutional basis that taxation and representation ought to go together. At the present moment there was a general communion of interests among the electors, and there seemed to be an end to those great questions which had hitherto separated the town from the country; and he was convinced that the true way to deal with the question of franchise was to deal with all classes alike. Let the franchise be fixed at whatever point might be deemed right, and let it be so fixed for all; but let not the inhabitants of one place be endowed with electoral rights which were refused to the inhabitants of another place. The case which he submitted to the House appeared very strong, if the unrepresented towns were compared with the represented towns. There were very large unrepresented towns, possessing valuable institutions and a considerable amount of trade and commerce, and yet the occupying tenants in those towns possessed no vote, unless they occupied a house at a rental of upwards of £50 a year; while in certain small agricultural boroughs, possessing no learned institutions, and with scarcely any trade, every inhabitant paying a rent of £10 had a vote. Then, with regard to the rural districts, a house situated in a country part, for which a rent of £20 or £40 was paid, was a very good house. The person living in it might have a very good income, and contribute a good deal both to the direct and indirect taxes. Still that

person might have no vote ; while another person living in a borough, in a smaller house, would be entitled to vote at elections. The consequence of this was, that in many places large bodies of the people were wholly unrepresented, and there was an entire absence of equality in the representation of different districts. Thus in the county of Bucks, of which the population was 163,700, the number of electors was 8,125, who returned no less than eleven Members, or about one to every 14,000 persons, and who represented 700 electors ; but taking the county of Lancaster, and comparing it in the same way, they would find that there was only one Member to represent every 88,000 of the population, and every 2,800 electors. In East Surrey the population was 583,500, and the number of electors was 44,000, represented by seven Members, or one to about every 83,000 of the population, and to every 6,300 electors. The noble Lord the Member for London, on a former occasion, referred to the distinction which had always existed between the county and the borough franchises, but he thought he need not now reply to that objection of the noble Lord, as the noble Lord answered it himself in the suggested extension of the county franchise, which the noble Lord had submitted to the House. He hoped the House would allow him to bring in the Bill, and that it would deal with it, not considering the gain it might produce to one side or the other, but simply regarding it as a measure of justice.

MR. T. DUNCOMBE seconded the Motion.

Motion made, and Question proposed—

“That leave be given to bring in a Bill to make the Franchise in Counties in England and Wales the same as that in Boroughs, by giving the right of Voting to all occupiers of tenements of the annual value of ten pounds.”

VISCOUNT PALMERSTON : I hope my hon. Friend will not think I act discourteously towards him if I should not be disposed to accede to the introduction of the proposed Bill ; for, independently of the objections which I should have to urge to the measure itself, I should think, from the business which the House is likely to have before it in the course of the present Session, that there is very little probability of a measure of this sort passing into law. It would, therefore, be wasting the time and distracting the attention of the House to endeavour to press forward a subject of such great magnitude, without a fair pro-

spect of pursuing it to an end. I own I cannot agree with my hon. Friend in the principle which forms the foundation of his proposal—namely, that there should be an identity of the qualification for voting in boroughs and counties ; and I concur in what has fallen from my noble Friend the Member for London, that there has always been a distinction—and I think it is expedient to maintain that distinction—between the right of voting in boroughs and in counties. The two great classes of electors represent different interests in the community, and the principles on which their rights of voting have always stood have been of a different character. But what would be the logical consequences of adopting the principle of my hon. Friend and of identifying the right of voting in counties and boroughs ? Why, to sweep away all boroughs ; because, if the right of voting in counties and boroughs were identical, upon what ground could you maintain the existing artificial distinctions and circumscriptions between them ? It would lead by logical consequence to the subdivision of the counties into electoral districts without any definite distinction of the boroughs. I therefore object both to the principle of his Bill and to the consequences which, in my opinion, would inevitably attend it. In stating this I beg my hon. Friend to understand that I do not mean to say that there should be no extension whatever of the franchise in counties. I am quite ready to consider a proposition of a more modified kind for extending the county franchise. I think that the measure which was proposed on a former occasion by my noble Friend the Member for the City of London, by which the qualification for a county franchise would have been made to tally with that of a juryman—which I think is £20—is such as I should not be disposed to object to. My hon. Friend would not approve such a measure, because his proposal prevents him ; and there are many other advocates of Parliamentary reform who would say, “You are a bit-by-bit reformer, but we are for great and comprehensive measures.” Now, I confess that in matters of this sort I am not for great and comprehensive measures. There was undoubtedly a necessity for measures of that character in 1831 and 1832. They had been rendered necessary by the excitement in the public mind produced by the long continuance of abuses which required some great and sweeping remedy. The

same state of things does not now exist. Our constitution has grown up gradually by the correction of evils as they happen to occur. I think that in these matters it is much safer to see one's way, and to take one step at a time.' If a measure appears to be required by the condition of things, adopt it and watch its effects; but do not go beyond the point that you wish to see set right. Take time to consider the effect which the remedy you propose may produce on the general system and organisation of the country. I hope my hon. Friend will not consider that, because I cannot concur with him in the introduction of his Bill, I am one of those who set their faces altogether against any improvement in the representative franchise. My objection is to the particular measure he proposes. And as there is little likelihood that any measure of the kind would, in the present Session of Parliament and in the present state of public affairs, reach a conclusion satisfactory to the proposer—there being many measures of great importance which will have to be discussed in Parliament—I should certainly advise the House not to consent to the introduction of this Bill, which is highly objectionable in principle, and which, if not so objectionable, would probably have little chance of passing this Session.

MR. HEADLAM said, he had always voted in favour of this Motion, and had not heard a single observation from the noble Lord which would induce him to deviate from the course he had hitherto pursued, when the same question was before the House. As to the argument of pressure of business, no doubt at the commencement of a Session there must be a certain number of Bills introduced by the Government, and also a certain number by independent Members. In addition to this legislative business, the House has always to settle the revenue and expenditure for the ensuing year: allowing for this ordinary and necessary employment, and he must say that he had never known a Session in which there was a greater paucity of important measures—certainly there was none which could interfere with the discussion of this question. The House would perceive that the noble Lord's objection was one which, if admitted, would be equally fatal to any subsequent re-introduction. The noble Lord had said, that it was a constitutional principle that there should be a distinction as to the extent of the qualification of voters for coun-

ties and voters for boroughs. He (Mr. Headlam) should have thought, that if the constitutional principle were to be referred to as a guide to qualification in counties, and if we were to look to the past history of the country, the county franchise ought to be more liberal than that for towns, seeing that the original qualification was the possession of a 40s. freehold; but looking to the merits of the question, the real question for the House to consider was, whether there was any real objection to that class of voters to whom this Bill would apply? He recollected that when the £10 franchise was introduced into boroughs, objections of the most serious description were urged and the most frightful predictions of the consequences made. Not a single one of these predictions had been verified by the experience of twenty-five years, and he did not believe that if the franchise were extended, as now proposed, any danger would arise to the State. It must be recollected that the present law excluded the residents in many large and important towns, and he really could not conceive a measure which could be fraught with less danger than the present. Moreover, he could not help asking himself this question, whether there was still to be a Liberal party in the House of Commons. If there was to be such a party, not only in name, but in substance—that is to say, a party seeking all suitable occasions to give effect to their principles, to extend the liberties of the people, and widen the basis of the constitution—then the present Motion gave them an opportunity, when without the slightest danger to any of the institutions of the country, they might at once vindicate their principles and confer a valuable political privilege upon a class that deserved well of the State.

MR. H. DRUMMOND: I have always been an advocate for the extension of the franchise. In the first place I disliked the Reform Bill, because I never could understand why it should have fixed a money qualification for voting, having done away virtually that qualification for seats in this House. In the next place, I never understood what you meant by a £10 test of political morality. Why not have made it £9 or £8? But the objections that are made to this Bill will always be made to every Bill of the like character. I want the franchise extended to the very lowest classes, that they may protect themselves against the tyranny of the classes over them, which we see exhibited continually,

and of which I shall have another opportunity of speaking shortly. But let the House rest content. You will have no Reform Bill, although there may be plenty of tattle about little Bills or old Bills; but until these Gentlemen on the Treasury Bench are sitting on the other side and want to get back again, you will have no Reform Bill.

LORD JOHN RUSSELL: The proposition of my hon. Friend the Member for East Surrey (Mr. Locke King) has been met by my noble Friend at the head of the Government with two objections; the first relating to the state of public business, which he says will not admit the discussion of a question of this kind; and the second to the principle of the proposition. Now, as to the first of these objections, I do not think that the Government ought to allege that there cannot be time this Session for the discussion of this Bill. There must, no doubt, be considerable discussion upon the Budget; but the propositions of the Chancellor of the Exchequer are very simple; they do not involve any complicated series of measures, and when we have decided upon one or two points, the rest of them may be said to be disposed of. As to the public measures introduced by the Government, I must say that they are of such a character as to induce me to suppose that they are not inclined to undertake measures of any great difficulty and importance. The Secretary of State for the Home Department was asked, whether the Government meant to introduce any measure with regard to church rates?—and he replied in the negative. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) yesterday introduced, on his own responsibility, a measure with respect to which he has taken great pains, and which refers to one of the most important subjects now discussed in this country—that of education; but we had no hint from the Government that it was their intention to propose any measure upon that subject, or in any way to interfere with the course of the right hon. Baronet. This very night a question was put concerning a subject which has excited, perhaps, more agitation than it ought—namely, that of agricultural statistics—but even with regard to that, the Government are not prepared to legislate, and refrain from disturbing the placid course of public business. Therefore, so far as public business is concerned, it seems to me that we shall have ample time to discuss a measure of so

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simple a character as that proposed by the hon. Member for East Surrey. I then come to the question itself. The hon. Member has very truly said, that I upon former occasions made objections to his measure; but I think he did not mention that into the last Reform Bill which I laid upon the table of this House, I introduced the very proposal which he has now submitted to us. In fact I found that the objection which I made on a previous occasion, and which I think could be maintained so far as relates to our ancient constitution—namely, that the franchise in counties was a franchise by tenure, while that in boroughs was a franchise by rating—that the ground had been completely taken away by the consequence of an Amendment which was introduced into the Reform Bill by the present Duke of Buckingham, who introduced the clause known as the Chandos clause, which instituted occupancy as a qualification for county voters. I was afraid of adding to the list of dependent voters. I thought the addition most unfortunate—but it was introduced by a majority of the House against the arguments of Lord Althorp and those who were bringing forward the Bill. But I find upon inquiry that, so far from adding to the dependent voters, the occupiers of £10, £20, and £30 houses in counties consist very much of persons of independent means living in small towns which have not the right of sending Members to Parliament—men of independence and intelligence, and whose admittance therefore, instead of injuring, would improve the constituent bodies in counties. There is this, besides, to consider—and now I am going to touch somewhat upon the larger question. I have myself had the honour to introduce twice of late years—in 1852 and 1854—measures which were considered as the complements of the Reform Act—which were in conformity with its spirit—but which tended to the introduction of very considerable changes beyond its original scope. I think it may be said—and there are persons who will be ready enough to assert it—that there is no great pressure in the public mind, no national urgency for the adoption of a comprehensive measure of reform. For my own part, I should think it was very imprudent in my noble Friend (Viscount Palmerston) if he were now to say—independently of the general opinion which he has just stated—that it was the intention of the Government to disturb the Lo-

gislature and the mind of the country by bringing in a large and comprehensive measure of reform. But then, Sir, if I admit that to be the case, I cannot repeat the argument which I adduced in opposition to the hon. Gentleman (Mr. L. King) on former occasions, when I said that the Reform Act having been enacted by public consent, it was far better that we should not deal with such a subject by dribblets, but should consider the whole subject at once, and see what defects might be found and what Amendments might be required. On the contrary, whatever might have been the impropriety of introducing dribblets when large measures were required, I think that, if we sincerely desire reform, the only course now to be pursued is to adopt any measure which is in itself a safe improvement whenever it may be proposed; and I cannot but admit that the measure of the hon. Gentleman is in itself such an improvement. I think that no one who is disposed to entrust the elective franchise to the occupier of £10 houses in towns can object to its enjoyment by those who occupy such houses in the country; because the occupant of a £10 house in the country is generally a person of greater intelligence and more property than is the tenant of a similar house in a borough. It frequently happens that the occupant of a £10 house in a small country town, not returning Members to Parliament, would, if he were to remove to this metropolis or to one of our great towns, find that the expenditure of £15 or £20 per annum would not place him in so good a house as that which he had left. I therefore think that this change is a safe one; and, seeing that no one is likely to propose a large measure of reform, I am, moreover, of opinion that it will tend to satisfy a large body of persons who have some reason to complain of the existing state of things. In the first place, many persons occupying houses of £10 or £20 rent in the country may fairly say that they are excluded from the franchise which their neighbours in the borough possess. But, according to the existing arrangement, they may also say, "Here is a town which has grown up, which has 10,000, 12,000, or 14,000 inhabitants, but which sends no special representatives to Parliament; but there is a town, only five miles off, which has only 5,000 inhabitants, and which is made up partly by the addition of country parishes. It is very hard that that town should have Members, while that in which we reside

has none." If we are not going to alter the distribution of seats in this House, that grievance must remain without remedy; but if you give to the inhabitants of that town of 12,000 or 13,000 persons the right of voting for the Members for the county, their causes of complaint would be greatly diminished, and they would so far be satisfied that they had at least equal rights with their neighbours. I think, therefore, this measure would tend, not only to improve, but also to consolidate our institutions, and to give further stability to our representative system. Taking this view of the question, I should be prepared, not only to vote for the introduction of this Bill, but also, if it got so far, to support the Motion for its second reading. I think the present time is far from being an unpropitious one; for, perhaps this year, perhaps the next, but certainly before two years have elapsed, we shall have a general election of Members of this House, and I think it would greatly improve the constitution of the next Parliament if some 200,000 or 300,000 men of property—men upon whom you could depend—were added to the basis upon which the representation stands. I do not know that there is anything to prevent this improvement, and I shall therefore—without discussing with the hon. Member (Mr. L. King) the defects of the measure which I formerly introduced—be satisfied to give my support to this Bill.

MR. BENTINCK said, he must congratulate his hon. Friend the Member for West Surrey (Mr. Drummond) upon the rapid fulfilment of his prophecy; for, although the noble Lord the Member for the City of London (Lord J. Russell) was not sitting on that (the Opposition) side of the House, he occupied a position which was evidently quite as unpalatable to himself. It was not his (Mr. Bentinck's) province to defend the Gentlemen on the Treasury bench; but when he heard the noble Lord asking those right hon. Gentlemen why they had not brought forward certain measures which he thought necessary to the welfare of the country, he felt tempted to ask the noble Lord whether he would favour the House with a list of the useful measures which he brought forward and carried during the several years that he had been at the head of the Government, and, of course, had every facility for carrying such measures if he had brought them forward? He (Mr. Bentinck) had no recollection of any such measures, and

should be glad to see a list of them, after the production of which the charge made by the noble Lord would come with a much better grace. He believed that the country was thoroughly sick of the word "reform." It was quite true, as had been said by his hon. Friend (Mr. Drummond), that the word was used merely as a piece of claptrap to raise the bad passions of the ignorant, when certain Gentlemen were out of place, in order to get themselves back into place again. He did not believe that the House would for a moment entertain this measure, particularly after what had been said by the noble Lord at the head of the Government. As far as the general question went, it would be very difficult—after what had happened during the last few years—after the fact that the noble Lord the Member for the City of London, who when out of office was always advocating "large and comprehensive measures of reform"—had during the five or six years that he was at the head of the Government never brought forward such a measure—it would be very difficult to persuade the people of this country that there was in the perpetual agitation of this question of reform anything but a desire to obtain mere party objects. Until the country saw that some real benefit was intended by these schemes of reform all these attempts would be regarded in the light in which they deserved to be looked at, and they would not be responded to by the people generally.

LORD JOHN RUSSELL: I cannot now, according to the forms of the House, answer the challenge of the hon. Gentleman (Mr. Bentinck), but I shall be very happy at a future opportunity to state to him the measures which I did introduce.

MR. T. DUNCOMBE said, that the observations of the hon. Member for West Norfolk (Mr. Bentinck) were most unjust towards the noble Lord (Lord J. Russell). He should have been very much surprised to hear the noble Lord state that he should take any other course than that which he had announced that he was about to pursue. In 1854 the noble Lord laid upon the table a Bill which he parted with on account of the war with great regret, and in that Bill he included the very proposition which was now made by his hon. Friend the Member for East Surrey. His (Mr. Duncombe's) astonishment was that any Member of the Aberdeen Government should oppose that proposition. There was, no doubt, great apathy in the country upon the subject of reform; but why was there

Mr. Bentinck

that apathy? Because the country knew that the House of Commons was not equal to the emergency. Let Lord Derby's Government come again into office and introduce a Bill bringing the operative classes within the pale of the constitution, and then they would have agitation in its favour to their heart's content. But as long as they rejected minor measures like this the people would not condescend even to ask them for reform. For his own part, he only wished that this proposal had gone a great deal further. When Lord Derby's Ministry was in power it was held to be of the utmost constitutional importance that the four seats vacant by disfranchisement should then be filled up; and the Government accordingly brought in a Bill giving two additional seats to Lancashire and the other two to Yorkshire. If consistency was to be the order of the day, why was it they heard nothing more from hon. Gentlemen opposite regarding that measure? Kensington, Brompton, and other outlying districts of the metropolis had no representation, either borough or county, and the man occupying a £45 house on one side of a street had no vote, while his opposite neighbour, living in a £10 house, had one, merely because he accidentally came within the Parliamentary boundary. Throughout the country the class of persons who neither resided in boroughs nor possessed a freehold, nor occupied a house of £50 a year had no votes. To redress that gross injustice and absurdity this Bill had been introduced, and he should be much surprised if the House threw out a proposition so perfectly rational.

SIR JAMES GRAHAM: Sir, I would remind the hon. Member for Finsbury and the House generally that, on other occasions, when this proposition has been brought forward I have not felt it necessary to obtrude myself on your attention. And first, I must express my regret that the hon. Members for West Surrey (Mr. Drummond) and West Norfolk (Mr. Bentinck) should thus early in this discussion have thought it expedient to import into the debate the imputation of factious motives and personal objects, totally unworthy of any Member of this House. Sir, the place where I sit in this House is my own choice, and I, for one, am quite content to remain where I am. The hon. Member for West Norfolk says that the noble Lord the Member for London did not, when formerly in office, introduce important measures advantageous to the country. The

hon. Member has not long held a seat in this House, but I have sat here with my noble Friend for more than thirty years; and I have not forgotten that to him is due the repeal of the Test and Corporation Acts—that to him is in some measure due the Reform Bill of 1832—that to him also is mainly due the introduction of the Poor Law into Ireland—that we owe to him likewise the commutation of tithes in England to fixed payments—indeed, I should weary the House were I to go through the entire catalogue of what the noble Lord has achieved with an ability, a zeal, a fortitude, and a constancy which redound to his infinite honour. Sir, if I could have reconciled it with my sense of duty to give a silent vote, I might well have rested the vote that I intend to give upon the speech of my noble Friend. But, having on all former occasions abstained from voting on this precise proposition, I think it right briefly to state why I shall on this occasion give to it my support. Will the House bear with me for a short time while I explain what has influenced my conduct up to the present moment with respect to measures of reform? Having in 1832, when the measure of that year was introduced, announced a strong opinion that that Bill should be viewed as a final settlement of this question, I for a very long period resisted further change on the ground of finality. But it has been my fortune to live long enough to ascertain that that ground is wholly untenable. Finality, applied to the work of man, is a solecism in terms. The juxtaposition of the words “human” and “for ever” at once shows how absurd that doctrine must sooner or later be found. Then, again, I certainly was of opinion that it was expedient, if another change was to be introduced, that it should be what has now become almost a byword—a large and comprehensive measure. Partly, however, from the apathy of the country on this subject—which I admit—and still more from the extreme difficulty, considering the extent of the previous alteration, of bringing forward another scheme which shall effect great changes without danger to the State—a measure of a comprehensive character has not yet been successful, and is not, in my judgment, likely soon to be so. I think, therefore, that neither of these grounds is any longer tenable. But I cannot forget that one of the measures upon which the Government of Lord Aberdeen was based was a measure of reform enlarging the

franchise. It was so declared on the construction of that Ministry; and in the Speech from the Throne in 1854 such a measure was recommended in order to give additional stability to the institutions of the country. A Bill having that object was accordingly framed with great care by the Cabinet of Lord Aberdeen. It was introduced by my noble Friend the Member for London on behalf of that Cabinet; and it was withdrawn on account of the pressure of war, and of the peculiar circumstances consequent upon that critical state of affairs. Now, in that measure was included, among many other provisions, the precise proposition of the hon. Member for East Surrey. I admit that the measure contained other provisions which might be held to counterbalance the particular effect of the Bill now sought to be introduced; but if there were countervailing provisions as bearing on the county franchise, it must not be forgotten that the scheme of 1854 also lowered the franchise of the towns and cities, and reduced it from a franchise of a £10 rating occupation to a £6 qualification, with a residence of two years and a half. There were other provisions to which I will very briefly refer—namely, the provision giving effect to a limited extent to the votes of the minority; together with the creation of several new franchises. My noble Friend has truly stated that while the county franchise rested upon tenure there would have been grave objections to the introduction of a measure like this. But the Chandos clause in the Reform Act introduced for the first time, as bearing on the county franchise, the condition of occupation. And though the circumstances of Ireland are, I admit, peculiar, yet day by day the necessity of assimilating, in all their great principles, the laws of the United Kingdom is becoming more and more apparent. Well, with regard to the Irish counties, in 1850 the Legislature deliberately fixed their representation, not on a basis of tenure in the main, but on occupation, placing the right of voting at a county election in Ireland upon an occupation tenure of £12. Now, I should have the greatest objection to this Bill if I believed it would introduce into the counties of England any right of voting subject, from its nature, to undue influence in a greater proportion than now exists. I quite agree with the principle which I think my noble Friend has cited from Mr. Fox more than once—viz., that that is the

best system of electing members in a representative government which includes the largest number of independent voters, and excludes those who, from the circumstances of their position, are incapable of the independent exercise of the franchise. The test, then, which I apply to this proposition is—"Will it introduce into the counties men of independent station who are now shut out, or will it extend the suffrage to those who are incapable of independent deliberation?" I am bound to say my firm conviction is, that it will enlarge the franchise in a manner that is perfectly safe. My noble Friend now at the head of the Government apprehends that if this proposition were adopted there would be a danger of uniform electoral districts, and that only one right of voting would prevail in the country. If I entertained any such belief I should come to the same conclusion as my noble Friend, and vote against the Bill. But there will always remain the broad distinction between the counties and the boroughs of England, that while voting in the boroughs is confined to occupation, limited by a £10 rent, in the counties, on the other hand, even if this measure were passed, the prevailing franchise would be based on tenure as low as that of the 40s. freeholder, together with the various leasehold and other tenures now unknown in the cities and boroughs. Then, Sir, I ask myself this question—if the doctrine of finality can no longer be maintained—if a large and comprehensive measure be no longer possible—if, considering the increasing population, the growing wealth, and the growing intelligence of the country, every extension of the franchise cannot be resisted—if, therefore, you are driven by the force of circumstances to the necessity of what is called, and often derisively called, "bit-by-bit" reform—if you must consent, as I believe you must, to take reform in fragments—what measure, I ask, will be the safest, and, at the same time, the largest in its scope and operation? Looking at the question in this light, I am decidedly of opinion that this is a portion of the scheme of 1854 which may be most safely introduced, and therefore, I will cordially vote for it. I believe the effect of this measure in the English counties will be to give the right of voting to many persons who have it not now, but who are entitled to it by their position and respectability, and by their personal merit. For instance, to begin with, I should say that it would

Sir James Graham

give a vote to many of the working clergy, as they are termed, who are now excluded—curates, and those who have not obtained the rectorial position, but who are still most useful members of the Church of England. Again, Dissenting Ministers would to a great extent be admitted. Half-pay officers also, of both services, retired tradesmen, and clerks, either from the public offices or from large mercantile firms, who have retired to their native villages or towns on superannuations or on pensions, will be admitted to the franchise. Then, again, the principal country shopkeepers will acquire the right, which they do not now possess. If we are not to have a recasting of the whole scheme of our representation, the immense towns, such as Barnsley, Rotherham, and Doncaster, which have sprung up, and which do not now send Members to Parliament, will virtually obtain representation under the operation of the present measure. I will go one step further. The farmers of England are rising rapidly, by their amended circumstances, in which I greatly rejoice, to a position of increased intelligence and great trustworthiness. I know no reason why small farmers—farmers with holdings below £50—should not in England, as is the case now in Ireland, have a share in the representation. I should be led too far if I were to pursue this interesting subject, but I have said enough to justify myself in giving a vote now, for the first time, in favour of this Motion. I have a great respect for the hon. Gentleman who sits below me (Mr. Drummond) and also for the hon. Member for West Norfolk, and, though I may be exposed to their taunts for the vote which I give, on account of my position in this House, still I feel that my motives are pure, and my conscience does not strike me with the slightest twinge of remorse for the course which I am pursuing. For the reasons, therefore, which I have shortly stated, I cannot refuse to give my vote in favour of this Motion. Let me point out to the hon. Member for East Surrey, before I sit down, that it will be necessary in the progress of the Bill through the House to insert some guard in it against the abuse of making faggot-votes, of which a measure such as this may easily now be made the instrument. With reference to this part of the subject, I would recommend him to look at the Bill introduced by my noble Friend the Member for London in 1854, in which ample provision is made

with regard to joint tenancies, and also to prevent lands joined to hovels or houses of no worth conferring the franchise. The tenure of land under the provisions of that Bill must be coupled with the occupancy of a house of the annual value of £5. With some such precautions and safeguards, I am satisfied that this will prove a very salutary measure, and I shall therefore give my vote in favour of its introduction.

MR. BENTINCK, in explanation, denied that he had said that the noble Lord the Member for London had not brought in any Reform Bill in 1854, or that he had not brought in any measure while he was in office. What he had said was, that during the years that the noble Lord had not only been in office but was at the head of the Government, and when he had ample opportunity of bringing forward a great measure on this subject, and with the certainty of carrying it, he had never brought in any such measure; and that that fact, coupled with the support which both the noble Lord and the right hon. Baronet now gave to this Bill, tended to throw great doubts on the motives of reformers, and was likely to lead the country to suspect that they were acting from party and personal motives.

MR. LOCKE KING appealed to the noble Lord at the head of the Government, whether, after the speeches of the noble Lord the Member for London and the right hon. Member for Carlisle, he would still persevere in his opposition to the introduction of the Bill. As to time and the state of business, if the noble Lord would consent to allow the Bill to be brought in, he would undertake to make the best possible use of the time which remained of the Session. With regard to the amount at which the franchise should be fixed, that would be a matter to be discussed in Committee. If the noble Lord (Viscount Palmerston) persisted in opposing the measure he would place himself in this position—that while professing to lead the Liberal party, he would, if he were to divide against this Bill, be separating himself from his own supporters, and would be converting himself into the leader of the opposite side of the House.

MR. SIDNEY HERBERT: Before the House goes to a division, I wish to say a few words in explanation of the vote which I am about to give. I have given the deepest consideration to this subject, and I have satisfied myself of the course which

I ought to take. I see two distinct grounds for refusing to vote for the introduction of this Bill. One, which I derive from the state of parties in this House, and the position of the Government; and the other from the nature of the measure itself, and the peculiar manner in which it has been brought before the House. With regard to the latter, it is quite true, as my right hon. Friend has stated, that this proposition is identical with that contained in the Bill of 1854, which my noble Friend the Member for London brought forward as leader of the House of Commons, I being his colleague, and giving my entire adherence to it. It must be recollected, however, that that measure was brought forward not only by the leader of the Government in this House, but that that leader was the noble Lord, who, of all men, is best entitled by his authority on this subject to introduce such a measure; and that it was brought forward with all the weight and authority of the Government. Neither was it an isolated proposition, as this is now; but it was coupled with many other propositions which tended, in a great degree, to neutralise it—not to neutralise it in the way of diminishing its efficiency, but to extend its value as a portion of a great measure of reform. I believe it is admitted now, even by the promoters of the original Reform Bill, that the great error of that Bill was the uniformity of its franchise. I admit, that in dealing with a question of that kind, it is a very difficult thing altogether to avoid this error, but it ought to be avoided as much as possible. Society is not uniform, and an uniform franchise will never fairly and completely represent the variety of classes into which society is divided. But the present Bill proposes to give an uniform franchise to counties and boroughs. Did our Bill of 1854 do anything like that? On the contrary, when we proposed to lower the county franchise to £10, we proposed to bring the borough franchise down to £6. If you do make the franchise uniform, what is the logical deduction? If £10 is to be the only franchise, how can you defend the existence of boroughs at all? If 50,000 men, because they live closely packed together in a certain area, and under certain conditions of life, are to send two Members to Parliament, on what ground are 500,000 men, because they live scattered widely apart, to be represented by no greater number of Members than the 50,000? An uniform franchise

involves you in endless logical difficulties. Again, in the Bill of 1854, various other franchises were introduced—the right of voting was given to University graduates, to all persons with an income of £10 from the funds, to persons with a deposit of £50 in the savings-banks, to those who paid 40s. assessed taxes or income tax, or 40s. for licences. I mention these facts to show, that a question of this sort is by no means to be regarded in the same light when it is presented as an isolated proposition, as when it forms part of a large scheme. With respect to the state of parties and the position of the Government—to speak plainly of what is visible to all of us—I must say, that I think the Government exercise a wise discretion in the present state of affairs, and looking to the degree of strength which they possess, in not bringing forward questions which it may be difficult to carry through successfully. When I see the Government in a state of great difficulty with regard to that which is infinitely more pressing than this question—I mean the financial arrangements of the year—I am greatly averse from adding another to the number of their embarrassments. They have decided to oppose this Bill, and I confess their decision has weighed considerably with me. I do not wish to put them into greater difficulties than they are at present, for I am afraid, that by accumulating difficulties upon them we may weaken their hands for the settlement of that grave question at present pending, to a favourable termination, of which no Gentleman here, I am sure, can yet see his way clearly. Guarding myself, therefore, completely as to the opinions which I entertain on the question of reform, and without abating one jot of the confidence which I place in the people of this country, or of my belief that their growing intelligence and the independence which their increasing prosperity gives them must entitle them, sooner or later, at the hands of one Government or another, to an extension of the franchise, but objecting to this measure in its present shape, and upon the other grounds which I have mentioned, I shall feel it my duty to vote against the Motion of the hon. Member for East Surrey.

MR. ROEBUCK said, he was sorry to trespass on the attention of the House, but he must express his perfect astonishment at the speech of the right hon. Gentleman (Mr. S. Herbert). The right hon. Gentleman said he opposed the Mo-

tion on two grounds. The first was that it tended to uniformity. The right hon. Gentleman supported the Bill of the noble Lord in 1854; but he said, although that Bill contained this precise measure, it contained something else which took away uniformity. What did it contain? It lowered the borough franchise. Therefore, if the proposition of the hon. Member for East Surrey had also been to lower the borough franchise, the uniformity would have been done away, and the right hon. Gentleman would have supported it. The anomalies of our representation were so numerous that anybody who chose to dwell upon them might make a case against any system of franchise; but the fact remained that there was a body of men of intelligence, probity, and wealth in this country who were not represented. The hon. Member for East Surrey proposed to give them the franchise. They were an instructed race; they were a race endued with probity; and they possessed wealth. He wanted to know whether those three qualifications in constituents would endanger the character of the House? But the right hon. Gentleman had another reason. He objected to weaken the Administration. The House might anticipate that the right hon. Gentleman would to-morrow vote with the Government and against the Motion of his right hon. Colleague the Member for the University of Oxford. If the Government were wrong, then he said to the right hon. Gentleman "Vote against them." If they were right, "Vote with them." Were they right on the present proposition? At all events, the argument of the right hon. Gentleman did not prove the Government to be right, because he said distinctly he had such faith in the intelligence and probity of his fellow-countrymen that some Government or other, some day or other, must give them some such extension of the franchise. They might suppose that if the right hon. Gentleman were a Member of that Government he would support another Reform Bill, as he supported the Reform Bill of 1854. The right hon. Gentleman seemed determined to falsify the statement of the hon. Member for West Norfolk, that Gentlemen out of office voted for measures which they did not propose when in office; for he wished to postpone this measure until he should be in office;—he wished to show that he did not vote for clap-trap Motions—that he was determined to vote for the non-enfranchisement of the people of England because it

would really render the franchise equal to all, and because it would weaken the Government.

Question put—

The House divided:—Ayes 179; Noes 192: Majority 13.

List of the AYES.

Acton, J.	Graham, rt. hon. Sir J.
Adair, Col.	Greenall, G.
Agnew, Sir A.	Greene, J.
Alcock, T.	Gregson, S.
Anderson, Sir J.	Grenfell, C. W.
Bagwell, J.	Greville, Col. F.
Baring, rt. hn. Sir F. T.	Gurney, J. H.
Barnes, T.	Hadfield, G.
Bass, M. T.	Hankey, T.
Baxter, W. E.	Harcourt, G. G.
Bell, J.	Hastie, Alex.
Bellew, T. A.	Hastie, Arch.
Biddulph, R. M.	Headlam, T. E.
Biggs, J.	Heyworth, L.
Black, A.	Higgins, Col. O.
Bland, L. H.	Hindley, C.
Bowyer, G.	Howard, hon. C. W. G.
Boyle, hon. W. G.	Hughes, H. G.
Brown, W.	Hutchins, E. J.
Butler, C. S.	Hutt, W.
Cardwell, rt. hon. E.	Ingham, R.
Challis, Mr. Ald.	Johnstone, J.
Cheetham, J.	Jones, D.
Clay, J.	Keating, R.
Clay, Sir W.	Keating, H. S.
Clive, G.	Kennedy, T.
Cobden, R.	Kershaw, J.
Codrington, Gen.	Kingscote, R. N. F.
Cogan, W. H. F.	Kinnaird, hon. A. F.
Collier, R. P.	Kirk, W.
Colville, C. R.	Laing, S.
Cowan, C.	Langston, J. H.
Crook, J.	Langton, H. G.
Davie, Sir H. R. F.	Langworthy, E. R.
Deasy, R.	Laslett, W.
De Vere, S. E.	Layard, A. H.
Devereux, J. T.	Lindsay, W. S.
Dillwyn, L. L.	Looke, J.
Drummond, H.	MaeEvoy, E.
Duff, G. S.	Mackie, J.
Duncan, G.	McCann, J.
Duncombe, T.	McTaggart, Sir J.
Dundas, F.	Maguire, J. F.
Dunne, M.	Marjoribanks, D. C.
Ellice, E.	Meagher, T.
Elliot, hon. J. E.	Miall, E.
Evans, Sir De L.	Millighan, R.
Ewart, W.	Milnes, R. M.
Ewart, J. C.	Milton, Visct.
Fagan, W.	Michell, W.
Feilden, Major	Mitchell, T. A.
Ferguson, J.	Moffatt, G.
FitzGerald, Sir J.	Moore, G. H.
Forster, C.	Morris, D.
Forster, J.	Mowatt, F.
Fox, W. J.	Murrough, J. P.
Freestun, Col.	Napier, Sir C.
Gibson, rt. hon. T. M.	North, F.
Glyn, G. C.	O'Brien, P.
Goderich, Visct.	O'Brien, Sir T.
Gordon, hon. A.	O'Brien, J.
Gower, hon. F. L.	O'Connell, Capt. D.
Grace, O. D. J.	Oliveira, B.

Otway, A. J.	Sheridan, R. B.
Paget, C.	Smith, J. B.
Paxton, Sir J.	Somerville, rt. hn. Sir W.
Pechell, Sir G. B.	Steel, J.
Pellatt, A.	Strickland, Sir G.
Perry, Sir T. E.	Sullivan, M.
Phillimore, J. G.	Swift, R.
Pigott, F.	Tancred, H. W.
Pilkington, J.	Thompson, G.
Pinney, Col.	Thornely, T.
Ponsonby, hon. A. G. J.	Thornhill, W. P.
Price, W. P.	Tite, W.
Ramsden, Sir J. W.	Tottenham, C.
Raynam, Visct.	Vernon, G. E. H.
Ricardo, O.	Walmsley, Sir J.
Ricardo, S.	Warner, E.
Rice, E. R.	Weguelin, T. M.
Ridley, G.	Wells, W.
Roebuck, J. A.	Whitbread, S.
Russell, Lord J.	Wickham, H. W.
Russell, F. C. H.	Wilkinson, W. A.
Scholefield, W.	Willcox, B. M'G.
Scobell, Capt.	Williams, W.
Serope, G. P.	Williams, Sir W. F.
Scully, F.	Winnington, Sir T. E.
Seymour, W. D.	TELLERS.
Shafto, R. D.	King, P. J. L.
Shelley Sir J. V.	Grosvenor, Lord R.

List of the NOES.

Alexander, J.	Conolly, T.
Annesley, Earl of	Cooté, Sir C. H.
Archdall, Capt. M.	Corry, rt. hon. H. L.
Atherton, W.	Cowper, rt. hon. W. F.
Baillie, H. J.	Craufurd, E. H. J.
Baird, J.	Cubitt, Mr. Ald.
Baldock, E. H.	Dalkieth, Earl of
Ball, E.	Davies, J. L.
Ball, J.	Davison, R.
Baring, T.	Deedes, W.
Bective, Earl of	Disraeli, rt. hon. B.
Bennet, P.	Duckworth, Sir J. T. B.
Bentinck, G. W. P.	Dunne, Col.
Bignold, Sir S.	East, Sir J. B.
Blackburn, P.	Egerton, E. C.
Blandford, Marq. of	Emlyn, Visct.
Boldero, Col.	Estcourt, T. H. S.
Bouverie, rt. hn. E. P.	Evelyn, W. J.
Bramley-Moore, J.	Farrer, J.
Bramston, T. W.	Fergusson, Sir J.
Brugg, Lord E.	Fitzgerald, W. R. S.
Buck, Col.	FitzRoy, rt. hon. H.
Buckley, Gen.	Fitzwilliam, hon. C. W.
Bunbury, W. B. M'C.	Floyer, J.
Burghley, Lord	Forester, rt. hon. Col.
Burrowes, R.	Forster, Sir G.
Butt, G. M.	Fuller, A. E.
Cabbell, B. B.	Gallwey, Sir W. P.
Campbell, Sir A. I.	Gaskell, J. M.
Carnac, Sir J. R.	George, J.
Castlerosse, Visct.	Gilpin, Col.
Cayley, E. S.	Gladstone, rt. hon. W.
Cecil, Lord R.	Graham, Lord M. W.
Chambers, T.	Grey, rt. hon. Sir G.
Chelsea, Visct.	Grogan, E.
Cholmondeley, Lord H.	Gwyn, H.
Christy, S.	Haddo, Lord
Cochrane, A. D. B.	Hale, R. B.
Cocks, T. S.	Halford, Sir H.
Cole, hon. H. A.	Hamilton, Lord C.
Coles, H. B.	Hamilton, G. A.
Compton, H. C.	Hamilton, rt. hn. R. C. N.

Hanbury, hon. C. S. B.	Packe, C. W.
Handcock, hon. Capt. H.	Paget, Lord A.
Hardy, G.	Pakington, rt. hn. Sir J.
Heathcote, Sir W.	Palmer, R.
Heneage, G. F.	Palmerston, Visct.
Henley, rt. hon. J. W.	Patten, Col. W.
Herbert, rt. hon. S.	Peacocke, G. M. W.
Herbert, Sir T.	Peel, Sir R.
Herbert, hon. P. E.	Peel, F.
Hildyard, R. C.	Phillips, J. H.
Holford, R. S.	Phillimore, R. J.
Horsfall, T. B.	Pritchard, J.
Horsman, rt. hon. E.	Pugh, D.
Hughes, W. B.	Repton, G. W. J.
Hume, W. F.	Robertson, P. F.
Jermyn, Earl	Russell, F. W.
Johnstone, J. J. H.	Rust, J.
Jolliffe, Sir W. G. H.	Sandon, Visct.
Kendall, N.	Shirley, E. P.
Kennard, R. W.	Sibthorp, Major
Kerrison, Sir E. C.	Smijth, Sir W.
King, J. K.	Smith, M. T.
Knatchbull, W. F.	Smith, W. M.
Knight, F. W.	Somersct, Col.
Knightley, R.	Spooner, R.
Knox, hon. W. S.	Stafford, A.
Labouchere, rt. hon. H.	Stanhope, J. B.
Langton, W. G.	Stanley, Lord
Lennox, Lord A. F.	Stacey, Sir H. J.
Lewis, rt. hn. Sir G. C.	Stuart, Capt.
Liddel, hon. H. G.	Sturt, C. N.
Lindsay, hon. Col.	Start, H. G.
Lockhart, A. E.	Taylor, Col.
Lowe, rt. hon. R.	Tempest, Lord A. V.
Luce, T.	Tollemache, J.
Lushington, C. M.	Tyler, Sir G.
MacGregor, Jas.	Vance, J.
Malins, R.	Verner, Sir W.
Manners, Lord G.	Waddington, D.
Matheson, Alex.	Waddington, H. S.
Miles, W.	Walcott, Adm.
Milner, Sir W. M. E.	Walter, J.
Moncreiff, rt. hon. J.	Warren, S.
Montgomery, Sir G.	Watkins, Col. L.
Mowbray, J. R.	Whiteside, J.
Mullings, J. R.	Whitmore, H.
Mundy, W.	Wigram, L. T.
Naas, Lord	Wilson, J.
Napier, rt. hon. J.	Wood, rt. hon. Sir C.
Newdegate, C. N.	Wortley, rt. hn. J. S.
Newport, Visct.	Wyndham, W.
Nisbet, R. P.	Wynne, W. W. E.
Noel, hon. G. J.	
North, Col.	TELLERS.
Northcote, Sir S. H.	Hayter, W. G.
Oakes, J. H. P.	Mulgrave, Earl of

House, did not disguise his opinion, that the tax ought to be abolished; and on the second reading the noble Lord the Member for London said that there were but two courses open to the Government on the subject—either that Sir John Young's Act ought to be carried out in a *bona fide* manner, or that the House ought to legislate on the subject. He wanted to know from the Government what they really intended to do on this question. It would not do merely to assent to the introduction of the Bill. How did the matter really stand? Seven of the corporations of Ireland implicated in the payment of the tax had already repudiated the office the law had imposed upon them to collect the tax, on the ground that the discharge of that duty was an insult to their own feelings and repugnant to their religious principles. Moreover, the law courts of Ireland had declared the Act to be inoperative and impracticable, and had called for the interposition of Parliament to amend it. The hon. and learned Member for Enniskillen (Mr. Whiteside), in an eloquent speech delivered on a former occasion, had admitted that the tax was originally intended to apply to the Protestant inhabitants of those towns, and was a tax levied in consideration of religious teaching. It was not the amount of the tax to which the people of Ireland objected—that amount was insignificant; but its collection wounded the feelings of the great mass of the Irish people. He confessed to be unable to conceive any motive on the part of the Government for resisting the repeal of this tax, if it were not the doubt whether the Ecclesiastical Commissioners had sufficient means at command to meet the amount of the levy in the towns in question. But it was beyond dispute that such funds were at command. He thought it due to the House, to the people of Ireland, and to those towns which were subjected to this petty exaction, that the Government should meet the question in a fair and honourable spirit. He, therefore, hoped the Government would consent, not merely to the first reading of this measure, but would support it in its future stages, and use their influence to secure its success in the House of Lords. To reject the Bill, after its first reading had been affirmed, would be simply practising a sham on the people of Ireland. There was a Motion on the paper for to-night for abolishing the endowment to Maynooth. Could the House, in consistency, refuse the withdrawal of

MINISTERS' MONEY (IRELAND) BILL.

LEAVE. FIRST READING.

MR. FAGAN rose to move for leave to bring in a Bill to abolish the tax in lieu of Ministers' Money now imposed on eight corporate towns in Ireland. Having heard, he said, that the Government did not intend to oppose the introduction of the Bill, he should not occupy the attention of the House at any length. Last year the Chief Secretary for Ireland, although he opposed the passage of a similar Bill through the

this petty but most obnoxious tax? He trusted that his right hon. Friend the Chief Secretary for Ireland would tell the House frankly that he would support not only the first but the second reading of the Bill.

MR. BLACK seconded the Motion.

Motion made, and Question proposed—

“That leave be given to bring in a Bill to amend the Act 17 & 18 *Vict.*) c. 11, with a view to the abolition of the Tax thereby imposed in lieu of Ministers' Money in Ireland.”

MR. HORSMAN said, that in assenting last year to the introduction of a similar measure, he did not, as the hon. Member stated he did, express an opinion that the tax ought to be abolished, or of indicating such an opinion on the part of the Government; but he said that he assented to it from a feeling of the inefficiency of the present Act, and the difficulties that surrounded its being carried into effect. In stating on that occasion the difficulties the Government laboured under in endeavouring to give effect to the measure, he attributed it to the Act of 1854, which altered the previous Act by throwing on the corporations the obligation of collecting this tax; and in default of their so doing, provided that the amount should be paid by the Ecclesiastical Commissioners, and that the corporations should collect the tax and repay the Commissioners; and that if they did not so repay the Commissioners, the Government should, and should be empowered to enforce repayment by legal proceedings against the corporations. It happened that seven out of the eight corporations on whom the obligation to levy fell, came to the unanimous determination not to collect it, on the ground that they had always objected to the tax, and that it was not a tax that they ought to be called on to collect. The question then arose, what powers the Government had under the law to force these corporations to collect the tax. The law officers of the Crown considered that great difficulties existed in effecting that object; the Government, however, decided on having recourse to a court of law, and the Corporation of Cork was selected against whom proceedings should be instituted to try the question. On the 1st of January, the last day of term, the learned Judges before whom the question came decided against the corporation. That decision had the effect of placing the question in an entirely different position to what it was last year. The learned Judges who

heard the case expressed their opinion in succession upon the defects of the law, and the consequence was, that the Corporation of Cork immediately gave notice of appeal, and, as he believed, it was their intention to appeal by writ of error, and after that to the House of Lords if necessary. Two years must expire before the question could be legally decided. Since the Government had obtained the judgment in the case of the Corporation of Cork proceedings had been instituted against the other corporations, some of whom had stated it to be their intention to appeal if the judgment of the Court should be against them. It therefore would take two years before they could get a final judgment, and it was obvious that the difficulties of the Government in reference to this question were not altogether over. Unhappily, during the whole period law proceedings had been going on, the corporations had not collected one shilling of this tax, and the Ecclesiastical Commissioners in their last Report, laid on the table of the House within the last week, stated that they had had to advance £21,000 in consequence, only £4,000 of which had been repaid. The question was, what was the Legislature to do? When he intimated last year that the Government were not in a position to advise Parliament how to act until after they saw the result of the legal proceedings that had been instituted, the noble Lord the Member for London said, that the Government ought to adopt one of two courses—either manfully to say that they saw the way to amend the Act, and to bring forward such Amendments as would settle the question and put an end to this perpetual annual excitement and agitation, or at once adopt the Motion. In answer to that appeal he (Mr. Horsman) said, that as soon as the Government knew the result of the law proceedings, they would take the whole question into consideration, with a view of ascertaining whether they could not prepare and submit to the House a measure that would be satisfactory to Parliament, and settle the question; or if they found that impossible and hopeless, to adopt the other alternative and support the Motion of the hon. Gentleman, with a view to its settlement by the House. Since the delivery of the judgment, and since the assembling of Parliament, the subject had been under the consideration of Government. It was not only unfair to these corporations that they should be compulsorily

engaged in litigation on this subject, but it was also unfair to the Government that they should have the odious duty imposed on them of carrying these corporations into a court of law; and it was also unfair to the Ecclesiastical Commissioners, who, by their last Report, were prevented from continuing their legitimate payments, not only because their funds fell short in consequence of their having to advance the Ministers' tax, but from the uncertainty of their being repaid by the corporations. The period from the passing of the Act to the anticipated settlement of the appeals would be four years, and the Government therefore in conformity with the pledge given last year now assented to the introduction of this Bill. The Government had had the question under their consideration since they had received the judgment alluded to, but sufficient time had not elapsed to enable them to mature a plan on the subject; but either on the second reading of this Bill, or before it, he hoped to be in a position to state to the House the views and intentions of the Government on the subject.

MR. BAGWELL said, although the youngest Member of the House, still, as the constituency which had done him the honour to accept him as their representative was vitally concerned in the settlement of the present question, he could not avoid saying a few words with regard to it; and he was the more anxious to do so as, being a Protestant, he represented a mixed constituency of Protestants, Roman Catholics, and Dissenters of every shade of opinion. Speaking, then, on behalf of his Protestant constituents, he would say they considered the tax of ministers' money as a tax beyond all doubt contrary to the liberty of the subject in Ireland; whilst the Roman Catholics considered it as a remnant of the old penal code which every honest Irishman wished to see abolished for ever. And he would say, for himself, that he should never be content with any measure short of the total abolition of the tax. He did not think that all the ingenuity of the lawyers on the Treasury Bench—and their ingenuity, doubtless, was very great—could suggest any other solution of the difficulty that would be at all satisfactory to the people of Ireland. The whole tax was a very small matter indeed—simply a few thousands a year, levied off eight of the principal towns throughout the country; and it was scarcely worth while for such a paltry

consideration to keep up an annually-recurring agitation between the Protestant and Catholic populations of those towns. That was a state of things which no man desired to see perpetuated; and therefore he called upon the right hon. Gentleman, the Chief Secretary for Ireland, to bring in a Bill contemplating nothing less than the total abolition of the tax.

MR. NAPIER said, the Chief Secretary for Ireland having stated that the Government would express its views distinctly with regard to the measure upon its second reading, it would be obviously improper for him to adopt any peculiar line with reference to the Bill while awaiting the decision of the Government. A statement, however, of the right hon. Gentleman had startled him very much—namely, when he declared that not a single shilling had been collected under the Act—because he (Mr. Napier) had himself paid a good many shillings. [MR. HORSMAN: I excepted Dublin.] Well; but the great bulk of the tax was paid in Dublin. Now, curiously enough, the hon. Gentleman who had just spoken had described the tax as a remnant of the penal code. Why, the Act under which the tax was now collected was passed no earlier than the year 1854, and he certainly was not aware that an Act of 1854 could be well considered to constitute a relic of the penal code. There certainly was an earlier Act on the subject, the Act of Charles II.; but so far from its being part of the penal code, at the time of its passing the corporate towns referred to were all inhabited by Protestants. It was well known as the object of the Government of that day that, the Crown having power over the property of the towns, inducements should be held out to English artificers and tradesmen to settle in those towns, and therefore it was put as a charge upon property to provide for religious worship according to the belief of those settlers. Suppose, by way of illustration, a Protestant were to go over to Ireland, and purchase property there under a decree of the Incumbered Estates Court, would it not be competent for him to endow a church, and charge any portion of his newly-acquired property with the support of its minister? And were a Roman Catholic to become the tenant of a portion of the lands would he be at liberty to say that he, forsooth, was a Roman Catholic, and that his conscience would not allow him to pay a portion of the charge, because it would go to the clergyman of another

denomination? It could not, therefore, be alleged that there was anything penal in a party being obliged to acquit himself of an obligation which he had acquired with his property the day he purchased it. Besides, a large proportion of the owners of houses charged with the tax of ministers' money were Protestants. In the parish in which he resided there was never the slightest difficulty in collecting the tax; at the same time, the great bulk of those who paid it were Protestants. Circumstances were different, he believed, in such places as Limerick and Kilkenny. But it was a curious fact, that although in some of the smaller towns the persons occupying the houses were not Protestants, the owners of them were. So that that being admitted, if they repealed the tax they virtually only handed over so much to the Protestant owners of property. And give him leave to ask this question—If they abolished the tax, what was to become of the clergy in the different towns who, upon the faith of arrangements made in 1835, and confirmed in 1854, were made dependent for their incomes upon the charge of ministers' money? He would appeal to his hon. Friend the Member for Cork (Mr. Fagan) himself, and he would take the case of the very city represented by the hon. Gentleman. One clergyman who was entitled to a proportion of the tax was the Archdeacon of Cork. He believed it was notorious that upon a recent occasion those who differed from that worthy man, both in religion and politics, the Roman Catholics of Cork, actually came forward upon the occasion of a vacancy in the bishopric, and petitioned that it should be filled up by the nomination of the Archdeacon, who was also supported by a great body of the Protestant clergy of the diocese. Well, the petition was not successful, although he admitted the appointment had been filled up by a most excellent man; nevertheless some of those very persons who had not been able to obtain the bishopric of Cork for the Archdeacon were now pressing forward to take away all his income. True, the Bill suggested that the deficiency was to be made up by the Ecclesiastical Commissioners; but that would be "robbing Peter to pay Paul," for the revenues of the Commissioners were too heavily charged already. Just let them look at the case of the Protestant inhabitants. They were called upon to take away from some of the working clergy of Ireland—many of them most highly com-

mended by the Roman Catholics themselves—their annual stipends, and put them into the pockets of the Protestant proprietors of houses. Now, was that just? Was that the view taken by Parliament in the Act of 1854—an Act introduced under the Earl of Aberdeen's Government, when Sir John Young was Secretary for Ireland and the noble Lord now at the head of the Government was Secretary for the Home Department. That was a measure which undoubtedly conferred very great advantages upon the owners of small houses who henceforward were to be exempted from the tax. He must say, as regarded Sir John Young, that he had applied himself, with the best possible intention, to carry out that Act in the most convenient manner and with the most *bonâ fide* intention. He had warned the House in the last year that the Government could not enforce the law; and accordingly, under the advice of the law officers they took proceedings and obtained judgment and proposed to stop there. They now complained that an appeal would be brought to the House of Lords if they attempted to enforce that judgment—but that was a threat which any litigious person could have recourse to. The truth was the difficulties under the Act of 1854 arose from the way in which the Commissioners had conducted their valuation. If the Government was of opinion that there was a real difficulty in the way of the working of the Act, their plain course all along was to have amended it in a manner that would render it enforceable. Under the old law the clergy generally got their incomes; and why should not the Government take the collection of the tax out of the hands of the corporations altogether, and consign it to the Ecclesiastical Commissioners, or to the Protestant clergy themselves. If that were done they might use their discretion as to collecting it from Roman Catholics; but where the owner or occupier was a Protestant the absurdity of objecting to pay the impost was self-evident. At the great settlement of the Church question in 1835, when church rates were abolished, as partaking, perhaps, of the nature of a personal charge, Mr. O'Connell did not think it necessary to insist upon the discontinuance of ministers' money. He (Mr. Napier) would not object to the introduction of the Bill, but he certainly could not understand why the Government, after they had obtained the decision of a court of law in their favour,

should have any doubt as to the course they should take, simply because the other side had threatened to appeal. At all events, the clear course of the Government was to see that the clergy were not deprived of their incomes, in order that the proceeds might be handed over to the Protestant proprietors of houses in the corporate towns in Ireland.

MR. BOWYER understood the right hon. Gentleman the Member for the University of Dublin (Mr. Napier) to say that this tax might be collected by the Protestant clergy, and when they came to Roman Catholics who objected to pay the tax, they would not be asked for it, but the Protestants would be willing to pay it. No doubt if it were left in the hands of the Protestant clergy they would collect the tax in a reasonable and proper manner. He (Mr. Bowyer) would say, let the Protestants pay the ministers' money, and let the Roman Catholics be exempted from paying it; and by these means the House would avoid these unseemly disputes, and a great deal of trouble, censure, and resentment.

MR. WHITESIDE thought the hon. and learned Gentleman (Mr. Bowyer) had rather misunderstood the argument of his hon. Friend, which, in fact, amounted to this, that the tax was a charge upon the property of the country, and not upon the consciences of Roman Catholics. If he (Mr. Whiteside) was in Rome, as he had been, and if he were called upon to pay a tax for his house, he would not consider it the slightest breach of his conscientious obligations that he must pay the tax. It was very well known that the first question every one asked on taking a house in Dublin was "What was the amount of ministers' money on the house?" The fact was, those gentlemen who refused to pay the tax might as well refuse to pay the tithe rent-charge. Undoubtedly the Corporation of Cork had some grounds of complaint against the Government. The corporation was entitled to receive a return of the houses over £10 in value, which were alone liable to the tax under the Act of 1854. How did the Government proceed? Really the whole affair was a specimen of how matters were managed in that most interesting institution, the Castle of Dublin. Why, they appointed two Commissioners, whose duty it was to have gone to Cork and ascertained the value of every habitable house in the city; instead of which those gentlemen never quitted the

Castle, and had recourse to the poor rate book, and wherever they found a tenant that was rated at over £10 they included him in the return; and so in that way they actually declared a "raquet court" liable to the tax. Now, if the Commission had done its duty, the way to the collection of the tax in Cork would have been comparatively easy. Hence he should trust to the good feeling of his hon. Friend the Member for Cork (Mr. Fagan) to recommend to the corporation of that city the adoption of the course supported by Mr. Staunton in Dublin, and which enabled them to get in five-sixths of the tax there.

MR. MEAGHER objected to the tax being imposed indiscriminately upon the inhabitants of a town, without regard to their religious opinions. The Act of 1854 was nothing less than an attempt to perpetuate the Act of Charles II. It was said the tax was a charge upon property, but it was, in truth, a charge upon the occupiers of houses. He entirely agreed with the hon. Member for Cork (Mr. Fagan) that nothing short of a total abolition of the tax by the Government would be satisfactory to these towns. He only spoke on behalf of the seven provincial towns, he did not speak for Dublin; but he questioned whether the Roman Catholic inhabitants of that city were not of the same opinion as those of the provinces.

MR. MAGUIRE said, that his principal object in rising was to impress this fact clearly upon the Government and the House—that the question with which they were then called upon to deal was one of principle, and not of detail—and that no measure which did not wholly abolish a tax that, on conscientious grounds, was regarded as unjust and oppressive, could satisfy those large and important communities on which it was sought to be fastened in even a more obnoxious and odious form than before. The right hon. Gentleman the Member for the University of Dublin had tauntingly asked, was it the intention of the opponents of the tax to deprive the Protestant clergy of their incomes? The answer was, that the Roman Catholic inhabitants of the towns interested in the abolition of the tax had not the remotest wish to deprive the Protestant clergy of those towns of a single penny of the incomes which they now derived. Any desire or wish to put them in a worse position they distinctly repudiated, and that in the most emphatic manner. For himself he was quite ready

to bear his testimony to the exemplary character of the Archdeacon of Cork, with whom he had the honour of a somewhat long acquaintance; nor could he deny that the body of the Protestant clergy of that city were gentlemen in every way entitled to respect; but while he would not object to see the Venerable Archdeacon and his brother clergymen amply supported, he certainly, in common with the Catholics of Cork, did object to see him and them paid out of Catholic pockets. The payment was not objected to; it was the source from which the funds were sought to be obtained that was repugnant to the Catholic conscience. It should, therefore, be distinctly understood that the objection was one of principle, and not of mere detail. As a Catholic, he held that it was unjust and oppressive, and repugnant to every principle of reason, justice, and equity, to force him to pay for the support of the ministers of a Church to which he did not belong, and in whose tenets he did not believe. The right hon. Gentleman (Mr. Napier) spoke of the tax as being a tax on property. That he denied. The tax was not on the house, but on the occupier—on the individual, and not the property. The house was made the medium of its imposition, but the occupier was the victim. It was ostensibly imposed for the “cure of souls.” The cure of whose souls? The souls of Protestants. Admitting, for argument sake, that the towns subject to this tax were not Catholic in the time of Charles the Second, surely no one could deny that they were Catholic at present. Therefore the tax ought to cease with its necessity,* for the Catholic inhabitants of those towns necessarily repudiated the ministrations of the clergy of any other Church than their own. Let the House judge of the existing state of things by the statistics of the population of Cork. The population within the limits of the municipal boundary was about 86,000, and of that number not more than 15,000 were Protestants; so that the tax originally imposed for the cure of Protestant souls fell mainly upon a Catholic community. The same might be said of Limerick, Waterford, Kilkenny, Clonmel, and even of Dublin. He (Mr. Maguire) might remind the Government that he had warned them against the adoption of Sir John Young’s Bill, which he said at the time was repugnant to the feelings of the people, and insulting to their municipal bodies. At the time of the Bill being forced through

the House, the inhabitants and corporations of every one of the towns affected by it most indignantly protested against its being passed into law. The people would resist it, and the corporations could not and would not enforce it. In Cork, as well as in the other towns of the south of Ireland, the people were determined to have recourse to every legitimate means to defeat it. They would first have recourse to legal means, then passive resistance—he would not say what further means—in order to free themselves from a tax repugnant to their consciences as Catholics, and to their pride as freemen. If the right hon. Gentleman the Secretary for Ireland would glance at the evidence taken before the Committee that, ten years since, recommended its total and unqualified abolition, he would see that a now estimable and respected Protestant bishop, the Bishop of Derry, protested against the impolicy of allowing a fretting sore, such as he stigmatised this tax, to fester in the bosom of Ireland—that a Protestant clergyman declared that not one word was to be found in the Gospel to justify its imposition on a Catholic community—and that a Catholic clergyman (the Rev. William O’Sullivan) stated distinctly that no Catholic desired to curtail, by a single shilling, the revenues of the Protestant clergy, while Catholics naturally demand that the incomes of those clergy should be paid them out of any other exchequer than the pockets of the followers of another Church. He would then most earnestly call on the Secretary for Ireland, as he valued the peace and concord of the country, as he desired to see its people live in Christian amity, and by the responsibility which his office imposed upon him to deal with the question manfully and energetically, and not to attempt to tinker, by further patching and botching, a measure which was a disgrace to the statute-book of a free country.

Leave given.

Bill *ordered* to be brought in by Mr. FAGAN and Mr. BEAMISH.

Bill read 1^o.

MAYNOOTH COLLEGE.

MOTION FOR COMMITTEE.

MR. SPOONER moved,—

“That this House do resolve itself into a Committee for the purpose of considering the Act for the endowment of the College of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights and interests.”

The hon. Gentleman proceeded to say, nothing but a strong sense of duty could, under any circumstances, have induced him again to bring the question of the grant to Maynooth under the notice of the House. But he felt it was his imperative duty—it was the duty of every Protestant, of every true patriot, of every Member of that House who had sworn allegiance to the Sovereign, to protest against the further continuance of the payment of public moneys for the education of priests in Maynooth College. There were many reasons which presented themselves to him against the continuance of the grant; but he was not going to trouble the House with any lengthened statement on that occasion, to which, indeed, he felt himself physically unequal, in consequence of a severe cold. He would say, however, that in bringing forward the question he had no views of personal ambition to serve. He had the highest respect for many, many Roman Catholics, and he had the pleasure of living on terms of intimacy with them. He knew them to be honourable and upright men, good subjects, and to act conscientiously according to their own views. He, therefore, could have no personal motives in taking the question up. In the first place, then, he wished to refer to the way in which the question had been met upon former occasions. He could have wished that hon. Gentlemen had dealt with him in that spirit of courtesy which was consonant with Parliamentary practice, and that when a Bill had been introduced and virtually read a second time, that advantage had not been taken of one of their rules by an hon. Member, whom he did not now see in his place, to defeat the declared opinions of the House. He feared that those Parliamentary tactics would be again resorted to to defeat his measure. He had been told, indeed, by some hon. Gentlemen, whose opinions he respected, and whose good opinion he desired to retain, that his Motion now assumed such a shape and character that it was absolutely a nuisance before the House. [*Laughter.*] Hon. Members might laugh, but who was it that created that nuisance? Was it the individual who brought the subject forward, or was it those who opposed it? Was it not those who resorted to every factious means to prevent the question going to a division? The forms of the House were most valuable, and of much consequence to maintain; but the abuse of them, if often repeated, would ultimately demand the

adoption of some measure to put an end to that abuse. He had one great reason for opposing this grant—it was exactly that which had been mentioned by an hon. Gentleman below the gangway a few minutes ago on the part of the Roman Catholics. He on the part of the Protestants of this country objected to be taxed to pay for the support of a religion the doctrines of which were contrary to the Word of God. That was a reason he now urged in support of his proposition. They, the Protestants of this great country, ought not to be taxed to support a religion which they believed to be not only a mistake—not only to be erroneous, but one which they declared was contrary to the Word of God—a religion whose doctrines were repugnant to the Holy Scriptures—a course which, if not abandoned, would sooner or later bring down upon this country those heavy judgments by which so many nations, had already been overwhelmed, but from which Providence, in His mercy, had still spared us. That was the high ground upon which he stood. [*“Hear, hear!”*] Hon. Members might laugh at and ridicule what he said, but they might rest assured that he was influenced by a sincere conviction of the truth. Whatever motives they might assign to him, he felt strong in the position which he occupied, that he was discharging a solemn duty which he owed to himself, as well as to his country and his God. But there were, besides, lower motives which should also come under their consideration. The support of this College he believed to be completely contrary to the Protestant constitution of this country. He asked them what did they require from their Sovereign when that Sovereign ascended the throne? What was the oath which that Sovereign was required to take? Why, that the Sovereign would maintain the Protestant Church. [*“No, no!”*] Hon. Gentlemen said “No!” but he maintained that that was the meaning of the oath, if not its words. He had not the oath before him, or he would read it. The Protestant Sovereign of this country had no title to the throne except that which she derived from the obligation she incurred in being the defender of the Protestant Church of the country as by law established. Well, what was the Established Church? What were its articles and its creeds which the Sovereign promised to maintain? One great article declared that the doctrines of the Roman Catholic Church were blasphemous fables and dangerous deceits.

And yet having signed those articles, they called upon that Sovereign to give her assent to a grant of money for the education and maintenance of a priesthood who were instructed to contradict the very principles embodied in those articles. They were taught to consider the Protestant authorities as out of the pale of the Christian Church. They were called upon to support a body of clergy who were intended to go from one end of the world to the other with the view of propagating those doctrines a denunciation of which constituted the very title by which the Sovereign holds her crown. Those hon. Gentlemen who had carefully read the Report of the Commissioners would agree with him that the conclusions at which the Commissioners had arrived were in complete contravention of the evidence upon which their Report was supposed to be based. He would not be in the least afraid to rest the whole of this question upon the decision of twelve men sworn as a jury to say whether the conclusion at which the Commissioners had arrived was to be justified by the evidence which they had heard. They said that there was no reason to believe that there had been any disloyalty in the teaching of the clergy, or any disposition to impair the sense of those obligations which they owed to their Sovereign. If he were to trouble them with extracts from that Report he could show them at once that those propositions were distinctly negatived by the best evidence that could be brought forward. The first witnesses who were examined were those who were naturally interested in the maintenance of the College. But the House would find that even in their evidence there were contradictions as to the character of the teaching that was carried on at Maynooth. There, for example, was a Mr. O'Hanlon, who said, "Oh, no, the priests have no right whatever to interfere with elections;" but he subsequently said, "there may be occasions in which to give a wrong vote would be a great sin against morality, and wherever it is a sin to give a wrong vote it is the duty of the priesthood to punish the individual." And then they would find, when they talked of the loyalty due to the Sovereign, that their evidence went to this extent—that their Church had the first and paramount claim upon them, and that whatever militated against the interests of that Church could not be justified in any way, even so far as obedience to the existing Sovereign. If

the House would permit him to bring in his Bill, he would be prepared with those extracts which would fully justify what he said. Let them but look to the other witnesses examined. What was the evidence of those who had really suffered by the evils of the College, who had received their education there? He referred to men who had the sense and the courage to think for themselves, and who had been led by the grace of God to see their former errors. Those gentlemen had come forward to state that what had been said against the system of teaching in Maynooth was perfectly correct. They now enjoyed, as they deserved, a high position in the Protestant Church. They stated that when they were in the College they were taught such absurd views and notions that, to use the expression of one of them, they felt that they were rebels when they left the College. He (Mr. Spooner) then said that the evidence so given must convince every unprejudiced person that the conclusions to which the Commissioners had come were unfounded and unsupported by the evidence before them. These Commissioners were evidently misled and baffled by the machinations of a certain body of men going by the name of Jesuits. The noble Lord at the head of that Commission no doubt filled every relation in life in a manner honourable to himself and beneficial to the country at large. The noble Lord did not, however, possess calibre sufficient to contend with the Jesuits; for he was unfortunately deceived throughout by them. If hon. Members had read the first Report of 1827 upon Maynooth by a Commission, over which the father of the right hon. Gentleman the Chancellor of the Exchequer most carefully, assiduously, and ably presided, they would see an obvious difference in the manner in which the whole of the question was treated. When the Members of that Commission met to consider their Report they could not agree, and they gave no opinion on the matter, but left the evidence to speak for itself. There were men on that Commission who were not to be deluded, who would never sanction a Report which was contrary to evidence. Any man who compared the two Reports would see how far superior the examination on the first was conducted. Let the House but reflect on the progress of the College of Maynooth. It was originally authorised by a Bill of a permissive character. The first measure simply gave permission to certain Roman

Catholics in Ireland to form a College, to hold property, and to use that property for the teaching of the priests, which they could not do without the permission of such an Act. That boon was sought for with humility, and was gratefully received. It was given them with the full and confident hope that, by educating the priests at home, there would be a better class of priests created than by educating them abroad. If the Roman Catholics had but acted up to their professions, there would be a different feeling between Protestants and Catholics than that which existed at the present day. Well, having got permission, they came for money—still humble, still submissive, still suppliant—but earnestly asking for money. That money was unfortunately granted them. He insisted that the principle was wrong in any way whatever—sanctioning by the Government a grant of the public money for such purposes. It was not to be justified. If the House would but trace the doings of the Romish party, they would find them inch by inch advancing in their claims. Every concession given to them but created a fresh demand. They came now, not as suppliants—not with promises that they would really submit to the Government—that they would be good subjects—but they demanded this money as a right—[“Hear, hear,” from the Irish Members]. Well, he thought that the House ought to take warning by their past conduct, and not give them any more. He protested against giving them the sanction which they now enjoyed of educating their priests by means of the Protestant money of this country. He was reminded that some feeble-minded friends of his, who totally disapproved of the grant and of the conduct of the priesthood—indeed, as strongly as himself—were not yet prepared to vote for the discontinuance of the grant. They said, “Oh, if you meddle with that you will destroy the Protestant Established Church of Ireland.” He, however, was not to be frightened from his position, even by such an apprehension. He was convinced that the noble Lord at the head of the Government felt as strongly as he did that there was no analogy whatever between the two cases. It was only about two years ago when the noble Lord stated as much in that House. The question of the endowment of Maynooth had nothing whatever to do with the maintenance of the Protestant Church in Ireland. He therefore left that question with the most

perfect confidence in the hands of the noble Lord, satisfied that, so long as he was Prime Minister, not one sixpence would ever be extracted from that which belonged to the Established Church. His merry friends below the gangway said that it was their property first. All he would say in reply was, then they knew nothing of history. If they did they would know that long before the plague and leprosy of Popery found its way into Ireland there was a Christian Church existing and endowed there, holding the same doctrine, administering the sacraments in the same way, and preaching from the same Scriptures as the united Established Church did at this day. They preached exactly the same doctrines, and were endowed by many wealthy and zealous friends who believed in those pure doctrines. They might trace up the title to some of the property which that Church holds to a period long before the appearance of the Roman Catholic religion. The United Church of England and Ireland was a corporate body, and although there were abuses introduced into it, that Church still remained in its integrity. When the Reformation came all those abuses were swept away, and the Church was purified, but still remained the same corporate Church. No man who had read history could come to any other conclusion than that the title to its property was as good and as sound in the present United Church of England and Ireland as the property of any person whatever. But he was told that property had sometimes been left for certain uses to the Church which were contrary to Protestant feeling as well as the law of the country. He admitted such to be the case. But they must treat such property as they would that of any testator who bequeathed his money for improper purposes. If they had sound reasons for objecting to such application of property, they did not destroy the legacy; but, as they did every day in the Court of Chancery, they would order it to be appropriated in the best legal manner, so as to act as conformably as possible to the wishes of the testator. And if this were found to be utterly impossible, it would then become forfeited to the Crown, by which its ultimate application would be directed. He therefore said, that whether as regarded the original title to the property, or as regarded the question of legacies left during the period of darkness and corruption, the title of the Church to

its property was as sound and as good as the title to any other property in the kingdom. He feared not, then, any such threats as had been made in respect to the Protestant Church of Ireland. Let them but look around and see how many men hold their estates by the same identical title by which a great deal of the Church property was held. The persons thus circumstanced would very soon find out that it was not only their duty, but it was their pecuniary interest to maintain such a faith. Self-protection, then, if they had no higher or worthier motive, would hinder them from giving any aid to the intended spoliation or to the adoption of any measures against the Established Church. The Roman Catholic party themselves were too powerful a body to have submitted to this state of things if they thought that by any possibility they could obtain a legal title to that property. An hon. and learned Serjeant had recently written a curious pamphlet upon this subject. In that document the learned Gentleman admitted the title of the property of the Church, but he put forth a beautiful scheme under which it might be distributed amongst the various sects throughout the country. It was very amusing to read such speculations. Another point, and a very important one for their consideration, was the great change that has for years been going on, and was now going on, within the walls of Maynooth. The great struggle was as to whether the Gallican or the Ultramontane doctrines should prevail there. [Here an hon. Member, Mr. DRUMMOND, ejaculated "What stuff!"] His hon. Friend, with his usual politeness, exclaims "What stuff!" He could assure him that it would require still greater eloquence and convincing powers than his hon. Friend to make him (Mr. Spooner) believe that this was all stuff. What was the object for which Maynooth was formed? The fear of this country originally was that the Ultramontane doctrines would be professed by the Irish priesthood. It was apprehended that they would be the mere tools of the Pope, and the Government did all they could to prevent such an evil occurring. For many years the Government exercised a close surveillance over the College of Maynooth; but the system gradually changed—the original trustees were removed. Their officers, who were supposed to watch over the proceedings of the College, were turned into visitors, and, to use the expression of one of them,

"We just walk over the college once in one, two, or three years, but have no power to interfere in the affairs of the college." Then came the next change in the college in the alteration of the books. In the first Report the catalogue of the books used in the college was given. In the second Report it was stated, forsooth! that the students were not instructed in many of those books—that they formed no part of their education, although it was admitted that they might read them. There was, however, a great change in respect to those books. For example, "Bailly," that was in the former catalogue, was now prohibited. And why? It was said, indeed, that Bailly's book was rather of a Gallican character, which was not convenient for the Pope to entertain, and Scavini's *Moral Theology* was adopted in place of it, a book as full of Ultramontane doctrine as it was possible for any book to be. The edition quoted was that of Paris, 1853. He would take the liberty of reading an extract from this work:—

"Pope Pius IX. permits his letter recommendatory to be put in the preface of this work, and specially approves it, because it gives further propagation to 'the salutary doctrines of that most truly learned man Alphonsus Liguori, and imbues youthful minds with the same.'—May, 1847. Given at Rome."

Let them but consider what were Scavini's doctrines. "He returns the compliment of his master by awarding the Pope the title of 'Gloriosissimus,' vol. i., page 199. Treating *De Legibus*, he says, vol. i., page 173,—

"The chief Pontiff has power to make laws for the whole Catholic world, because he is the successor of divine Peter, the prince of the Apostles, and is the true Vicar of Christ, the head of the whole Church, and the father and teacher of all Christians, and to him is given the plenary power in behalf of the blessed Peter of feeding, ruling, and governing the whole Church."

Now, no such words as spiritually governing appeared there. The omission of the word was very important. Now, what does this writer say about human laws. He says that the precept of Scripture enjoining obedience to human laws cannot be violated without high criminality, "unless"—and here the Jesuit betrays himself—"anything be enjoined which is against the laws of God and of the Church." Sovereigns, therefore, were to be obeyed by their subjects only when their laws were in harmony with those of the Church. And lower down "Human laws,

if they are just, bind the conscience;" and at p. 201, "In a doubtful case (as to laws), no one is obliged to obey." In vol. i. page 218, he discusses the question if the pontifical laws ought to be promulgated in the provinces beyond the Roman States, and he affirms that "they ought;" and (page 219) he says, "it thwarts and degrades the Roman Pontiff (the true vicar of Christ over the whole Church, the head, father and teacher of all Christians) to call him a foreign Prince in regard to the faithful living beyond the Roman States, when reference is made to those laws pontifical which are issued from Rome to all Christians; or to call Rome a foreign territory when it is the centre of Christendom." He (Mr. Spooner) asked them now whether they would give their sanction to a college that taught such doctrines? The obedience of the Catholic priesthood to the laws of the country was only contingent upon their not interfering with the laws of the Church. Was the British House of Commons prepared to pay a grant of money for the support of an establishment which taught the subjects of Her Majesty that there was a human power superior to that Sovereign, which they were bound to obey before her? Then, as to witnesses, in vol. i. page 433 of Scavini was this passage—

"Is a witness bound to restitution who conceals the truth from a Judge lawfully interrogating? Some say he is so bound, but others—Lugo Molina, Lessius—deny that he is, and say that by silence he does not sin against justice."

Now that passage was strong enough, but it was only very trifling to what came next. The witness is sworn to tell the truth; but in the passage he (Mr. Spooner) had read they had it stated that some Roman Catholic authors were of opinion that he was not bound to comply with what all Protestants held to be the sacred obligation of an oath. The author added, in a note—

"Indeed this is more probable, because thus swearing he (the witness) is not bound to observe his oath, as well because from his words it is invalid, as also because God did not accept his promissory oath except according to the intention of the person swearing."

The Roman Catholics were free to state that it was no sin whatever not to tell the truth. [*Cries of "No, no!"* from the Roman Catholic Members.] Yes, in this book that doctrine was taught. Hon. Gentleman could read it. [*Renewed cries of "No, no!"*] He really believed that

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many of the Roman Catholics themselves did not know it—that very few of them knew it. In a conversation which he had had, on one occasion, with a Roman Catholic Member of the House, one for whom he entertained a very high respect, that hon. Gentleman asked him what made him so bitter against Roman Catholics. He (Mr. Spooner) replied that he had no bitterness towards them [*a laugh*]. He repeated his assertion. Individually he had not. He dealt with them just as impartially as he did with Protestants. He had nothing, nor did he wish to have anything to do with their private opinions. He knew that there were many Roman Catholics who would laugh to scorn the teaching in the book from which he had quoted; but let the House recollect whom they were teaching in Maynooth. They were teaching the priests, who were to be the instructors of the people of Ireland. They would have to answer for the consequences of that teaching, for it was coming from themselves; they were paying for it. Without taking the high ground of their responsibility to Almighty God, he asked them ought they, as Gentlemen, to send out such teaching through the priests to ignorant people who knew no better, and who would be told that it was extracted from a book authorised by a Protestant Government? But to continue his anecdote respecting the conversation with the Roman Catholic Member to whom he had been alluding. He replied to the hon. Gentleman that he was only bitter against the doctrines of the Roman Catholics, and as evidence of what those doctrines were he quoted books used at Maynooth. The hon. Gentleman assured him that he had never seen those books, and added that he was really astonished to hear of such doctrines in Roman Catholic authors. He could multiply his quotations; but he would not detain the House with more than one or two more. In vol. i. page 425, was this doctrine—

"One thousand jocose or officious lies are a thousand venial sins, but do not make one mortal sin; hence the Council of Trent teaches that venial sins need not be confessed, nor do they extinguish grace."

Again, vol. i. page 431, "Obligations of civil society say that a clergyman ought not make oath before a layman unless with licence of his superior," and quotes the Sacred Congregation's Instructions of 1823 as authority. And in vol. ii. pages 234-5—

"What is to be thought of a false promissory oath? Whoever promises anything with an oath, but without the intention of being bound by it, it is commonly agreed that he sins gravely, since it is a grave irreverence to call God to witness and not to be bound by it; but there are those who teach that this sin is venial, and, indeed, very probably, for without the mind to be obligated there is no oath, and therefore the oath cannot be violated. There has, therefore, been only a vain use of the Divine name."

Now he seriously put it to the House and to Her Majesty's Government not to hear these statements carelessly. He called upon them not to allow these things to continue—not to suffer or endure the disgrace of having the country identified with such teachings. It was their duty to provide proper education for all classes of her Majesty's subjects; but they were not to teach them—he was going to use a light term and say, such trash; but he did not hesitate to say, such blasphemy as that which he had read. If they did, some day or other this teaching would recoil upon themselves. Nothing could have induced him to enter upon such a subject but the full conviction that he should be guilty of a great sin if he neglected to avail himself of the opportunity which his seat in the House afforded him of endeavouring to unfold those truths to their rulers. To the noble Lord at the head of the Government himself—who, he was sure, never read any of those books—he would strongly appeal. If he could stir up in the noble Lord's mind a sense of his responsibility, he (Lord Palmerston) had the power of putting a stop to the mischief. If he could but once get the noble Lord seriously to consider the matter, he was convinced of the noble Lord's upright character—so convinced that the noble Lord would recoil from anything taught by those books, that he was sure he would do in the matter what would become the Prime Minister of this great Protestant country. The noble Lord was very well read, and very well informed on every subject; and if he only availed himself of the opportunity now afforded him of examining the doctrines taught in those books, he would very speedily become satisfied that they were dangerous to a Protestant constitution, and that they would subvert the allegiance due to the Sovereign, destroy in the minds of the Irish population the obligation of an oath, and make them unfit to be sworn as witnesses in courts of justice—["No, no!" from the Roman Catholic Members]. He

was only talking of the natural effect of such teachings as those contained in the book from which he had quoted. Hon. Members shouted "No, no!" because one-tenth of them he supposed had never read those books. He believed he had read more of them than had most Members of that House [*Laughter*]. He was farther of opinion that did those Members who now laughed, calmly peruse those works with a desire of arriving at the truth, they would themselves be the first to aid him in putting down a system fraught with immorality, and destructive of the allegiance which the subject owed to the Sovereign. If such a system of teaching were not put a stop to, he believed a day of retribution would assuredly arrive. This country was, under God, indebted for her liberty to her maintenance of Protestant doctrines; but let them once suffer an admixture of Roman Catholic doctrine to take place, and even those liberals *par excellence*, if they aided in bringing about such results, would find that they had made a great mistake. They would find that they had introduced a tyranny which they would be unable to grapple with, and they would then bitterly repent the so-called liberality upon which they now prided themselves. He had now concluded his observations on the general question. He would bow to the decision of the House, whatever it might be; but he asked hon. Members not to stop discussion on so important a subject. Let them give him an opportunity of bringing in his Bill that it might have due consideration. He had, on the grounds of courtesy and precedent, a right to ask that much, for the House had already sanctioned a second reading of the Bill by negating a Motion to negative the second reading. He hoped there would not be any factious debating when once the House had pronounced a definite opinion on the measure; but he again asked that it might not be thrown out without a discussion of the grave facts which he held it to be the duty of the House calmly to consider.

MR. KENDALL seconded the Motion. He felt it his duty, in so doing, to briefly state his reasons, but he could assure hon. Members that none of his remarks would be intentionally offensive to Roman Catholics. He should be a very ungrateful man did he use offensive language towards them, for since his earliest days he had been on terms of close intimacy with mem-

bers of the Roman Catholic persuasion, and both in this country and abroad he had experienced the greatest kindness from them. He was quite aware that Roman Catholics conscientiously treated him as a heretic, while, on the other hand, he conscientiously treated them as Christian brethren. He agreed with the hon. Member for North Warwickshire, that it was impossible for any man of ordinary common sense to come to the same conclusion as that arrived at by the Commissioners who had inquired into the working of Maynooth College; but he (Mr. Kendall) should, he supposed, in his own case, attribute it to the fact that his education had been a simple one, and that he could not, therefore, enter into the subtleties which those learned Gentlemen were masters of. He based his opposition to the Maynooth Grant simply on the ground universally pursued by Roman Catholics towards Protestants in matters relating to religion, and that the people of this country should, in their bearing towards the Roman Catholics, hold themselves on the defensive; that they should in no way give the Roman Catholics power; and there could be no doubt that a grant of money increased their power. ["Oh, oh!"]. He did not mean to be at all offensive, but he should state the grounds of his opposition. He believed that every act of the Roman Catholics, as regarded their conduct towards Protestants, was the result of a conscientious motive; that there was a certain *modus operandi* prescribed for them, and that they approved of and carried it out. The union of the Roman Catholics was their strength, and Protestants ought to be ashamed that they had not amongst themselves such a union. They ought to take a lesson from the Roman Catholics, and be more in union with each other. The fact was that Roman Catholics felt respect for the hon. Member for North Warwickshire for having come forward as he had done—constantly and zealously; and they despised the Protestant who had not courage and nerve enough to support him. Let hon. Members consider for a moment what had been the conduct of the Roman Catholics of Ireland. Had there, during the last twenty years, been any one act commenced in Ireland by Protestants for the furtherance of their own religion which had not been opposed by the Roman Catholics, banded together as one man? Many hon. Members were in

Mr. Kendall

the habit of travelling on the Continent, where in Roman Catholic countries they experienced the utmost kindness and hospitality; but they must have observed that whenever the question of religion was involved everything was done to humiliate them. Whenever the Roman Catholics had the support of the Government of the State, they thought it their duty to oppress those who differed from them in religion. He was in Tuscany in 1834, and knew from personal experience that it was impossible to meet a man of more kindness of disposition than the Grand Duke. Yet what had happened in that country during the last twenty years? The Grand Duke bound himself to the priests, and as a consequence had felt it necessary to oppress Protestants in order to carry out the practices of his religion. It was on these grounds that he (Mr. Kendall) opposed giving power to Roman Catholics, which they would use adversely to the Protestant religion. They need not for proof go outside the House. On any question that concerned Protestant interests they found the Roman Catholic Members bound together as one to oppose the Protestants. He, therefore, asked the House not to give the Roman Catholics power, for they would from conscientious motives make an oppressive use of it. The hon. Member for North Warwickshire had often been charged with bringing forward his Motion for the abolition of Maynooth at inopportune times—he had been censured, for example, for bringing it forward last year during the war with Russia, when Roman Catholic soldiers were fighting side by side with Protestants; and it was said that any Motion that would excite a difference between them was to be deprecated. But if ever there was a fitting, an opportune time for such a Motion as that before the House, it was the present, and he would tell them the reason why he thought so. He, for one, suspected that there were without that House, and within it too, men who, though not professing the Roman Catholic religion, were still by their acts doing all they could to forward it. Some of these men did this, he believed, designedly; others did it unconsciously. They were not numerous; but they were powerful in intellect—powerful in regard of means, powerful in regard of position, and dangerous in regard of society. He believed that those men were not true to the constituents by whom they had been sent

to this House. He held that to be a Protestant Parliament, and his belief as a Protestant was, that every farthing voted in that House for education, not based upon the Protestant religion, was money granted by an act of presumption which amounted to a national sin. He heartily seconded the Motion of his hon. Friend.

Motion made, and Question proposed—

"That this House do resolve itself into a Committee for the purpose of considering the Acts for the endowment of the College of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights or interests."

MR. ROEBUCK said, the House would give him credit for not being in the habit of introducing theological questions, and therefore he trusted they would indulge him for a few moments whilst he discussed this Motion on other than theological grounds. Hon. Members must have wondered at the great difference between the speech of the Mover and that of the seconder of the Motion. There could not be a second opinion as to the good taste with which the seconder had put forward his views. He (Mr. Roebuck) wished he could say as much for the mover. It appeared to him that the hon. Member for North Warwickshire had read history very curiously—read it by the light of his own prejudices. The hon. Gentleman began by saying that the College of Maynooth had been endowed for the purpose of shutting out the Popish power. Now he (Mr. Roebuck) would endeavour very shortly to trace the history of that college. He would endeavour to show the House that the grant to Maynooth was founded upon justice and upon policy; and that, going to those higher principles—the principles of morality—it was founded upon these too. When was the College of Maynooth founded? It was founded at the time of the French Revolution, when this country dreaded not Ultramontane, but Gallic tyranny. The Irish Catholic priests were at that time taught in revolutionary France, and it was in order to prevent a continuance of that teaching that Mr. Pitt became the originator of the College of Maynooth. Now, the College of Maynooth was first endowed or established by the Irish Protestant Parliament—not by a mixed Parliament like the present Imperial Parliament. The seconder of the Motion called this assembly a Protestant assembly. He (Mr. Roebuck) took the liberty to contradict the assertion. It was neither

Protestant, Catholic, or Episcopalian. The British Parliament represented the opinion of the whole population of the three countries; and as opinions diverged in those three countries, so did opinions in that House diverge. These countries were not Protestant. No one could say that the people, or their representatives, were all Episcopalians. In England there was one religion; in Scotland another; and in Ireland a third—three—he could not say State religions, because the Roman Catholic was not the religion of the State in Ireland—but it was the religion of the great body of the people of that country, and recognised as such by the Government. Besides the people of these three religions, there were a multitude of Dissenting bodies represented in the House. They might call the representatives of those Dissenters representatives of Protestants of this country; but they were not more the representatives of the Protestants than the Catholic Members were—the Catholics in that House as much represented the people of this country as did the Protestant Members. Therefore, he said that House was not Protestant. But the Irish Parliament was a Protestant Parliament—it was elected by Protestants, and only Protestants could sit in it, and this Protestant Parliament erected the College of Maynooth and endowed it. That was in 1795. The House must remember why they did so. They dreaded not Ultramontane but Gallic doctrines. The thing they feared was revolutionary France; and revolutionary France was the place where the Irish priests were educated. Revolutionary principles, originating in France, had spread over the whole Continent; and it was in order to prevent Irish priests from imbibing revolutionary doctrines on the Continent, and importing them into Ireland, that the College of Maynooth was created. They then came to the time of the legislative union of Ireland with this country. When that union was effected, the Parliament of England felt itself bound to adopt what had been done by the Irish Parliament in respect of Maynooth. So thought all the great men of that day; and at the head of them was Mr. Pitt. They had left Maynooth as a legacy to the Parliament of the present day; and it was now in a position to see the obligations imposed on it by that legacy. For centuries Protestant England tried to root out Catholicism in Ireland. They passed laws which were a disgrace to any civilized community. They tried every

possible means that bigotry and cruelty could induce men to put in force in order to root out Catholic doctrine. But they failed; and in 1829 the consequence of their failure was felt, for they were compelled to grant Catholic emancipation. He now asked what was the justice of the claim. The justice of the claim was, that Maynooth had been established for English purposes, and the Parliament of England had maintained it on that ground. Then with regard to the policy of the claim. The great body of the people of Ireland were Catholics, and it was for the interest of the empire at large that there should be peace and good-will in that country. The Government and Parliament of England had some years ago changed their system, and endeavoured to be just to Ireland, and the condition of the Irish people was now very different from what it had been under the old system of Protestant domination. The Irish were now a prosperous people; they were now a peaceable people; they were now—he was almost ashamed to say the word—a loyal people. When he said “ashamed to say the word,” he meant shame that any man should be called upon at that time of day to vindicate before his fellow-men in that House the conduct of the Irish people. The Irish had, when called on, acted like brothers to the English. Let them look to the history of the battles, and did not they find Irishmen standing by the side of the English in all the great battles on the Continent? Should not the principles, then, of that House towards the Irish people continue to be those of kindness, that they might again have the friendship of that people in the hour of danger? Some one had said “England’s danger is Ireland’s opportunity,” but he would say that the people of Ireland had repudiated that sentiment—whenever they had been called on they had come to England’s assistance. He said then that it was the bounden duty of this country, as a mere matter of policy, to do the Irish people justice—to study their feelings—not in any way to insult them. He was of opinion that Motions of this sort, repeated every year in language such as they had heard that night, were impolitic, and the hon. Gentleman opposite (Mr. Spooner) would pardon him for saying that they were unchristian. He did not like that sort of Christianity which enabled a man to damn his fellow-man. He wanted to know what constituted the hon. Member for North Warwick-

Mr. Roebuck

shire judge in a matter of that kind? What was there in his intellect—what was there in himself—that induced him to set himself up and say to any other man, “You are a sinner?” [Mr. SPOONER: I did not say that.] The hon. Gentleman shook his head, and dissented; but the hon. Member could not say that he had not said it was a sin on the part of that House to maintain the College of Maynooth [Mr. SPOONER: Hear, hear!] He Mr. Roebuck wanted to know what authorised him to assume the character of infallibility? His (Mr. Roebuck’s) religion taught him that doctrines of religion were between a man and his Maker; and, if another man reproached his fellow on that head he went beyond the power which any human being possessed, or ought to possess. Nothing but weakness in his mind and bigotry in his heart could induce a man to act so. Having dealt with the policy and justice of the case, the higher doctrine of morality remained—that, in all questions of religion, the leading principle ought to be to give to every individual power and right to judge for himself. Was the House of Commons to enter into a theological controversy? He was a professor of the faith of the Established Church, and such he intended to remain; but he did not take on himself to catechise or school other men for dissenting from the Church. There were many hon. Friends of his who called themselves Protestant Dissenters, and he regarded the Catholics as Catholic Dissenters [*Murmurs*]. He knew that they would repudiate the term, but he stated it without intending offence, that, as a professor of the Church established by law, he believed everybody who departed from it to be a Dissenter. He believed that the high doctrines of morality should induce them to bear with each other on questions connected with religion; that Motions which must irritate and insult were unwise, unjust, and unchristian, and that, if they were to be repeated from time to time as they had been in the last few years, the House ought to express a strong feeling, as he sincerely believed they would to-night, by placing the hon. Member in a decided minority.

MR. BOWYER agreed with the hon. and learned Member for Sheffield (Mr. Roebuck) in protesting against the introduction of theological discussions into that House. The books which the hon. Member for Warwickshire had quoted were works of great learning, they were written

in very crabbed Latin, were intended for learned men, and contained a great variety of doctrines and nice distinctions which were put with all the subtlety of the casuist. It was, therefore, easy enough for any one who chose to select passages, and suppress others to interpret them just as he pleased, and extract from them doctrines which were not in reality the doctrines of the writer. The hon. Gentleman had referred to the distinction between mortal and venial sins. How was it possible to discuss such a subject in that House? This was an instance of the unfitness of theological discussions in that House. He must, however, observe, as the subject had been introduced, that it was most unfair to suppose that because the Roman Catholic Church declared certain sins to be "venial," it therefore held them to be of no consequence at all. There were crimes of various degrees of gravity in the eye of the law, and, in like manner there were sins of various degrees of gravity in the eye of the Church. But the Church held venial sins to be only less evil than mortal sins. The distinction was moreover in the Bible. The hon. Member had stated that one of the books to which he referred laid down the doctrine that the temporal laws were not valid if they were contrary to the laws of the Church. But let the hon. Gentleman read the context, and study the qualifications with which it was accompanied, and he would see that this doctrine was no more than that which every Protestant as well as every Catholic held—namely, that there were laws of his Church which a man was bound to obey rather than temporal laws. There must be a limit to the power of the temporal law over men's conscience. The hon. Gentleman would find in his Bible a narrative of three Jews who were required by the laws of their Church to say their prayers in a particular time and manner. They were forbidden to do so by temporal laws—they preferred to obey God rather than man, and they were punished for disobeying the temporal law. They were held forth as example as men who had done their duty. Did the right hon. Gentleman find that Catholics were practically less good subjects than Protestants? Did he know a single case in which a Catholic's sense of duty to his Church had prevented his being a good subject either in peace or war? The right hon. Gentleman said, that Catholics did not consider themselves bound by an oath. Let him remember the time

when Catholics were excluded from this House, and from holding civil offices and commissions in the army and navy, simply because they would not take an oath which was opposed to their conscientious conviction. Surely, if they had held such a doctrine as the hon. Gentleman had mentioned, nothing would have prevented them from coming to the table and taking the oaths, with a mental reservation, and so taking their seats in that House. Yet it was notorious, that rather than take oaths which they knew they could not keep, they submitted to the degradation of being excluded from every office which could be coveted, and properly coveted, under a free constitution. With regard to the doctrines the hon. Gentleman had quoted, about what he called equivocation, he (Mr. Bowyer) was ready to prove that there was no doctrine on that subject in the authors referred to, which was not to be found also in those great Protestant writers Grotius and Puffendorf. The hon. Member seemed to think that the Church in Ireland was originally Protestant. The hon. Member reminded him of a zealous clergyman, who once wrote a book for the purpose of proving that St. Patrick was a Protestant. There was no doubt, however, that St. Patrick, the founder of the Church in Ireland was the Pope's legate, and as much a Papist as Archbishop Cullen himself. He could not see, therefore, how it was possible for the hon. Gentleman to support his doctrine that the Protestant Church existed before the Catholic Church in Ireland. But the hon. Member tried to turn the tables on his hon. Friend the Member for Dungarvan (Mr. Maguire). The hon. Member for Dungarvan had stated in the course of the previous debate that the Roman Catholics objected to paying ministers' money for a religion that they did not believe in; and the hon. Member for North Warwickshire argued that, by the same reasoning, Protestants rightly objected to pay taxes for Maynooth. The argument was specious, but unsound. The college was founded, not as a favour to the Roman Catholics, but upon grounds of public policy, and it was a small and miserable compensation for the loss of the ecclesiastical property which once belonged to the Roman Catholics, and of which the Catholic Church had been robbed. The hon. Member then stated, that the Queen swore in her coronation oath to support the Protestant constitution of the country. The fact was, that the corona-

tion oath contained nothing of the sort. No doubt the Queen swore to support the Church as by law established in England, and the Church as by law established in Scotland. There was not one word, however, in that oath respecting the Protestant constitution; and the hon. and learned Member for Sheffield had most satisfactorily shown that there was no such thing as a Protestant constitution. The hon. Member for Warwickshire seemed, indeed, altogether to forget that Ireland was a Catholic country; that the Established Church there belonged to about 800,000 Protestants only, and that there were 7,000,000 of Roman Catholics in Ireland—["Oh, oh!"]—At any rate there were upwards of 6,000,000. Surely, no hon. Gentleman would deny that the Roman Catholics were in an overwhelming preponderance. With regard to the report of the Commissioners on Maynooth, the conclusion to which they had arrived was precisely the same as that to which the Committee of the two Houses of Parliament had arrived a great many years ago, when the same question was discussed; and it was proved that the charge against Maynooth of being anti-national, disloyal, and dangerous to the State, was utterly groundless. The hon. Member said something about the Commissioners having been misled by the Jesuits. Who were the Jesuits? He would first tell the hon. Gentleman what a Jesuit was. The question was once asked of Dr. Johnson, and he answered, "He is a man, who is a cleverer fellow than the one who calls him so." That was a Jesuit. But it so happened, that though in that sense many of the witnesses examined before the Commissioners were Jesuits, still, in the strict sense of the word, not a single Jesuit gave evidence before the Commissioners—no, not one. That was a fact. There were, however, a few witnesses examined upon whom the hon. Member had placed some reliance. But they were men who had been driven out of the Catholic Church, because they had offended against the discipline of that Church; and how far the testimony of such persons was trustworthy he would leave the House to determine. He apprehended it would not weigh with that House against that of the Professors of the "Royal College of Maynooth," who had been appointed by the authority of the Crown, and of whom he would say that they were as loyal to the Crown as any hon. Gentleman he had then the honour to address. The hon. Gen-

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tleman had said that Maynooth diffused Ultramontane doctrines. Now, some of these Professors had to his (Mr. Bowyer's) mind, expressed opinions before the Commissioners which were not Ultramontane enough; and some of those opinions were more calculated to give satisfaction in that House than at Rome, and this he had stated to the professors themselves. The fact was, notwithstanding all the hon. Gentleman said, that Maynooth was not an Ultramontane college. The absurdities which were talked about by the witnesses upon whose statements the hon. Member relied were almost incredible; one of them going the length of asserting that the priests at Maynooth were not loyal men, inasmuch as before they prayed for the Queen they divested themselves of the maniple, which he said was the only ecclesiastical vestment that was not derived from Numa Pompilius! If the hon. Gentleman would tell the House something about these vestments of Numa Pompilius, he would not only afford much gratification to the House itself, but to the whole of the learned world. He would not trespass longer on the House, because he did not wish to enter into a discussion upon articles of faith and theological questions—matters quite unfit to be considered by such an assembly, although he had thought it right to answer some of the points of the hon. Gentleman. He trusted that the House would reject the hon. Gentleman's proposal by such a majority as would discourage him from again introducing discussions of this kind, which were most nauseous, not only to the Roman Catholic, but to many of the Protestant Members, who, although they might be compelled by the bigotry and ignorance of their constituents to vote against Maynooth, disapproved the bitterness and impropriety with which the hon. Member for North Warwickshire, and still more, his hon. colleague (Mr. Newdegate), always treated this subject.

Mr. T. CHAMBERS said, he rose principally for the purpose of making a few remarks in reply to the speech of the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck), which were more worthy of notice from the position and character of that hon. and learned Gentleman than from their own intrinsic force. The hon. and learned Gentleman had commenced that speech with a condemnation of the course taken by the hon. Member for North Warwickshire in bring-

ing forward the Motion, and he had drawn a distinction between the speech of his hon. Friend and that of the hon. Member for Cornwall, with a view of showing that the taste of the seconder was better than the taste of the mover. In his (Mr. Chambers') opinion there was no force in the comparison. Nobody ought to know better than the hon. and learned Gentleman that any truth that was pertinent to the matter under discussion was always in good taste, however disagreeable it might prove to some parties, and certainly the last man in the House who ought to complain of the enunciation of unpalatable truths or of unpalatable fictions, as being in bad taste, was the hon. and learned Member for Sheffield himself. The hon. and learned Gentleman had thought proper to indulge in censures on the hon. Gentleman the Member for North Warwickshire, which must have been listened to with pain and surprise by any one who was acquainted with the character of that hon. Gentleman, and who knew how that character had been earned and how it had been maintained. But the hon. and learned Gentleman did not confine his observations to questions of taste, but adduced arguments in support of his opposition to the Motion under the consideration of the House. He denied that the College of Maynooth had been founded by Protestants as a protection against Ultramontane doctrines, but that it had been founded as a precaution against the spread of the Gallican political sentiments of the French Revolution. That was, no doubt, a part of the truth; but it was not the whole truth. The fact was, that previously to the year 1795 Roman Catholic priests could not be educated in Ireland without violating the law, and they therefore went abroad to obtain that education which was denied them at home. But that became both illegal and impossible when the Revolution broke out, and the Continent being shut to them, a Protestant Parliament, acting rightly both politically and morally, altered the law, and made a provision for the education of those priests in their own country. They assented to the endowment of Maynooth, in order that the Roman Catholic priesthood might receive that education at home which they could not obtain abroad; but surely that did not support the conclusion that the endowment of Maynooth should be continued at the present day; because there was no longer anything to prevent Roman Catholics from maintaining for themselves establishments,

either at home or abroad, for the education of their clergy. The hon. and learned Gentleman the Member for Sheffield had gone on to contend that the endowment of Maynooth was a measure which had been adopted by Mr. Pitt for the purpose of cementing the union between Great Britain and Ireland, and he had further stated that it was a legacy transmitted to succeeding Parliaments by Mr. Pitt. If that were so, it was only another of the melancholy legacies transmitted by that Minister. But even if that were true, the Parliament of the present day was not obliged to accept that legacy—that *damnosa hæreditas*. The Act of Union provided that the assistance given to all religious and charitable institutions in Ireland at the time of its passing should not be disturbed for a period of twenty years; and there could be no violation of that engagement in a withdrawal of the grant to Maynooth more than half a century after the establishment of the union between the two kingdoms. The hon. and learned Gentleman said that for centuries this country had been persecuting the Roman Catholics of Ireland. No doubt they had been the objects of every species of cruelty and oppression which their English masters could devise; and he (Mr. Chambers) was very sorry for that: he readily admitted that the system practised towards the Irish Roman Catholics was very cruel, very abominable, very mischievous, and entirely useless for the purpose for which it had been adopted. But that was a fact which, as far as he could see, had nothing whatever to do with the continued endowment of Maynooth. The hon. and learned Gentleman also said that it was the interest of the people of this country to maintain peace between Protestants and Roman Catholics. That was certainly true; but he (Mr. Chambers) believed that peace could not be maintained between Protestants and Roman Catholics so long as the endowment of Maynooth was left undisturbed. The people of England looked upon the question, not as one of metaphysics and theology, but as one of principle and plain honesty, and their decision had been arrived at long ago; and that decision they would most assuredly have registered by that House sooner or later, in the shape of a total repeal of the Act of 1845, for peace could only be maintained by the total abolition of the grant. The House of Commons had never laid down any general principle for its own guidance in reference to the question of religious en-

dowments. The general and growing feeling of the country, however, was that they ought to make no such endowments, and that was a feeling which the House ought, in his opinion, to encourage. He would not rashly interfere with any existing endowment, but he would steadily resist the principle of making any further provision of that kind either at home or in the colonies. Another argument urged by the hon. and learned Member for Sheffield in opposition to the Motion was, that the Roman Catholics of Ireland had offered us great assistance in our national struggles, and that it was not advisable we should produce among them the irritation by which a withdrawal of that grant must be accompanied. He (Mr. Chambers) admitted that Ireland was at present flourishing and prosperous; but he would remind the hon. and learned Gentleman that one of the objects which Sir Robert Peel sought to attain by the Act of 1845 was the growth of a more friendly feeling among the Roman Catholic priests of Ireland towards this country and its institutions; and after having reminded the hon. and learned Gentleman of that fact, he would ask him whether the conduct of the Roman Catholic clergy during the last ten or twelve years showed that that object had been accomplished? Let them contrast the conduct of the Roman Catholic body, in 1795, with their conduct in recent times. At the former period the Roman Catholics had been, in the tone of their petitions and memorials to the Irish Parliament, humble and submissive; but they had within the last few years made an aggression on the established religion of the country such as had been unknown among us in any preceding age. That aggression, and the scenes which took place at elections in Ireland, showed but too plainly how little the Act of 1845 had contributed to win for us the favour and good will of the Roman Catholic priesthood, and that the college which was to produce priests favourable to England and her institutions had produced a Cardinal Wiseman and an hierarchy who had acted in bold defiance of the rights of our Sovereign. In making these remarks, he said nothing against the right of the Roman Catholics to the fullest freedom of worship. No doubt could exist that they were entitled to the freest exercise of their worship, and he would not have complained even of the Papal aggression if it could have been shown to be necessary in order that Roman

Catholics might receive all the sacraments and comforts of their Church. Such was not the case, and a Protestant House of Commons, bound to maintain a Protestant constitution, was compelled to resist such an aggression. "There are higher moral considerations," said the hon. and learned Member for Sheffield, "than any introduced by the hon. Member who made the present Motion, and my religion teaches me not to set myself up as a judge and condemner of any man." And then the hon. and learned Member for Sheffield accompanied that remark with certain observations upon the hon. Member for North Warwickshire. [Mr. ROEBUCK: I said that I would judge no man in his religion.] He was not aware that he had misrepresented the hon. and learned Member. But how did the hon. and learned Member's argument apply? The question was, not whether they should judge and condemn another man's religion, but whether they should continue to pay for its maintenance. The question was, whether, when he was called on to concur in a vote giving so many thousand pounds a year for the support of Maynooth, he was condemning another man's religion, if he acted up to his convictions and declined to do so. It was pseudo-charity, false liberality, and indifferentism, which made all religions alike, and it was an insult to require in those from whom they differed the same smooth, indefinite, and uncertain notions. That was not charity, and was an argument which would sustain no inference. It only served to put for a single moment the opponent of the man who used such an argument into an apparently false position, and to make him appear as a person who, while in reality vindicating truth, and therefore charity, was acting on "the weakness of his understanding and the bigotry of his heart"—phrases calculated to illustrate the taste of the hon. and learned Member for Sheffield. This question had been debated and decided in the country, and must be decided in that House. It was idle to say that it was a theological subject. It was not a theological subject, but a question of plain morals, which the English people understood, and would never cease to understand so long as they had the Bible in their possession, and the Bible they would continue to have until Popery should have been endowed and established in this country. He did not believe that the doctrines which had been quoted to the House that evening as

proofs of the demoralising character of some of the books read in Maynooth were held by all Roman Catholics. By a beneficent dispensation of Providence no large class of men could be made so bad as the doctrines which might be taught by their recognised leaders. But the fact that such books as those referred to were read and were regarded as authorities in Maynooth afforded a strong argument, when the House was called on to judge respecting the college and the system of education pursued there. This House was the proper arena in which to judge of that system, and the books taught in the college constituted the best test of the education carried on there. Upon these principles he had arrived at the conclusion, that the time had come when, whatever might be done with the £26,000—which he was not desirous of taking from the Roman Catholics, and was willing to give to any one or more of their secular charities—the Maynooth endowment should cease, and when religious peace should be restored to this country so far as this question was concerned.

MR. SERJEANT O'BRIEN desired that the grounds on which the Roman Catholic Members opposed the present Motion should not be misunderstood. It was not as a matter of pecuniary consideration that they supported the Maynooth endowment; for they did not come as suppliants to seek the bounty of the State, nor were they apprehensive that the withdrawal of the grant would affect the Roman Catholic religion. They, however, would view the success of the Motion as a violation of the rights guaranteed to the Roman Catholics by a solemn act of the Legislature. The grant had been for years a recognised, but inadequate consideration for the property of which the Catholic Church and people had been deprived; and its withdrawal would constitute an act of injustice the more galling on account of the offensive and unfounded charges which had been so recklessly made against the Catholic religion and faith. Independent of all considerations peculiar to the Roman Catholic body, they, on public and national grounds, and as subjects interested in the prosperity of the kingdom, deprecated the calamitous consequences which would result from giving the sanction of the Legislature to charges such as had been made that night, proclaiming that the Roman Catholic people should be regarded with suspicion and distrust, thereby placing them in antagonism with the rest of the Queen's subjects,

and declaring that the tenets of their faith were inconsistent with loyalty and freedom. The general interests of the State were much more affected by the question than the peculiar interests of the Roman Catholics. He had no apprehension that the withdrawal of the grant would impede the education of the Roman Catholic priesthood, for the Catholic people were so much attached to their faith that they would provide for that object by making every pecuniary sacrifice in their power; and, supposing that their own resources proved insufficient, the assistance of the Catholic Church in other countries would not be withheld. Establishments for the purpose would be formed in foreign States, and every one of them would be a proof of the injustice and impolicy of British Legislation. When, therefore, they talked of the danger of the tenets of the Catholic Church, they should bear in mind that they would increase that danger by giving to the priesthood a foreign education and foreign habits, and causing them to feel gratitude towards those foreign countries which provided for them that education which their own country denied to them. Could it, then, be matter of surprise that the principle of this grant should have been adopted in 1795, and that every successive Government, however prejudiced against the Roman Catholic faith, should have felt the necessity of securing a domestic education for the Catholic priesthood? He would maintain that the object of the Legislature in the establishment of Maynooth had been attained, and that, therefore, it was the duty of every one, as a duty to the State, to support it. He should not enter into what was called the theological part of the subject, and should not discuss with the hon. Member for North Warwickshire garbled extracts of evidence; but he must observe on the inconsistency of the arguments which had been urged against this grant. They had admitted the Roman Catholics to all the privileges of the subjects of the realm; they had admitted them to seats in that House; they had confided to Roman Catholic soldiers the protection and honour of the country; and no one would say that they had proved themselves unworthy of their trusts. They had entrusted Roman Catholics with the administration of the laws, and they have not failed in their duty to their country. In all the discussions on this subject it had never once been shown—it had never been attempted to be shown

—that the privileges conceded to the Roman Catholic laity had been in any one instance exercised injuriously to the State. He said, then, that the charges of disloyalty and immorality of their teaching alleged against the College of Maynooth had been proved to be groundless by the loyalty and good conduct of both the clergy and laity. The hon. Member for Hertford (Mr. T. Chambers), had said that the disendowment of Maynooth would produce religious peace. If he (Mr. Serjeant O'Brien) thought that such would be the case, and that these polemical discussions, which were so derogatory to the character of the House—these exhibitions of religious intolerance, in which, when the cause of religion was advocated, all religion was laid aside, could thereby be got rid of—he owned that, unjust and oppressive as was this measure, he should be somewhat consoled. But it was utterly delusive to hold out any such hope. The hon. Member for North Warwickshire and his supporters would not be satisfied with the withdrawal of the Maynooth grant. They would make onslaughts upon the State payments to the Roman Catholic chaplains in the army and navy, and upon the State provision made for the religious wants of the Roman Catholic inmates of our gaols, asylums, and other public institutions. Those payments would be denounced as national sins and as pregnant with danger to the State. There would be a revival of these polemical discussions upon each occasion of the yearly Estimates being submitted to the House. The hon. Member for Hertford had alluded to our Colonies, but he (Mr. Serjeant O'Brien) apprehended that neither the zeal of that hon. and learned Gentleman nor of the hon. Member for Warwickshire would induce them to extend the principle of this measure to our Colonies. There were reasons which would render that course inconvenient, and which would incline them to extenuate the guilt of this national sin. Was it, then, because Ireland lay at our door, while Canada was far distant, because Ireland was more within our power than Colonies which lay beyond our reach, that she was to be treated more rigorously than they; and that a course was to be pursued towards her people and clergy which England would not adopt towards the unbelieving population of India? The Roman Catholics of Ireland had been told that they were aggressive and that they had increased their demands. Now, his belief was that if they had continued

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satisfied with the Act of 1795, they would have been unworthy of any grant at all. All that Ireland asked was that the same policy should be adopted towards her as had been adopted towards our colonial possessions. He called upon the House not to legislate exceptionally towards Ireland by withdrawing this grant, which, although small in amount, was important in principle. Let them not reverse that policy which had been sanctioned for sixteen years by their wisest statesmen and by every successive Administration. Let them oppose this measure, which was unworthy of an enlightened State, and which, although exasperating in its results, would be powerless but for evil—which, while it would fail to produce the results anticipated by its supporters, would create in the minds of the Irish people a deep, bitter sense of wrong and a distrust in the justice of the British Legislature.

MR. G. H. MOORE said he fully appreciated and even felt sympathy for the sentiment which prevailed among the English people that it was unjust to call upon them to support a religion of which they disapproved, and on that ground he had some inclination to vote for the Motion, but more especially on the ground that if it were carried to its ultimate conclusion it must, as an inevitable corollary, lead to a similar dealing with other ecclesiastical establishments. A critical analysis, both of the agitation out of doors on this question and of the division that might take place in that House upon it, would tend to fortify the opinion expressed by the hon. Member for North Warwickshire that it was wrong to call upon one man to support the religion of another when he believed that religion to be contrary to the Word of God. The hon. Gentleman, however, thought it was right for the State to contribute to the support of the minority of the people of Ireland, consisting of Episcopalians, Presbyterians, and Unitarians, because all of these religions were, in his opinion, in harmony with the Word of God; but that it was sinful to contribute anything to the support of the religion of the vast majority, because he, forsooth! pronounced that religion to be contrary to the Word of God. He (Mr. Moore) would not argue theology with the hon. Gentleman (who, in respect of Protestantism, was exceedingly latitudinarian), because he did not believe that his opinions agreed with those of the people of England; and, as far as Ireland was concerned, he could afford to regard

the hon. Gentleman's opinions with the same feelings as he would the relics of the *mastodon* and *megatherium*, and other animals of extinct species whose terrible tusks and gigantic proportions no longer existed to trample down their opponents. The hon. Gentleman himself betrayed a consciousness that his own opinions would not pass muster out of doors. He (Mr. Spooner) had stated that Protestantism was the established religion of this country, and that the Sovereign was bound by oath to maintain the Protestant religion. But he (Mr. Moore) interrupted that statement with something like an interpellation, upon which the hon. Gentleman remarked that he (Mr. Moore) had not read history. Now, Mr. Burke denied that Protestantism ever had been established as the religion of the State—he said it was Church-of-Englandism. The hon. Member for North Warwickshire had told the House that before the English invasion the Irish people belonged to a religion which was similar or nearly so, to the Protestantism of the present day, and that tithes were established for the support of that religion. It was supposed by some—with whom he (Mr. Moore) did not concur—that the religion professed by the people of Ireland previously to the English invasion was not precisely similar to that of the Church of Rome; but there never was any doubt as to its not being represented in the smallest degree by the Protestantism of the present day. And even if it were it certainly was not supported by tithes, for tithes were not assigned to the Church until after the English invasion, and then they were assigned to the Roman Catholic Church. [MR. SPOONER: I never mentioned the word "tithes."] But the hon. Gentleman spoke of the property of the Church, and he must, of course, be supposed to have alluded to tithes. But the Established Church had no property which had not been originally assigned to the Roman Catholic Church. That Church was at the Reformation despoiled of all its property, and for this robbery the grant to Maynooth was a tardy and paltry effort at restitution. The hon. Gentleman had told the House that wherever Catholics were dominant they endeavoured to oppress their fellow-men. That was rather a strange thing to say in the hearing of those who were acquainted with the events of the last 300 years. The hon. Gentleman opposite (Mr. T. Chambers) asked what had the cruelty inflicted on the Irish people to do with the question? Did he

deny that robbery and plunder were part of the wrongs to which they had been subjected? He said also he felt it was unjust that he should be called on to pay for a religion of which he did not approve, but the hon. Gentleman did not at all feel it hard that they, the whole people of Ireland, should be called on to support a religion of which they did not approve. In point of fact, stripping this question of all the false issues with which it had been overlaid by the hon. Member for North Warwickshire and the hon. and learned Member for Hertford, the real difficulty that pressed on the common sense and the consciences of the people of Ireland was that they had to pay for the diffusion of a religion which they believed to be contrary to the Word of God, and of which they therefore disapproved. But that point the hon. Members had treated rather gingerly. The people of England and Ireland would not uphold the Established Church in Ireland; but the Conservative party did. The leaders of that party, however, were too wise to lend themselves to what might prove an amusing afterpiece to the more serious drama in which the noble Lord the Member for the City of London played the principal part a few years ago. It was only five years since that noble Lord was at the head of the Government of the country and the foremost man of a great party. He had won his great name, his position, and his office by deeds in the cause of civil and religious liberty, and when in that position it suddenly occurred to him that he would appeal to the dominant and arrogant intolerance of England in favour of civil and religious liberty. What was the result? He was eminently successful; his letter to the Bishop of Durham was called an admirable production, and his Ecclesiastical Titles Act an effective measure. He had with him almost the unanimous opinion of that House, but he had not with him the star of his House or the traditions of his party. What, he repeated, had been the result? The Bill that was carried with such triumph by that House, and received with so much satisfaction by the country, utterly broke down, and with it the Government of the noble Lord himself, in spite of the feeling of the House and the country; and as the result of the subsequent appeal to the people the only party found capable of governing the country through that House was that which had the courage to resist the arrogant demands of a dominant intolerance. He thought the example of the

noble Lord ought to be an everlasting warning to the statesmen of England how they held a parley with the hollow phantom of religious fanaticism, which was half gloomy Puritanism and half "organised hypocrisy." The hon. Member might have a majority, but it would not be supported by one man who had held office or was worthy of holding office; and the people of England liked to know by whom, in the event of change, they were likely to be governed. For his own part, he (Mr. Moore) was indifferent as to the result of the Motion before the House. The grant to Maynooth was not a boon which the people of Ireland cared so much to retain. The Legislature of this country established that grant for its own and for British purposes under the guidance of Pitt and Peel; and they were now asked to do away with it on behalf of the two gentlemen whose names he regretted, for the sake of antithesis, that he was not at liberty to mention in the House of Commons.

MR. DRUMMOND: The question, Sir, now under the consideration of the House presents itself in two very distinct aspects. The first is the political aspect. This was a bargain between the Parliament of England and the Parliament of Ireland, and you cannot honestly break it. You may alter it, and may plead in so doing the change of time and circumstances; but if you do, it must be in order to make a change that may be more advantageous to the other party than to yourselves. I said last year I should certainly prefer this grant being given to the Roman Catholics that they might send their priests to be educated abroad, because I believe that would give us a better class of men as priests, and that they would get a better education at Rome than they did in Ireland. That, however, is a question for them to settle, and not for me. But, Sir, there is another point which it becomes the House to take into consideration. The hon. Gentleman (Mr. Spooner) can scarcely conceive that this is a little isolated filching of another man's property. Is he not aware that he is asking the House to begin a new course of policy towards the Irish people, such as we have not pursued for the last sixty years? Is it possible he can conceive that if he carried this question of the repeal of the grant to Maynooth the thing would be at an end? If he does not think that, surely he ought to have informed us what are the other results that must inevitably follow,

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and how he means to meet them. But it seems to me as if the hon. Gentleman was merely a sort of Pennsylvanian adopting a little policy of repudiation. Because he does not like his bargain he wants to be off. Why, such conduct as that is only worthy a ticket-of-leave man. He may remember, for he is fond of quoting texts of Scripture, that there is one which refers to the man that "sweareth to his neighbour and disappointeth him not, though it be to his own hurt." The hon. Gentleman seems to think that it is his duty to destroy popery in every possible way. Now, popery is like the shield of old of which we have heard, which had one colour on one side and another on the reverse; and is, therefore, black or white, as it is looked at from the one side or the other. I quite agree with him as to the Report which resulted from the recent Commission to inquire into the College of Maynooth; for certainly the worthy Nobleman at the head of that Commission proved himself utterly incapable and utterly ignorant of everything he was commissioned to inquire into; and, therefore, no sooner had he failed in the first piece of public business he ever had to perform, than they immediately made him a Cabinet Minister. That was an example of finding out the right man for the right place. Now, the hon. Gentleman says that the doctrines of the Romish priests are such as to render it unsafe to tolerate their teaching in this country. I grant everything he says on that subject, and I am not going to recant one word which I have ever said in reference to it. But it is rather cool for Irish Members to talk of the persecution of Roman Catholics in Ireland. In Spain they put to death any man who may presume to differ from them; and what have we lately read in the papers in reference to what has been done in France? the Roman Catholics would persecute again if they could; and so they will ever do. Do not suppose I am abandoning any of the opinions I have always held on these points. No such thing. I would not have the people of England imagine, either, that there is the smallest change in any of the most abominable claims put forward by the Romish Church. I must say, though, that I was surprised to hear the hon. Gentleman opposite (Mr. Spooner) talk about the difference between ultra-montane and cis-montane opinions. There never was such a thing. ["Oh!"] There never was such a difference. [*A laugh.*]

Gentlemen may smile, but I again repeat that there never was such a thing. It is perfectly true that two or three French bishops did set up for a certain time a claim to what they called an independent Gallican Church, but Rome never tolerated it for a single moment. Then, again, the hon. Gentleman talked of Jesuits; but it is perfectly true what the hon. and learned Member for Dundalk observed, a Jesuit is only a cleverer man than another Papist—there is not a single doctrine advanced by the Jesuits which is not also a doctrine of the Roman Church. All the harm I wish the hon. Gentleman opposite is to read and study his own books. As for the Roman Catholics, I never met with a Roman Catholic gentleman who, when shown these works, was not horrified with the doctrines of his own Church. The hon. Gentleman talks about superstition. Is it possible that he knows so little of what is going on throughout the world as to believe that the tendency of men's minds at the present moment is towards superstition? The thing which is carrying away the Church, and Protestantism, and everything else is your German theology. Do you attempt to raise a cry against those foolish Puseyites? Why, it is you yourselves who are emasculating the Church of England. You have deprived it of everything which is the essential characteristic of a Church, and those essential characteristics are now found in this country in the Church of Rome alone. Yes, I say, you have denied and are denying more strongly every day the essential characteristic of a Church, which is the presence of God in its priesthood and in its sacraments. I know no Church recognised by you but the Romish Church which does stand as a witness, a faithful witness, before God as to these truths; and I would do anything rather than let that Church go down.

MR. SERJEANT SHEE said, he believed that the case of the hon. Member for West Surrey (Mr. Henry Drummond) was the second in the history of the world in which a prophet intending to curse the people of God had been obliged to bless them—yes, obliged, by inspiration from some source or other, to pronounce a most decided judgment in their favour. And he wished the hon. Gentleman no greater harm than that which the earlier prophet had wished himself—"Let me die the death of the righteous, and let my last end be like to his." With reference to the question

before the House, he must express his regret that he had not heard the speech in which the hon. Member for North Warwickshire had introduced his Motion. The proposition on which the hon. Gentleman had on former occasions based his arguments, and to which he supposed he still adhered, was that it was wrong and a national sin to continue the endowment to Maynooth for the education of a Roman Catholic priesthood. Now, in justice to the hon. Gentleman, he must say that his proposition had never been fully met by those who were opposed to it. He (Serjeant Shee) would endeavour to do so; and would meet it with this counter-proposition—that the hon. Gentleman and those who acted with him could not, consistently with their true principles, as members of the Established Church, be parties to the withdrawal of the grant which had been made by Sir Robert Peel in 1845. The principle that Church establishments should exist in this country was a fundamental part of our constitution. Such establishments existed in England, in Scotland, in Ireland, and in all the dominions of the British Crown. They might not always be complete and perfect Church establishments, but a permanent endowment provided by the law for the religious instruction of the people existed in every part of the kingdom. The Maynooth endowment was, to some extent, a Church establishment, for such an establishment must include an adequate provision for the education of the ministers of religion, and that endowment provided for the religious instruction of those who, it was known, must be the pastors of the great majority of the Irish people. Then, if it were a Church establishment, it must be tried by the test to which such establishments were always subjected—by the test of civil utility. The most distinguished divines of the hon. Gentleman's own persuasion had made civil utility the test by which the policy of all Church establishments was to be tried. Bishop Warburton and Dr. Paley had laid down that doctrine, and it only remained to see whether it could fairly be applied in the case of the grant which the hon. Gentleman sought to abolish. The civil utility to be answered by a Church establishment was the preservation and communication of religious knowledge. Religious instruction in youth, religious observance in mature years, were the best securities which Governments could have for obedience to human laws, for

peace, order, industry, and the general well-being of nations. The man who loved God would honour the King. The man who so ordered his life as to be justified in the sight of God would be just in all his dealings with his neighbour. The man who feared to offend God by sin of any kind would be little likely to be guilty of those sins which are punished in courts of justice as crimes. This was the civil utility by which Church Establishments must be tried. If it could be proved that, in consequence of unequal laws, the Roman Catholics of Ireland had been precluded from providing the necessary education for their priesthood, and thus communicating that religious instruction to the people which was the best guarantee for the observance of the peace and well-being of society, they were not as Christian men at liberty to subvert an establishment by which that important object had been in any degree attained, unless they could show that they had provided for its attainment by other and more effectual means. He contended, in the first place, that their laws had not been, as suggested by the hon. Member for Hertford (Mr. T. Chambers), of a nature to enable the Roman Catholics of Ireland to provide for the education of their priesthood out of their private means. He need not look beyond the Maynooth Acts for the proof of this position. The preamble of the first of them, the Act of 1795, recited that "it was unlawful to endow any college or seminary for the education exclusively of persons professing the Roman Catholic religion, and that it had been deemed expedient to erect a seminary with the view of providing education for the priesthood of that Church." Up to that recent period, therefore, it had not been lawful to erect a college for Roman Catholic teaching. Nay, even by the Act of 1845, which was the subject of the hon. Gentleman's Motion, the privilege was confined within comparatively narrow limits, the trustees of Maynooth having by that Act for the first time been made a body corporate, with the power of purchasing land not exceeding the value of £3,000 per annum. Would the House believe it, at the present moment there was no other institution in connection with the Roman Catholic Church in Ireland which enjoyed the benefit of incorporation. The Corporation of Trinity College, Dublin, had an annual revenue of £40,000 from land given by the State, and a total revenue

Mr. Serjeant Shee

of £76,000 per annum; and there were numerous institutions in connection with the Church of England in that country which enjoyed all the benefits of large revenues and of incorporation. Such were the Royal English schools, diocesan schools, chartered schools, military and naval schools, bluecoat schools, greencoat schools, hospitals, infirmaries, associations for the discouragement of vice, societies for circulating the Holy Scriptures, trustees of the library of the Archbishop of Armagh, Trinity College, Dublin; and all archbishops, bishops, rectors, vicars, and perpetual curates of the Church of England, while, on the other side, there was only Maynooth College, which enjoyed the advantage of legal immortality by incorporation. But not only were they not incorporated, but every difficulty had been thrown in the way of their endowment by the Roman Catholics themselves. Every donation to Catholic establishments had, until a very recent period, been confiscated in the Irish Courts of Equity under Acts repealed only ten years ago, and applied to Protestant purposes. By the 3 *Geo. III. c. 1*, passed by the Irish Parliament in 1763, when all the inhabitants of Ireland were presumed by law to be Protestants, charitable donations and bequests contained in wills were required to be published in the *Dublin Gazette* within three months of probate obtained. By the 40 *Geo. III. c. 75*, a number of official persons, and among them all the Protestant archbishops and bishops of Ireland were incorporated by the name of the Commissioners of Charitable Donations and Bequests. These Commissioners were authorised to sue "at law or equity for the recovery of every charitable donation and bequest which should be withheld, concealed or misapplied, and to apply the same when recovered to charitable and pious uses according to the intention of the donor, or in case it was inexpedient, unlawful, or impracticable, to apply the same strictly according to the directions of the donor; then to apply the same to such charitable and pious purposes as they should judge to be nearest and most conformable to the directions and intentions of the donor." Under these Acts, all donations and bequests for Catholic objects were applied as soon as discovered, to such lawful charitable and pious objects as the Commissioners judged to be nearest to the intentions of the donors—that is, to the purposes of the Protestant Established Church. Bequests for Catholic purposes

were adjudged unlawful, because opposed to the policy of the English law of superstitious uses, 1 *Edw. VI. c. 14*, which, though never enacted in Ireland, was held to be in full force there, and acted upon every day until about thirty years ago, in the case of a bequest to a nunnery at Waterford for educational purposes, Lord Chancellor Mannors refused to be bound by it and gave effect to the Catholic intentions of the testator. From that time, but little direct confiscation of Catholic charitable bequests had taken place, but Catholic foundations had continued to be without facilities or encouragement. One would have thought that in this enlightened age juster principles would have prevailed. The representation made in 1840 by the Roman Catholic Prelates to the Government of Lord Melbourne, and shortly after to that of Sir Robert Peel, that "they and their clergymen were trustees of very considerable funds, and that the legacies to them for charitable purposes had been and still were increasing to a very great extent," ought, as was hoped, to have obtained for Roman Catholics religious and educational privilege of incorporation. But the Charitable Donations and Bequests Act of 1844, 7 & 8 *Vict. c. 97*, passed in 1844, imposed fresh restraints upon the charities of Ireland, and left Catholic foundations without that advantage of incorporation which almost all Protestant institutions enjoyed. To one description only of Catholic charities, namely, bequests for the ministers of religion, for their residences and places of worship it professed to give facilities, by establishing a Board of Commissioners whom it authorised to become trustees for such objects. But excluding all other descriptions of charity from the benefit of that arrangement, it provided that no bequest of any interest in land for charitable purposes should be valid, if the will or deed containing the same was executed within three months from the death of the donor. This enactment applied no doubt to Protestant as well as Catholic institutions; but the former had already become rich and flourishing under the protection of the privileges they had long enjoyed. The Act, in truth, introduced into Ireland for the first time the restrictions of the English Mortmain Act. For those restrictions, the increased endowment of Maynooth granted in the following year and by the same Administration, was a very inadequate compensation. Besides, from the provisions of the English Mortmain Act—the two

Universities of Oxford and Cambridge, all the colleges and houses of learning connected with them, and the colleges of Eton, Westminster, and Winchester, were excepted. There was no such exception in the Irish Mortmain Act in favour of the Catholic educational establishments which had been so long and so unjustly discouraged; so that during the first half of the last sixty years (to go no further back) it had been unlawful for the greater part of their fellow-subjects in Ireland to establish such an institution as Maynooth for themselves—and during the whole of those sixty years they had enjoyed none of those facilities for the creation and perpetuation of educational or religious foundations which Protestants in both countries possessed. He submitted, therefore, in the first place, that they could not as Christian men, withdraw the grant to Maynooth on the ground that the Roman Catholics of Ireland have had, and now have, by law, all necessary facilities for the establishment and endowment of such an institution. But, secondly, could the withdrawal of the grant be justified on the ground that the civil utility of communicating religious knowledge to the people had been provided for by other adequate means?

MR. BALL rose to order, and said that the greater part of the hon. Gentleman's speech was a mockery, and the hon. and learned Member was not speaking to the question.

MR. SERJEANT SHEE was obliged to the hon. and learned Member interfering for his protection. He did not think he had been more interrupted than many hon. Members he had heard [*renewed interruption*]. He hoped they would permit him to suggest what it was material for them to know before going to a division.

The Irish Church Establishment enjoyed a revenue of £650,000, and if it had effected the object of an Established Church, there might be some ground for the Motion. Impossible to conceive anything more complete or efficient upon paper than the scheme for the appropriation of that large income provided by the Church Temporalities Act of 1833! It dealt with the whole ecclesiastical property of a country inhabited by a population of 7,944,000 souls, and contained not a word from which it could be suspected even that any portion of them were other than Protestants of the Episcopal Church of England and Ireland. And how stood the facts? In the most Protestant of the ecclesiastical provinces, Armagh, there were 638,000 Presbyterians—

only 517,000 members of the Established Church, and 1,950,000 Roman Catholics. This was the extent to which the communication of religious knowledge to the people had been effected by means of the Established Church. In the three other provinces the failure was more remarkable, for out of a population of 4,817,000, the number who received spiritual instruction from the Established Church was only 334,000. ["Hear, hear!"] They cheered as if they did not believe it, while they ought to be ashamed of it. The Roman Catholics had received no benefit from the Established Church, because the Acts copied from the English Statute-book for establishing the Queen's supremacy, for the uniformity of divine worship, and the use of the book of Common Prayer, had raised insuperable barriers between them and its communion. But for the priesthood educated at Maynooth, none of the ordinances of religion, held in both Churches to be essential or conducive to godly life and to that civil utility for which alone Church establishments exist—Baptism—Confirmation—Marriage—Holy Communion—Absolution from Sin—Public Prayer—Instruction and Exhortation, under the guidance and direction of an ordained Ministry, would be enjoyed by six millions of the Queen's subjects. They blamed Sir Robert Peel and his colleagues for making the grant to Maynooth permanent, while the truth was they had felt themselves bound as Christians and practical statesmen to provide in the interest of the whole empire for the religious instruction of the Catholics of Ireland. They talked about the endowment to Maynooth being a national sin; but after what he had said as to the impossibility of that Church administering religious ordinances to the people, how could they justify the withholding of the grant and the cessation of those ordinances? He had only one word more to say. In the debate of the year before last, it was stated that the Roman Catholics had declared they could do without Maynooth, and that the Roman Catholic prelates had passed a resolution to that effect. Now, a few days after that assertion was made, he had received letters from both the Roman Catholic Primates, denying that any such resolution had been come to, and stating that they believed the continuance of the endowment to be essential to the interests of the Roman Catholic Church and the adequate supply of priests for the Catholic parishes of Ireland.

MR. NEWDEGATE said, he would de-

tain the House for only a few moments, for he knew that the House was anxious to divide, and had felt the full force of the remark of the hon. Member for Cambridge-shire (Mr. Ball) that the greater part of the speech of the hon. and learned Member for Kilkenny was a mockery. But he rose to sweep away one fallacy which the hon. and learned Member had endeavoured to impose upon the House, and that was, that the Bill, leave to introduce which was asked, was intended to touch the property and corporation of Maynooth. There was no such provision in the Bill, which simply went to withdraw the annual endowment from the college. All the remarks of the hon. and learned Member, as to the hardships to be endured in respect to the operation of penal laws or disabilities upon Roman Catholics now repealed or removed, the hon. and learned Member had answered himself. Nor was his plea for the establishment of the seminaries of the Roman Church by incorporation, as essential to the due education of Roman Catholics more tenable. He admitted that the mortmain law in Ireland was less restrictive than that of England, but had forgotten to mention that even under the more restricted laws in England no less than eleven Roman Catholic Colleges were amply provided for, and instituted in a manner as perfect as considerations of State prudence would permit. The hon. Member for Mayo (Mr. G. H. Moore) had said that the administration of the noble Lord the Member for London fell because he had dared to pass the Ecclesiastical Titles Act, and that no Government could stand in this country which should propose to withdraw the annual subsidy to Maynooth. He (Mr. Newdegate) now called on the people of this country to watch the division, and ascertain whether the House of Commons was as subservient to the Court of Rome, as the hon. Member had declared that all the Statesmen who had held office, or who expected to hold office, were and must be.

VISCOUNT PALMERSTON: Sir, I cannot but express the pain which I feel at the renewal of discussions which the Motion of the hon. Member for North Warwickshire opens up. It makes one almost fancy that we have gone back to the period when this House was the arena of contentions between those who were advocates for the removal of the disabilities of the Catholics and those who thought that such removal would be fatal to the constitution of the country. We were told,

and I had hoped, that when the Catholic Emancipation Act was carried, we should hear no more of these theological and religious debates, and that we should know nothing of the religion of any Member unless we followed him to his place of worship on Sunday. I regret exceedingly that those anticipations have not been fulfilled, and that we are doomed to these periodical revivals of discussions upon matters which ought to remain a question between each man and his own conscience—of which his neighbour has no right to judge, and in which a deliberative assembly like this ought not, in my opinion, to engage. I would humbly submit to the hon. Member for North Warwickshire that the main ground on which he founds his Motion is irreconcilable with those principles which I consider that he most tenaciously holds. The ground on which he rests his Motion is, that no man ought to contribute towards the maintenance of a religion to which he does not subscribe. Now, is the hon. Member an advocate for an Established Church? I am sure that he is—I am sure that there is no man in this House who more firmly adheres to the principle of an Established Church. As the hon. Gentleman, then, is a sincere and zealous Protestant, I would ask him, does he adhere to the principle of private judgment? does he believe that every man should form his religious opinions according to his view of the truth of the doctrines which he may hold? If he does hold the principle of private judgment, can he believe it possible that in a free country like this there can be identity of religious opinions, or that there shall not be a great variety of religious creeds? Why, Sir, the only ground upon which the hon. Gentleman could reconcile his adherence to an Established Church with the principle that no man should contribute to a religion which he does not profess must be, that there should be an overruling and tyrannical power compelling every man to belong to the Established Church, and not permitting any diversity of religious opinion in the country. I say, then, that the doctrine of the hon. Gentleman is utterly inconsistent with those fundamental principles which I am sure he, as a Protestant and a friend of the Established Church, must necessarily maintain. Sir, my objection to the Motion of the hon. Member, in the first place, is on the fact that to abolish the Maynooth endowment, and to repeal the Acts which he wishes us to abrogate, would be a breach

of faith towards the Irish nation. It is perfectly true, as was stated, that the Catholics of Ireland are not dependent upon this grant for the means of educating their priesthood. There is no doubt that the wealth of Ireland would enable them to erect other establishments for the same purposes if the present endowment were taken away; but it would be an ungenerous act—it would be an act indicating a want of sympathy with those who deserve better treatment—it would be a breach of faith as connected with what passed at a former period if we were to adopt the Motion of the hon. Gentleman and withdraw the Maynooth grant. Upon that ground, if there were no other, I would resist the Motion; but I resist it upon a broader ground than that. I resist it for considerations connected with the interests of the British Empire. Sir, the hon. Gentleman has invited me to read all the books of instruction which are used at Maynooth. I certainly have no intention of doing so; but, for argument, I will admit his assertion that there may be in those books things which we might wish might not be found there; and I will ask him—is there in the ordinary instruction of our schools and colleges, and in those classical books which are used there, nothing to be found which some persons might desire not to be submitted to the eyes and instilled into the minds of the youth of the country? Admitting, however, that there are passages in the Maynooth books which, in point of doctrine and principle, are objectionable, I have that confidence in the people and priesthood of Ireland that I do not fear their loyalty will be impaired by such errors; nor am I in a position to own that the confidence which I place in them has been at all lessened by the hostile criticisms of the hon. Member for North Warwickshire. The main ground on which I call upon the House to maintain this grant is a regard for the interests of the United Kingdom. I hold, that if the grant were withdrawn, and the priesthood of Ireland were sent abroad for their education, they might receive a better education, but it would be a foreign one, and I wish them to have an Irish and native education. I care not what their religious opinions may be. That is for them to determine—not for me. I may differ from them on every point of their religious creed, but I hold it to be for the interests of the country that they should be educated at home—that they should be Irishmen in heart and feel-

ing; and as long as they receive their instruction in their native land I am content to trust to the loyalty which belongs to their nation, and never to consent to the repeal of an endowment which is so closely connected with the peace and well-being of the Empire.

MR. SPOONER, in reply, proceeded to answer two points raised in the speech of the noble Lord (Viscount Palmerston). He held it to be a true Protestant principle to respect the right of private judgment. He would leave Roman Catholics full power to exercise their civil and religious rights, and he would let them educate their own people. All he protested against was, that, as there was an Established Church, the Government and Parliament of this country should foster and support a Church formed in direct opposition to that Protestant Church, which the Roman Catholics said they should never be contented until they had destroyed. The noble Lord talked of breach of faith. Why, there was the high authority of Sir Robert Peel and the noble Lord the Member for the City of London, that no breach of faith was involved—that the endowment was a free gift, made with certain expectations which had not been realized.

MR. FORTESCUE moved the adjournment of the debate. [*Cries of "No!" and "Divide!"*]

MR. G. H. MOORE saw no reason why the debate should be adjourned, except that some Gentleman might dread the success of the Motion, and some its defeat. The people of Ireland were prepared for either fortune, and he hoped the Government were so too.

VISCOUNT PALMERSTON said, he was prepared to go to a division; but, at the same time, if hon. Members wished to adjourn the debate, he would not object to their being gratified. [*Cries of "No, no!"*]

Motion made, and Question, "That the Debate be now adjourned," put, and *negatived*.

Main Question put.

The House *divided*: — Ayes, 159; Noes, 167: Majority 8.

List of the AYES.

Adderley, C. B.	Ball, E.
Agnew, Sir A.	Barnes, T.
Alcock, T.	Baxter, W. E.
Anderson, Sir J.	Bective, Earl of
Archdall, Capt. M.	Bell, J.
Bagge, W.	Bennet, P.
Baird, J.	Bentinck, G. W. P.
Baldock, E. II.	Beresford, rt. hon. W.

Viscount Palmerston

Bignold, Sir S.	Laing, S.
Blackburn, P.	Langton, W. G.
Blakemore, T. W. B.	Langton, H. G.
Bramley-Moore, J.	Lennox, Lord A. F.
Brooklehurst, J.	Lindsay, hon. Col.
Buck, Col.	Lytton, Sir G. E. L. B.
Burghley, Lord	Mackie, J.
Butler, C. S.	MacGregor, James
Butt, G. M.	M'Taggart, Sir J.
Cairns, H. M'C.	Matheson, A.
Campbell, Sir A. I.	Miall, E.
Carnac, Sir J. R.	Milligan, R.
Challis, Mr. Ald.	Michell, W.
Chambers, T.	Montgomery, Sir G.
Cheetham, J.	Moody, C. A.
Chelsea, Viset.	Morris, D.
Cholmondeley, Lord II.	Mowbray, J. R.
Cole, hon. H. A.	Mullings, J. R.
Colville, C. R.	Mundy, W.
Compton, H. C.	Muntz, G. F.
Cowan, C.	Napier, rt. hon. J.
Craufurd, E. II. J.	Newdegate, C. N.
Crook, J.	Nisbet, R. P.
Davie, Sir H. R. F.	Noel, hon. G. J.
Davies, D. A. S.	North, Col.
Davies, J. L.	Packe, C. W.
Davison, R.	Palmer, R.
Deedes, W.	Phillimore, J. G.
Dod, J. W.	Pigott, F.
Duckworth, Sir J. T. B.	Pilkington, J.
Duke, Sir J.	Ponsonby, hon. A. G. J.
Duncan, G.	Raynham, Viset.
East, Sir J. B.	Repton, G. W. J.
Egerton, E. C.	Robertson, P. F.
Ellice, E.	Rushout, G.
Ewart, W.	Rust, J.
Farrer, J.	Seymour, W. D.
Fergus, J.	Shelley, Sir J. V.
Ferguson, J.	Shirley, E. P.
Fergusson, Sir J.	Sibthorp, Maj.
Floyer, J.	Smijth, Sir W.
Forester, rt. hon. Col.	Smith, J. B.
Freestun, Col.	Smith, W. M.
Fuller, A. E.	Somerset, Col.
Gallwey, Sir W. P.	Stafford, A.
Gilpin, Col.	Stafford, Marq. of
Greenall, G.	Stanhope, J. B.
Grogan, E.	Stracey, Sir H. J.
Gurney, J. H.	Stewart, Sir M. R. S.
Gwyn, H.	Stuart, Capt.
Hadfield, G.	Sturt, C. N.
Hamilton, Lord C.	Sturt, H. G.
Hamilton, G. A.	Taylor, Col.
Hamilton, J. H.	Tempest, Lord A. V.
Hanbury, hon. C. S. B.	Thompson, G.
Hardy, G.	Tite, W.
Hastie, Alex.	Tollemache, J.
Hastie, Arch.	Tomline, G.
Heyworth, L.	Tyler, Sir G.
Hildyard, R. C.	Vance, J.
Hindley, C.	Verner, Sir W.
Horsfall, T. B.	Waddington, D.
Hotham, Lord	Waddington, H. S.
Johnstone, J.	Walcott, Adm.
Keating, H. S.	Warren, S.
Kennard, R. W.	Whiteside, J.
King, hon. P. J. L.	Whitmore, H.
King, J. K.	Wickham, H. W.
Kingseote, R. N. F.	Williams, W.
Kinnaird, hon. A. F.	Yorke, hon. E. T.
Knatchbull, W. F.	
Knightley, R.	
Knox, hon. W. S.	

TELLERS.

Spooner, R.
Kendall, N.

List of the NOES.

Acton, J.
 Adair, Col.
 Annesley, Earl of
 Atherton, W.
 Bagwell, J.
 Baines, rt. hon. M. T.
 Ball, J.
 Baring, rt. hn. Sir F. T.
 Bass, M. T.
 Beamish, F. B.
 Beaumont, W. B.
 Bellew, T. A.
 Biddulph, R. M.
 Black, A.
 Bland, L. H.
 Bonham-Carter, J.
 Bowyer, G.
 Boyle, hon. W. G.
 Brady, J.
 Brand, hon. H.
 Bruce, Lord E.
 Bruce, H. A.
 Buckley, Gen.
 Cardwell, rt. hon. E.
 Castlerosse, Visct.
 Clay, J.
 Clay, Sir W.
 Clinton, Lord R.
 Clive, G.
 Cocks, T. S.
 Codrington, Gen.
 Cogan, W. H. F.
 Coote, Sir C. H.
 Cowper, rt. hon. W. F.
 Deasy, R.
 Dent, J. D.
 De Vere, S. E.
 Devereux, J. T.
 Dillwyn, L. L.
 Drummond, H.
 Duff, G. S.
 Dunne, M.
 Dunne, Col.
 Elliot, hon. J. E.
 Emlyn, Visct.
 Esmonde, J.
 Estcourt, T. H. S.
 Ewart, J. C.
 Fagan, W.
 Feilden, Major
 Fenwick, H.
 Ferguson, Sir R.
 FitzGerald, Sir J.
 FitzGerald, rt. hon. J. D.
 Fitzwilliam, hon. C. WW.
 Forster, J.
 Fortescue, C. S.
 Gibson, rt. hon. T. M.
 Goderich, Visct.
 Gordon, hon. A.
 Gower, hon. F. L.
 Grace, O. D. J.
 Graham, rt. hon. Sir J.
 Greene, J.
 Gregson, S.
 Grenfell, C. W.
 Greville, Col. F.
 Grey, rt. hon. Sir G.
 Grey, R. W.
 Halford, Sir H.
 Handcock, hon. Capt. H.

Hankey, T.
 Harcourt, G. G.
 Hayter, rt. hon. W. G.
 Headlam, T. E.
 Heathcote, Sir W.
 Henchy, D. O'C.
 Heneage, G. F.
 Herbert, rt. hon. S.
 Higgins, Col. O.
 Holford, R. S.
 Horsman, rt. hon. E.
 Howard, hon. C. W. G.
 Hughes, H. G.
 Hutchins, E. J.
 Hutt, W.
 Ingham, R.
 Ingram, H.
 Jermyn, Earl
 Keating, R.
 Kennedy, T.
 Kirk, W.
 Labouchere, rt. hon. H.
 Langworthy, E. R.
 Laslett, W.
 Layard, A. H.
 Lennox, Lord H. G.
 Lewis, rt. hon. Sir G. C.
 Locke, J.
 Lockhart, A. E.
 Lowe, rt. hon. R.
 MacEvoy, E.
 McCann, J.
 M'Mahon, P.
 Magan, W. H.
 Maguire, J. F.
 Mangles, R. D.
 Marjoribanks, D. C.
 Massey, W. N.
 Meagher, T.
 Milner, Sir W. M. E.
 Moffatt, G.
 Monck, Visct.
 Moncreiff, rt. hon. J.
 Moore, G. H.
 Mowatt, F.
 Mulgrave, Earl of
 Murrough, J. P.
 North, F.
 O'Brien, P.
 O'Brien, Sir T.
 O'Connell, Capt. D.
 Oliveira, B.
 Osborne, R.
 Otway, A. J.
 Paget, C.
 Paget, Lord A.
 Palmerston, Visct.
 Paxton, Sir J.
 Pechell, Sir G. B.
 Peel, Sir R.
 Peel, F.
 Philipps, J. H.
 Pinney, Col.
 Price, W. P.
 Pritchard, J.
 Ramsden, Sir J. W.
 Reed, Maj. J. H.
 Ricardo, J. L.
 Ricardo, O.
 Rice, E. R.
 Ridley, G.

Roebuck, J. A.
 Russell, F. C. H.
 Russell, F. W.
 Sandon, Visct.
 Scholefield, W.
 Seymour, H. D.
 Smith, rt. hon. R. V.
 Stanley, Lord
 Steel, J.
 Sullivan, M.
 Swift, R.
 Talbot, C. R. M.
 Tottenham, C.
 Vernon, G. E. H.
 Villiers, rt. hon. C. P.
 Vivian, H. H.
 Walter, J.
 Watkins, Col. L.
 Wells, W.
 Whitbread, S.
 Wilkinson, W. A.
 Williams, M.
 Williams, Sir W. F.
 Winnington, Sir T. E.
 Wood, rt. hon. Sir C.
 TELLERS.
 Shee, Serj.
 O'Brien, J.

THE CRIMEAN INQUIRY.

PAPERS MOVED FOR.

SIR ARCHIBALD CAMPBELL rose to move an Address for Copy of a letter from Sir John M'Neill, G.C.B., to Lord Panmure, of the 9th of February, 1856, respecting the services of Colonel Tulloch, and of any reply thereto. When the noble Lord at the head of the Government was asked a question the other day with regard to a recognition of the services of the Crimean Commissioners, his reply seemed to amount to this—that, notwithstanding their efforts, which led to so many improvements in the condition of our soldiers at Sebastopol, they were, after all, unprofitable servants, and that they ought to be contented with the satisfaction which they must experience at what they had done. He had no wish to impugn so high an authority with reference to what was the standard of duty and the proper reward; but it appeared to him that there had been an omission in the distribution of rewards which almost amounted to a denial of service. He had not only to complain that the answer of the noble Lord was unsatisfactory, but that what he did say came so tardily and reluctantly as to deprive his words of half their force. No sort of commendation or approval of the labours of these Commissioners or their Report had ever emanated from the Government that was not wrung from them by such questions as had been put the other night; and of no spontaneous approbation of their conduct could he recall any instance, unless it was that of Lord Panmure at a public dinner in Scotland. Now, he understood that shortly after the publication of the Report a communication was made by Sir John M'Neill to Lord Panmure, in which he called attention—not to his own services, for he had no desire and no expectation of any reward for himself—but to the services of Colonel Tulloch, to whom, it seemed,

some expectations had been held out before his departure for the Crimea of promotion or employment in the army. He was not aware what reply was sent to that letter, and to ascertain this was the object of his present Motion. If an answer was given it would be satisfactory to the House and the country to know what that answer was, and what reasons were given for not adopting the suggestion of Sir John M'Neill. It could hardly be contended that the correspondence was private. He did not see why there should be any indisposition to produce the answer to the House. The Crimean Commissioners were selected by the Government; they went out to the Crimea, as he was assured, with great reluctance; they undertook a most difficult and arduous duty; they discharged that duty manfully and honestly; they investigated the causes of those disasters and horrors which had befallen the British army, and which excited so strong a feeling of indignation in this country; they made suggestions which were in several instances adopted, and in consequence of those suggestions the sufferings of the army were materially alleviated; they returned to this country, and, so far as he could ascertain, no notice had been taken of them on the part of Her Majesty's Government. Even if Colonel Tulloch was incorrect in supposing that a sort of promise of promotion had been held out to him, that reward to which, under such circumstances, he would have had a just claim was denied him. Now, the Commissioners either did or did not discharge their duties faithfully. If the Government were of opinion that they had not properly discharged those duties, he thought it was only fair to them and to the people of this country that the points in which they had failed should be stated. If, on the other hand, they had fulfilled the expectations which were entertained of them—if, despite the difficulties and obstacles they had had to encounter, they had successfully discharged the duty intrusted to them—if the result of their inquiries and report had been to ameliorate the condition of the army, and to point out to those who were at its head the dangers to be avoided in such a winter campaign as that of the Crimea, he thought they ought not on their return to have been received in silence, or with cold and reluctant approval, but that no meed of honour and no cordiality of approbation would have exceeded their deserts.

Sir Archibald Campbell

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of a Letter from Sir John M'Neill, G.C.B., to Lord Panmure, of the 9th day of February, 1856, respecting the services of Colonel Tulloch, and of any reply thereto."

VISCOUNT PALMERSTON: The hon. Baronet has not done justice to Her Majesty's Government in stating that no acknowledgment of the services of Sir John M'Neill and Colonel Tulloch has been made beyond that which he says was tardily wrung from them, and which they were unable to withhold. I stated—not this Session, but last Session—in terms which I thought full and ample, the high sense Her Majesty's Government entertained of the services of those officers; declaring that they had performed a difficult and important duty with great credit to themselves, and with great advantage to the public service. With regard to the acknowledgment that should be made to them, we are still in communication with them on that subject, and therefore I cannot speak definitively on that point. I must, however, object to the Motion of the hon. Baronet, and on these grounds. A letter was written by Sir John M'Neill to Lord Panmure; but from circumstances the only answer given to it was a private note from the private secretary of the noble Lord, which was not, and was not intended to be, an official document. The hon. Baronet asks for this correspondence, in order to ascertain whether Sir John M'Neill recommended Colonel Tulloch for military promotion, and what answer was given to that recommendation. I am quite ready to give the hon. Baronet as much information as to those two facts as he would possess if the papers were before him. Sir John M'Neill did undoubtedly recommend Colonel Tulloch for promotion, and Her Majesty's Government did not think fit to adopt the recommendation. Their reason for arriving at this conclusion was, as I stated on a former occasion, that the services performed by Colonel Tulloch were purely of a civil nature, and that military rank was not an appropriate acknowledgment of civil services. Colonel Tulloch had already attained the rank of colonel by merit, but not in consequence of service; for when he entered the War Office he was but a lieutenant on half-pay, but while in the office he attained the rank of colonel; and it was thought that it would not be con-

sistent with a due regard for the interests of the service to give him the rank of major general for his services in connection with the Crimean Commission. Had we done so we must have placed him over the heads of several very distinguished officers who served in the field in the Crimea, and they would have ground to complain that this civil officer—for so I must call him with regard to the service he performed—had been promoted over the heads of those who had been actually engaged in the field against the enemy. I give the hon. Baronet the full benefit of the facts that Sir John McNeill did recommend Colonel Tulloch for military promotion, and that we did not think it consistent with our duty that military rank should be given for such a description of service. The hon. Baronet has stated that expectations were held out to Colonel Tulloch that he would receive military promotion. I have no knowledge of such an intimation; but whether such expectations were held out or not, I think it would have been improper to make Colonel Tulloch a major general for the performance of civil duties, however well he may have performed those duties, and however valuable his services may have been.

MR. SIDNEY HERBERT thought there was some misapprehension on the part of his noble Friend with regard to the past services of Colonel Tulloch. The noble Lord seemed to say that Colonel Tulloch had already received such promotion that he could not now be further advanced, and that that officer had never seen service in the field. The fact was, however, that Colonel Tulloch had served in the Burmese war, where, for a young officer, he greatly distinguished himself. Colonel Tulloch subsequently rose by his merits, and had rendered very efficient services to the public. With respect to the reward that might be given to Colonel Tulloch for the discharge of his difficult duty in the Crimea, which had undoubtedly been attended with great advantage to the army, he (Mr. Herbert) would say nothing, because the noble Lord had informed the House that the Government were in communication with Sir John McNeill and Colonel Tulloch on that subject. He would therefore express his hope that these officers would receive some suitable acknowledgment for the services they had rendered.

SIR WILLIAM CODRINGTON was understood to express his opinion that if

Colonel Tulloch had been promoted to the rank of major general for services performed in a civil capacity, many officers who had commanded battalions throughout the siege of Sebastopol, and who had not received such promotion, would have had grounds for dissatisfaction.

SIR ARCHIBALD CAMPBELL said, after the statement of the noble Lord he would not press his Motion.

Motion, by leave, *withdrawn*.

INCUMBERED ESTATES COURT (IRELAND)—

RETURNS MOVED FOR.

Order read, for resuming Adjourned Debate on Question [18th February]—

“That there be laid before this House, Returns of any Communications addressed to the Commissioners for the Sale of Incumbered Estates in Ireland, or to any of them, relating to the removal of Baron Richards from the office of Chief Commissioner, and of the dates of said Communications, if any:

“Of the Order or Communication addressed to Baron Richards, containing his removal from said Court, and of the date of same:

“And, of any Order or Warrant for the appointment of a third Commissioner since the removal of Baron Richards.”

Question again proposed.

Debate resumed.

MR. WHITESIDE said, that until these Returns were laid upon the table, he hoped Her Majesty's Government would assure the House that no appointment of a third Commissioner would be made. He must candidly admit that his object in moving for the Returns was to raise the question how far such an appointment was required, and he considered that he could prove that by a re-arrangement of the existing staff, and a transfer of the office to the vicinity of the Four Courts, two Commissioners would be sufficient for the work.

MR. HORSMAN said, the application of the hon. and learned Gentleman had come too late. Notwithstanding that he had told him yesterday no appointment to the vacant Commissionership had as yet been made, he had learned that day that a third Judge had been appointed.

MR. WHITESIDE said, it was very sudden. Was he appointed at the same salary?

MR. HORSMAN: Yes; at the same salary—£3,000 a year.

Question put, and *agreed to*.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, February 20, 1857.

MINUTES.] *Sat First in Parliament.*—The Lord Sefton, after the Death of his Father.
 PUBLIC BILLS.—1^a Chief Constables.
 2^a Royal Marine Forces.

MINUTES AND JOURNALS OF THE
HOUSE.

SELECT COMMITTEE MOVED FOR.

EARL STANHOPE moved, according to notice, for the appointment of a Select Committee to consider whether any and what improvements could be effected in printing the Minutes and Journals of the House. Their Lordships were under very great obligation to his noble Friend the Chairman of Committees (Lord Redesdale) for having already effected some considerable improvement in their publications, a great assistance in the same object had also been afforded by the able and zealous Gentlemen who sat at the table. The Minutes—or as in the other House they were termed the Votes—might in several points be deemed superior to those Votes of the other House, and especially in the clearer and more perfect view they presented in the issue of each day, of the business with which their Lordships had to deal. But still, he must say, there were, on the other hand, some defects and anomalies in the manner of preparing the Minutes well deserving their Lordships' attention with the view to a remedy, and which would not be overlooked by a Committee in the event of the House consenting to grant one. For instance, in the case of a Motion being submitted to their Lordships which was not carried the name of the Mover was withheld, while in the case of a Motion which was assented to the name of the Mover was recorded. Then, again, in some Motions as for the appointment of a Committee the name of the Mover was not published, while in others, as for the production of papers, it was published. But these were trifles on which he would not dwell. The main object of his Motion had reference to the numbers and names of Peers at divisions of the House being recorded in the Journals and Minutes, which at present was not done. As to the numbers, if their Lordships searched the Journals and Minutes from the first day of any Session to the last they would find no trace whatever of any single division on any subject which had come

under the consideration of the House, and on which they had differed. The numbers on a division were not given; there was a mere statement on every Motion that their Lordships had resolved in the negative or the affirmative, as the case might be, and, for anything that appeared on the Minutes, any person might conclude that their Lordships had decided, one way or the other, unanimously. He submitted that that was a very unsatisfactory arrangement, and that the Minutes would be much more complete if they showed, at least, the numbers which appeared on a division. No reason whatever could be found for withholding the numbers from the Minutes and Journals except the bygone notion of a former age, now altogether inapplicable, that a House of Parliament ought to refrain from making known the divisions within its walls, and should endeavour to exhibit to the public a perfectly unanimous appearance. Again, as to taking the names of Peers on a division, he had the authority of the Speaker of the other House for saying, that not one moment of time was lost in taking the names of Members; and he would ask, was there any valid reason or constitutional ground why the names on a division should be given in the Votes of the House of Commons and withheld, on a similar occasion, in the Minutes of their Lordships' House? He submitted, as to individual Peers, that the country had a right to have authentic materials before them for estimating the services of every public man in their Lordships' House, and that, with that view, as a part of the duty they owed to the public, it was right and fitting that the Minutes should supply the names of their Lordships who took part in every division. But, further still, the names were already supplied, through the newspapers, but how? Incorrectly, with constant errors or omissions, and that not through any fault in the noble Lord, who now compiled the list, but from the unavoidable deficiencies of the system at present pursued. The real question was, therefore, not whether the names should be given or not given, but whether they should be given accurately or inaccurately. He thought it was an additional argument in favour of the arrangement he was urging on their Lordships that already the names of Peers who attended the House every day were regularly entered upon the Journals of the House. It was not very often that any use, historical or political, was found to attend these lists, but some such

cases of utility did occur. Seeing in his place his noble Friend the Lord Chief Justice, he might, as an instance of the occasional value of this system, allude to perhaps the most remarkable scene which had occurred either in this or the other House of Parliament—what was generally called the dying scene of Lord Chatham. There was in existence a letter of Lord Camden describing this scene, in which it was said that all the Peers put on the appearance of deep distress, “except only the Earl of M——, who sat still, almost as much unmoved as the senseless body itself.” Now, then, who was this Earl of M——? On reference to the Journals of the House, it was shown that only two Earls of M—— were present (Lord Marchmont and Lord Mansfield); which of these Peers was the one referred to remained to be determined; but his noble Friend the Lord Chief Justice, in his *Lives of the Chancellors*, had in his (Earl Stanhope’s) opinion, clearly shown that the Peer referred to was Lord Chief Justice Mansfield, the old rival of Chatham, even in their House of Commons’ days. This showed the value of the records of the House in an historical point of view. But he wished to render them still more useful than now. He wished to show not only what Peers came to the House, but what they did when they came there. He wished to secure the publication of the names of those Peers who took part in the divisions. He was as jealous as any man of the honour and privileges of their Lordships, but he thought this innovation would be productive of nothing but good. It might render necessary some difference in the mode of voting, but it would certainly involve no additional consumption of time. The noble Earl concluded by moving—

“That a Select Committee be appointed to consider whether any, and if any, what improvements can be effected in the Printing of the Minutes and Journals of the House, and especially as to putting upon Record both the Numbers and the Names of the Lords who take part in the Divisions.”

EARL GRANVILLE expressed his entire concurrence in the views to which his noble Friend had given expression, and thought that, having regard both to the honour of this House and the utility of its proceedings, it was impossible to give too great publicity to those proceedings. The subject was one which hardly required inquiry; but at the same time he thought the

noble Earl had taken a wise course in moving for the appointment of a Select Committee, which in a very short time indeed, and without going into much evidence, would be enabled to come to a satisfactory conclusion. He would, therefore, readily assent to the Motion.

Motion agreed to; Committee named.

THE DIOCESE OF LONDON.

RETIRING PENSIONS FOR BISHOPS.

VISCOUNT DUNGANNON said, it would be in the recollection of his noble Friend (the Lord Privy Seal) that in the debate upon the Bishops of London and Durham Bill at the close of last Session it was intimated, on the part of the Government, that a measure was in contemplation for dividing the see of London, and establishing a bishopric of Westminster. It was also stated that the late period of the Session prevented the Government from then undertaking any measure making provision for such Bishops as were desirous, owing to illness and infirmity, of resigning their sees. The question was one of great public interest, and he was desirous of having it answered. Considering the large amount of funds which must by this time have got into the hands of the Ecclesiastical Commissioners, he should hope that some measure would be adopted which would obviate the necessity of mulcting the incoming Bishops of any portion of their revenues for the support of their predecessors. He was one of those who thought the incomes of the Bishops at the present moment scarcely adequate for their support, and he should be very sorry, therefore, to see those incomes diminished even temporarily. There was another subject of considerable importance to which he wished to direct attention. A large number of parishes were at present very poorly endowed, and he had that day put on the order-book a notice for a return of the number of benefices within the see of London possessing endowments under £200 a year. He hoped that some comprehensive measure would be introduced, providing, among other things, for increasing the resources of those benefices.

THE EARL OF HARROWBY said, he fully admitted the importance of the subjects to which his noble Friend had referred; and, with regard to the first question put by him, said that the Government thought the division of the see of London was a subject requiring more consideration.

than had yet been devoted to it, and they had come to the conclusion that the better course would be to appoint a Committee to inquire into the question, connecting with the see of London the adjacent dioceses of Rochester and Winchester, with a view of examining whether there could not be some reconstruction of these three sees. With regard to the question as to whether the Government were prepared to introduce a Bill for providing for Bishops who might wish to retire on the ground of age or infirmities, he could only say, that desirable as it might be to deal with that subject, he was not able at that moment to give a definite answer to the question of the noble Viscount. As concerned increasing the resources of parishes, the Government were not at present prepared to introduce a Bill upon the subject.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 20, 1857.

MINUTES.] NEW WRIT.—For Leicester County (Northern Division), *v.* The Marquess of Granby, now Duke of Rutland.
PUBLIC BILLS.—1^o Grand Juries (Ireland); Lighting of Towns (Ireland) Act Amendment.
2^o Reformatory Schools.

RELATIONS WITH CHINA— EXPLANATION.

MR. LABOUCHERE: Sir, perhaps I may be allowed to take this opportunity of correcting in some degree a statement which I made yesterday in answer to a question put to me by the noble Lord the Member for Tyrone (Lord C. Hamilton). That noble Lord asked me whether any instructions had been sent out by Her Majesty's Government in contradiction to the instructions which had been forwarded by Lord Grey, when Colonial Secretary, to the Superintendent at Hong Kong with regard to the employment of a military force against China. My answer to that question was, that I believed that no instructions had been sent out relating to that subject. But I have since found, that although it is perfectly true that no instructions had been sent out in contradiction to Lord Grey's instructions, yet that there has been an instruction forwarded which did relate to that matter, and, therefore, the answer which I gave was not literally and completely accurate. I think that under these circumstances the fairest thing

The Earl of Harrowby

I can do is to lay before the House the paper that was sent out, and which, as it partook of the nature of a military document, had been transferred from the Colonial Office to the War Department.

MR. DISRAELI: What is the date of that document?

MR. LABOUCHERE: It is dated in 1853.

MR. WALPOLE: Sir, I wish to know whether any more recent instructions have been sent out in reference to this matter?

MR. LABOUCHERE: My belief is, that the instruction I have alluded to is the only paper which has been sent out upon the subject, and that paper is less an instruction than a communication from the Horse Guards, containing a mere statement of an opinion.

DULWICH COLLEGE—QUESTION.

MR. T. DUNCOMBE said, he would beg to ask the right hon. Gentleman the Chancellor of the Duchy of Lancaster, whether any measure would be introduced during the present Session to carry out the recommendations of the Charity Commission with respect to Dulwich College; and, if so, whether legislation would originate in the House of Lords or Commons?

MR. BAINES said, that it was the intention of the Government to bring forward a Bill for the purpose of carrying into effect the recommendation of the Charity Commissioners in regard to Dulwich College. That Bill would, most probably, originate in the House of Lords, and would be introduced there before Easter.

THE ORDER OF VICTORIA FOR VALOUR. QUESTION.

CAPTAIN SCOBELL said, he wished to ask the First Lord of the Treasury when the Order of Victoria for Valour would be put into operation, and whether he had any objection to the Statutes and Regulations under which that Order had been established being placed upon the Table of the House?

VISCOUNT PALMERSTON said, that, in answer to the question of his hon. and gallant Friend, he had to state that the list for the members of the navy to whom that Order was to be given had been already made out, and that the list for the army was in the course of preparation. When the lists were completed, they would be published in the *Gazette*, and there could

then be no objection whatever to the production of the Statutes and Regulations under which the Order had been established.

THE INCOME TAX — QUESTION.

MAJOR REED said, he understood the right hon. Gentleman the Chancellor of the Exchequer to have stated the other night, that he proposed that incomes above £150 should, for the three next years, be subject to a tax of 7*d.* in the pound, while incomes between £100 and £150 should only be subject to a tax of 5*d.* in the pound. But in the printed Resolutions of the right hon. Gentleman then before the House, no allusion was made to the imposition of the lower rate in the case of incomes under £150. Under those circumstances, he wished to know whether there had been an omission in that case on the part of the printer, or whether the right hon. Gentleman intended that all incomes liable to the tax should be assessed at the rate of 7*d.* in the pound.

THE CHANCELLOR OF THE EXCHEQUER said, that there was no omission in the present Resolutions, although he proposed to carry into effect the statement he had made on Friday last. The Resolutions had been drawn in the usual form, and they set forth the maximum duty which it would be competent to him to propose. But he could move a diminution of that duty, and he meant to avail himself of that right on the occasion of his introducing the Bill for carrying the measure into effect.

RAILWAYS IN INDIA — QUESTION.

MR. OLIVEIRA said, he wished to ask the right hon. Gentleman the President of the Board of Control whether the Indian Government would extend the system of a guaranteed rate of interest upon further capital proposed to be invested in Railways in India beyond that already agreed upon; several Railway schemes having been recently submitted to the public, upon which the question of a guaranteed rate of interest upon capital was left in doubt?

MR. VERNON SMITH, in reply, said that the Indian Government had laid down no positive rule as to the granting of any future guarantees upon that subject. They would, of course, consider each case that might be brought before them on its own merits; but as they had already guaranteed the interest on £20,000,000 of capital for railways, they naturally were not very

desirous to extend that guarantee in the present state of the Indian finances. He, however, hoped most sincerely, that companies would be formed for constructing railways in India, which would, he believed, be profitable undertakings without any guarantee at all.

REMOVAL OF IRISH PAUPERS — QUESTION.

MR. MAGUIRE said, he would beg to ask the President of the Poor-law Board, whether it was the intention of the Government to introduce, in the course of the present Session, any measure with a view to abolish or to modify the law under which Irish-born poor were being daily removed to certain seaports in Ireland from England and Wales and Scotland; and, if so, at what period of the Session it would be introduced?

MR. BOUVERIE said, he felt that, after the experience of last Session, it would be quite useless for him to attempt to introduce any measure in reference to that matter in the course of the present Session. He had brought forward a Bill upon the subject during the last Session; and that Bill had not passed through Parliament in consequence of the violent opposition it had met with in this country, as well as in Scotland, while it had at the same time received but very little support from Ireland. If the hon. and learned Gentleman should himself bring forward a measure to remedy the present defective and unsatisfactory state of the law upon that point, he (Mr. Bouverie) could only say, that he would afford him all the aid in his power to ensure its successful passage through the House.

MR. MAGUIRE said, he would certainly adopt the suggestion of the right hon. Gentleman, and bring in a Bill upon the subject.

THE KURIA MURIA ISLANDS — QUESTION.

LORD NAAS said, he wished to ask the right hon. Gentleman the Secretary for the Colonies whether any correspondence had taken place between the Government and Messrs. Ord, Hudson, and Hayes, of Liverpool, relative to the licence which had been granted to them, giving them for five years the exclusive right of raising and exporting guano from the three islands of Jiblea, Hanki, and Ghurzoad, on the coast of Arabia; and if so, whether he would lay that correspond-

ence on the table of the House? He also wished to ask, whether any guano had been raised by those Gentlemen; or whether the report was true, that the people whom they had sent out had been driven away by the Arabs?

MR. LABOUCHERE said, he believed that the facts of the case were as follows:—Some time ago, certain Liverpool merchants had applied for a licence to obtain guano on those islands, which had been ceded by the Imaum of Muscat to the Government of this country. He believed the first discovery of guano on those islands had been made by Captain Ord; and Her Majesty's Government had thought it was a proper encouragement to those who had made the discovery of so important a thing as a new supply of guano, that they should receive a licence for a certain period, giving them the exclusive right of removing the article from the spot on which they had found it. Those Gentlemen had also been informed, that as far as it might be practicable they should receive the support of the Government of this country in endeavouring to obtain the guano, while at the same time they were told that the enterprise was necessarily one of a speculative character. Those parties had gone to the island in question, and had endeavoured to procure guano; but, unfortunately, it appeared that some of the tribes inhabiting the coasts, at a distance of about twenty miles from those islands, and who had a sort of trade in guano with the islands, considered that their privileges were being interfered with and disturbed by the operations of Captain Ord and his party. Attempts had been made to procure assistance from the Government of Bombay; but, unfortunately, the Government of Bombay could not at the time afford any assistance. A considerable amount of correspondence had taken place upon the subject, and he hoped that arrangements might still be made for enabling those persons to ascertain whether or not a supply of that valuable commodity could be obtained from those islands. The Government at home were in communication with the Indian Government upon the subject, and he trusted that means would yet be taken to afford those Gentlemen the aid in conducting their explorations which they would receive from the presence of a small armed vessel for a few days. * He could assure the noble Lord that Her Majesty's Government were fully sensible of the great importance of affording every

Lord Naas

assistance in their power for the purpose of obtaining additional supplies of that very valuable article. He believed that a hon. Friend of his would shortly move for the papers, and there would be no objection to the production of the correspondence relating to the matter.

SIR ARCHIBALD CAMPBELL said, he wished to know how it was that the Emigration Commissioners became possessed of the authority to grant the licence in question?

MR. LABOUCHERE said, it was not in the name of the Emigration Commissioners, but in the name of The Queen, that the licence was granted.

SIR JAMES FERGUSSON said, he wished to know whether the licence gave a monopoly to those gentlemen?

MR. LABOUCHERE said, that the licence gave them a monopoly for five years, four of which remain unexpired.

THE "*MEGARA*" TROOP-SHIP.

QUESTION.

SIR JOHN PAKINGTON: I wish, Sir, to move that the House at its rising do adjourn until Monday next, in order that I may be enabled to put some questions to my right hon. Friend the First Lord of the Admiralty, with respect to the state in which the *Megara* troop ship was allowed to leave Portsmouth, with 500 of Her Majesty's troops on board. I have reason to believe that the statement which my right hon. Friend made in answer to the questions which I put to him a few days ago upon this subject was not correct. It is, however, I am sure, unnecessary for me to say that nothing can be farther from my intention than to impute to my right hon. Friend anything like intentional incorrectness in this case. But from certain information which I have received, it is my belief that the dockyard authorities, to whom I presume my right hon. Friend applied for information, must have forwarded to him an imperfect and an incorrect statement with regard to the condition of the *Megara*. The House will recollect that my right hon. Friend—in answer to my question, whether the *Megara* had sprung a dangerous leak—said that she had not sprung a dangerous leak, and he added, that the only leakage in the ship had been caused by two small screw-holes in her bottom, and that she might have gone round the world with a hand-bucket with perfect safety. That was the statement of

my right hon. Friend. Now, Sir, by way of answer to that statement, I will now proceed to read an extract which I have received from a letter written by one of the officers on board that vessel. That extract is as follows :—

"The vessel started on Monday, and only got 140 miles on her way when she sprang a leak, and was in some danger for several hours, the water rushing in at the rate of twenty tons per minute. On Monday night the cabins were full of water. A good deal of our baggage was almost destroyed : it was covered with water."

I will next read passages from two letters written by the officer who commanded the ship, and which, I must add, were not addressed to me, and were not written in a spirit of complaint, but were merely communications which were sent to a near relative of his who forwarded them to me, and which contain a description of the state of the vessel. In the first of those letters, he says—

"We had a tremendous night on Sunday, and the old ship leaked like a sieve all over. We were up to our knees nearly on the main deck."

In the second letter he makes the following statement :—

"Every port and scuttle on the main deck leaked, and the main deck was at least fourteen inches deep in water, and all the cabins of course afloat. . . . The leak was discovered about half-past ten, and she made four feet of water in the foremost compartment in half an hour."

This is a statement of facts made by the commanding officer of the ship; and I will appeal to the House whether it is at all consistent with the statement which we received the other evening from my right hon. Friend. My right hon. Friend told us that the vessel did not spring a dangerous leak, that there had been no cause for any alarm in the case, and that there had only been a leakage caused by the presence of two small screw-holes. The captain, on the other hand, states that she leaked all over like a sieve, and that the cabin and the main deck were full of water. Now, I think, Sir, it is perfectly clear that this must have been a very dangerous leak, and that my right hon. Friend must have been greatly misled by the statement which he received, I presume, from the dockyard authorities. I will now ask the House whether—taking even the statement which my right hon. Friend himself made to us—that statement is not discreditable to the dockyard officers, and whether it is not

one that must prove highly unsatisfactory to the country? My right hon. Friend also stated that the cause of the detention of the ship at Portsmouth was, that she had been pronounced ready for sea before she really was so. But is it fair to the officers of the army that they should be exposed to the expense and inconvenience of being detained at Portsmouth, and compelled to undergo the charges to which they must consequently be subjected, because the officers at the dockyard could not discover when the ship would be ready for sea? What are we to say to the statement of my right hon. Friend that the ship was sent to sea with two holes in her bottom? According to the statement of my right hon. Friend there had been two small screws loose, and the water had come in through the holes so created, but he believed that "with a hand-bucket the ship might have gone with safety round the world." Well, Sir, I am only a landsman, and I am no Lord of the Admiralty; and I can, therefore, only judge of such matters by the light of my own understanding. But I confess that I should be sorry to go to sea in a ship having two holes in her bottom; and I will ask my right hon. Friend whether he would himself like to go to sea in a ship with two holes in her bottom, and nothing but a hand-bucket to keep out the water? I beg, now, to ask my right hon. Friend, first of all, whether the *Megæra* had only two holes in her bottom, and whether a hand-bucket would be sufficient to clear out the water which she shipped? In the next place, I would ask him whether it is not true that it was found necessary to caulk the vessel all over at Plymouth, in addition to stopping the two screw-holes which my right hon. Friend has described? I must likewise ask one more question. The House will observe that on the showing of my right hon. Friend himself the ship was sent to sea in an imperfect state; and that the consequence was, that the property of the officers had been to a great extent under water, that a good deal of it had consequently been destroyed, and that much more of it had been seriously injured. A friend of my own, Major Grey, the commanding officer of a detachment of the 85th regiment, who was going out with his wife and family to the Mauritius, had taken with him a quantity of valuable furniture, the greater part of which was destroyed or injured by this negligence, on

the showing of my right hon. Friend himself, on the part of those authorities at Portsmouth who had sent out this ship with two screw-holes in her bottom. I beg leave to ask my right hon. Friend whether, under these circumstances, any compensation will be given to those officers for the injury which they have sustained? In conclusion, I beg leave to move that the House, at its rising, do adjourn until Monday next.

SIR CHARLES WOOD: Sir, I am much obliged to my right hon. Friend, in the first place for having given me notice of his intention to put these questions, because he has thereby afforded me an opportunity of bringing down papers which, I trust, will enable me to give such an answer in this case as will be satisfactory to the House. In the second place, I have to thank my right hon. Friend for doing me the justice of believing that I did not on a previous occasion intentionally make an inaccurate statement to the House; and I hope before I sit down that he will do me the farther justice of admitting that I did not make a statement which was in any respect incorrect. But before I enter into any explanation with respect to the facts of the case, I beg the House to remember that the statement which I made the other evening has not been accurately represented by my right hon. Friend. My right hon. Friend says—and he twice repeated the declaration—that I said the ship was sent to sea with two holes in her bottom. I said nothing of the kind. What I said was, that it was found that there were two screw-holes in the ship when she was taken into dock at Devonport. It then appeared that there were two holes in the bottom of the ship, in consequence, as it would appear, of two screws not having been properly fixed. But I never meant to say that she had been sent to sea with two screws not fixed, and with two holes in her bottom at the time of leaving port; and I beg leave to add that that was not the case. I hope I may be allowed to refer for a moment to what took place on the preceding evening. I stated that two holes were found in the bottom of the ship; and an hon. Gentleman who contradicted me stated that I was entirely wrong, because the holes were in her bows, and not in her bottom. Well, the holes were seven feet under the water in her bows; and I apprehend a vessel has a bottom under her bows as well as at her stern. I will now

read to the House the report that was received from the officers of the dockyard. I cannot pretend to say what took place while the ship was at sea, but what I can state is what was found to be the case when the ship was taken into dock. In order, therefore, that there may be no misunderstanding I will read the report of the shipwright when the vessel was taken into dock at Devonport. If there were any dangerous holes I apprehend they must have been discovered by the officer who examined the vessel. This is the report—

"Two screw-holes were found open, being part of the fastening of the rose, over the end of the head pump, seven feet under water. The scuttlings are of metal, consequently could not be caulked, but only required the care of the carpenter to bed them in tallow when closed in. The thick lower pieces of ports were caulked in when the ship was fitted out, but some of them had been turned out since the ship was fitted, and therefore should have been attended to by the carpenter."

Now, I think that no naval man would say that there was any reason to suppose that there was a dangerous leak, and, indeed, I believe that persons of experience will tell you that no more water could have got through those holes than could have been very easily baled out with a hand-bucket. My right hon. Friend says the ship was sent to sea in a most improper state, and that there was a culpable neglect on the part of the officer in charge. Now I happen to have in my hand a report from Captain Bellamy, a most able officer, whom we called on to report upon the matter, and this is what he says—

"The whole of the ports on the maindeck, sternposts, and cabin scuttlings were fitted in a most careful manner (the stops being fernaught and the lower bucklers caulked in), and we are, therefore, unable to account for their having leaked in the manner described. The pipes of Downton's pumps, which had been made good some weeks previously, were re-examined and found perfect two or three days before the vessel sailed. The valves of the watertight compartments were thoroughly examined and made good when the ship was last in dock with her hold cleared. The leaks complained of in the deck and topsides must, we think, have been occasioned by the straining of the ship, as we satisfied ourselves that the decks were perfectly tight before her sailing, and the topside had been recently caulked. With respect to the fact of two 'screw-bolt' holes being found open through the bottom part of the fastening of the starboard rose, over the lower end of the pipe of the head pump seven feet under water,' we beg to state that the master smith asserts that the holes for these screws were retapped, and that he himself saw that the screws had been put in tight, and the rose effectually covered pre-

Sir John Pakington.

vously to her being undocked on the 28th of October last. We have no doubt of the correctness of his assertion, the vessel having been afloat ever since without showing any leakage (after the first twenty-four hours) up to the time of her sailing, as appears by the following extract from the foreman of caulkers' sounding book :—

"MEGÆRA," UNDOCKED 28TH OCTOBER, 1856.			
	Water in well.	In all other compartments.	
Oct. 28, 9 a.m.	... 5 in.	None.	
29, 8 a.m. (after 23 hours,	1-58 inches)	6 $\frac{5}{8}$ "	"
30, " (in 24 hours none)	"	"	"
31, " "	"	"	"
Nov. 1, " "	"	"	"

Now, Sir, it is obvious that if these holes had been there at the time she was put into the water, the sea must have come in ; but the fact was, that for three consecutive days after she floated there was none, which is an absolute proof that she was not sent to sea with these screws out. Then there is the report of the captain, lieutenant, master, and carpenter, which states—

" More than once, on going round the different docks, accompanied by the commander, senior lieutenant, and master, I made most particular inquiries relative to the fitting of the ports, scuttles, bucklers, and hatchway covers, and was assured by them that they had been tried and were correct. The carpenter on one occasion was of the party. I questioned him closely on the subject, and he gave me the same assurance. These inquiries respecting the ports, &c., were made some days before the sailing of the *Megæra*, and there would have been plenty of time to effect alterations in those fittings had it been needed. Your order was, that every possible assistance of men and stores was to be afforded to the *Megæra*, and that order was fully acted up to."

But even after that I have a farther report from the officers called upon, and they say—

" We beg further to report, with reference to the last paragraph of Commodore Purvis's letter, that so far from the maindeck and sternports of the *Megæra* having been fitted in an inefficient manner, they were fitted on a plan that had heretofore always given especial satisfaction to the former captain of this ship, as well as to the captains of the troop ships *Simoom* and *Vulcan*, and in regard to execution the work necessary to be done in refitting them was performed by some of the best shipwrights in the yard, selected for this purpose, who, as well as the officers superintending, were fully impressed with the importance of the work, and took the greatest possible pains to make it perfect. The stops of the broadside ports were none of them less than 2 $\frac{3}{4}$ inches wide. In addition to those precautions the ports were carefully examined two or three times before the vessel sailed ; and we are of opinion that with the proper care and attention always necessary to be given to ports, and more especially in a heavy gale of wind, they would have been found as tight

as, under such circumstances, could have been expected."

I think, after that, my right hon. Friend must be satisfied that the ship was sent out in a proper and seamanlike manner, after a thorough inspection under the eyes of the captain and officers, who were satisfied that everything had been done which could be effected. It may, however, be satisfactory to the military to state, that she has also been inspected by two officers of the brigade, and that the following is their report—

" Her Majesty's ship *Megæra*,
Hamoaze, Feb. 18.

" Sir,—In obedience to your memorandum of yesterday's date, we have been on board the *Megæra*, assisted by Major Ibbetson, brigade major, have carefully examined the ship throughout, and beg to report on the points directed.

" 1. That the mess place and cabins for the officers are clean and properly fitted.

" 2. The state of the berths for the women is good, and there is sufficient room ; and bedding has been supplied for them.

" 3. The state of the berths for the troops is good.

" 4. Hammocks, mess-tables, and stools are provided ; also coppers and cook.

" 5. The baggage-room is filled with officers' baggage, and some stowed above, there not being sufficient room.

" 6. The arrangements for the mess of the steward and cook of the military officers are good. The ship is being cleaned, &c., and is consequently wet. The fittings and accommodations are in every respect properly adapted for the service.

" 7. Stoves are ready, and will be lighted immediately the powder is stowed (about 3.30 p.m.)

" FREDERICK HUTTON, Captain Her Majesty's ship *Royal William*.

" CHARLES WISE, Captain Her Majesty's ship *Impregnable*.

" C. P. IBBETSON, Brigade Major, Western District.

" Admiral Sir W. Parker, Bart., G.C.D.,
Devonport.

Although, however, I think the vessel left Portsmouth in a perfectly fit state to go to sea, I am inclined to believe that she was injudiciously forced against heavy weather, which naturally made her labour a good deal, and caused the entrance of the water, which certainly did lead to a great deal of inconvenience to those on board. I believe that there has been no neglect whatever on the part of the dockyard officers of Portsmouth, but that the vessel left that port perfectly fit for the service for which she was intended ; that what followed was the result of one of those unavoidable accidents which no care or skill could avert. Under these circumstances I do not think, Sir, that any officers whatever are to be blamed.

TREATY WITH RUSSIA AND PERSIA.
QUESTION.

MR. LAYARD said, that he must beg to repeat the question which he had on a previous occasion put to the noble Lord at the head of the Government, with reference to the treaty which, from what he heard, they must consider to have been signed between the Governments of Persia and Russia. Hon. Members who were not conversant with the geography of the territory to which this treaty referred could not be aware of the incalculable importance of this proceeding of Russia. If they referred to the map they would find that along the frontier of Russia a considerable portion of Persian territory intervened between Russia and Turkey, and the consequence of ceding this portion of Persia to Russia would be that the latter Power would be enabled in case of hostilities to throw troops into Turkey through the only military pass which was available for that purpose. Russia had for a long time endeavoured to obtain possession of that territory, and now it appeared that she had succeeded in gaining a most important cession. The question, therefore, was one of the first magnitude, and the noble Lord he (Mr. Layard) considered was bound to give the fullest explanation he could upon it. He (Mr. Layard) was not aware whether Her Majesty's Government had received any communication in reference to this matter from the Turkish Government, but he must say that for our Allies, for whom we had expended so much blood and treasure, to submit to such a thing on the part of Russia would be most injurious. He must, therefore, ask the noble Lord whether he has forwarded any remonstrance to the Russian Ambassador, and received any explanation or communication upon the subject; and also whether it was true that the negotiations now going on in Paris between the Persian Government and Her Majesty's Government had either been suspended or altogether interrupted? He did entreat the House to discuss this matter at the earliest opportunity, because it was without question one of gigantic importance. He did not wish it to be discussed with feelings hostile to the Government, but it was necessary that hon. Members should express, as many of them were most anxious to do, their opinions upon our policy in Central Asia. Unless he heard from the noble Lord that within a few days the papers to which he had alluded would be laid upon the table, he

should have to call the attention of the House to the subject, for he was quite sure that the Chancellor of the Exchequer would not ask for money for the Persian expedition before this matter was fully discussed.

VISCOUNT PALMERSTON: Sir, with regard to the first question, relating to the treaty between Persia and Russia, I can only repeat the answer which I gave to the hon. Member last night, that Her Majesty's Government have had no information yet, except that which has been derived from the usual sources of public information.

MR. LAYARD: And which is quite sufficient to demand an explanation.

VISCOUNT PALMERSTON: I cannot enter into a discussion of what appears in the newspapers, and with respect to which I have had no communication. With regard to the second question, I certainly can state that it is not true that the negotiations with the Persian Ambassador in Paris have either been interrupted or suspended. Those negotiations are still going on, and I have no reason to form a different opinion to that which I have before expressed, that there is a very fair prospect of an arrangement which will be satisfactory to all parties. Under such a state of circumstances, I would again impress upon the consideration of my hon. Friend, that a discussion of the matter in this House at this particular time might have a very injurious effect. I should, therefore, hope that I am not asking too much when I entreat the House to forbear a little longer, and to allow Her Majesty's Government that free action in negotiation which can only be secured by the absence of discussions upon the subject.

EXPORT RETURNS—QUESTION.

MR. NEWDEGATE said, he wished to inquire whether it were true that the Treasury had issued an order upon the subject in consequence of the laxity prevailing among the merchants and exporters making returns. He was given to understand that an order had been posted in Manchester and other large commercial towns throughout the country, enjoining all shippers of goods for exportation to be more careful in entering the quantity and value of the goods, and warning them that penalties would be enforced in the event of the entries not being more accurate. He believed that Mr. Edwards, an excellent

officer, had stated, in reply to an inquiry made to him as to the effect of this order, that it had been most powerful, and that acting under the order he had detained ships and levied fines on account of non-entry of goods for exportation in Liverpool; the result of which was an enormous increase in the aggregate amount of exports as compared with the former year, when the deficiency arising from the laxity he had alluded to was believed to be equal to 25 per cent of the whole amount. It would appear as if there were an increase of exports in the year ending January, 1857, upon those of the preceding year, of £20,000,000, but that was the result of an improvement rather of account keeping, and was to be by no means considered as an actual improvement in trade.

MR. WILSON said, that the returns to which allusion had been made by the hon. Member for North Warwickshire were in a state of forwardness and would soon be laid before the House. With regard to the elaborate statement just made he could assure the House that as far as his knowledge extended no change whatever had been made in the system, and no such order issued as that referred to by the hon. Member. It might have happened that the local officers, in the exercise of what they considered their duty, had given such a notice in consequence of laxity in making the returns, but no general order upon the subject had been issued by the Treasury.

MR. NEWDEGATE: Am I to understand, then, that no such regulation was issued in August.

MR. WILSON: Nothing of the kind.

THE SOLDIERS' FAMILIES AT COLCHESTER—QUESTION.

SIR JOHN TYRELL said, he wished to repeat the question which he had recently put to the hon. Gentleman the Under Secretary for War, with respect to the alarming state of destitution among the wives and children of the soldiers at Colchester. On that occasion the hon. Gentleman said he had no information upon the subject, but the House, he trusted, would bear with him while he read a letter from Dr. Duncan, the physician to the Colchester Hospital, and the testimony of a number of gentlemen who had formed themselves into a Committee to relieve these poor creatures. The letter was as follows:—

"You may rest assured that no moderate language can convey an idea of the utter want and destitution of some 130 families of soldiers in Colchester. I do not reckon the children. Were it not for the most extensive private benevolence many of these unfortunates must have starved, and would continue to do so. From my medical experience in London, I am qualified to judge in points of want and misery; but I never saw such wretchedness as is suffered by the womenkind of our 'brave defenders.' I wish you to understand, that it is not only those women whose marriages were not sanctioned by the regimental authorities that suffer. I know an instance of a woman with seven children (on the strength of the regiment) who one day had for dinner one pennyworth of potatoes and a halfpennyworth of greens. She would have starved over and over again had it not been for private charity. She has an excellent character. The cause of her poverty is that which influences all those that are destitute—namely, stoppages on account of railway and other expenses. Women are living in piggeries, in cupboards, and wash-houses, and in rooms of the most wretched description. We have endeavoured to amend this state of things, but the number of poor is too great for us to grapple with. The great causes of all this distress are stoppages of the soldiers' pay, and consequently of the pence that would otherwise go to the wife (thirty young married women, without children, are absolutely living upon 1*d.* a day!)—married men messing in camp—the inaptitude of the Irish to such labour as will remunerate in such a town as Colchester—dearness of fuel and lodging—cause of all, moving the depot, and charging the married men with the expense of moving their wives, and throwing them into a town where there is a superabundance of labour. Remedy.—Pay back the stoppages, furnish the wretched people with old stores (they sleep for the most part on straw), and send down some huts to place them in. The Rev. James Round, the Rev. Mr. Lock, the Rev. Mr. Owen, the Rev. Mr. Curtis, the Rev. Mr. Pollexfen, and myself, constitute a committee to try and do something for the people, and Mr. Hulcatt, the chaplain of the forces, is worked to death in supplying the wants of the numerous applicants. I brought the matter before the magistrates fourteen days ago, and a report of my sayings was in the local papers. Mr. Lock, the rector of St. Botolph's, Colchester, will send you a letter, addressed to you at the House of Commons, which will certainly astonish those who believe they are making the soldier a respectable, moral, and religious member of society. We want money for the next fortnight for absolute food and clothing."

He would only detain the House a moment longer, because he trusted that the hon. Gentleman was now considerably enlightened as to the frightful destitution which prevailed, and he (Sir J. Tyrell) hoped that he would be prepared to state what the Government intended to do in the matter. He would also appeal to those hon. Members who were struggling for the leadership of the House to consider whether a portion of the money which would

be asked for by the Chancellor of the Exchequer would not be very well applied to the relief of such misery.

MR. FREDERICK PEEL said, instructions had been given to General Gascoigne, who commanded at Colchester, to furnish a Report as to the cause and extent of the destitution which was stated to exist among the families of married soldiers at the camp there. He (Mr. Peel) could not enter into the particulars of the case until he was in possession of that Report; but he would say generally, that he did not think it would be advisable to grant relief under such circumstances from army funds as distinguished from the ordinary sources of relief. The adoption of such a course would establish a most inconvenient precedent, for whatever was done at Colchester must also be done at Aldershot, at the Curragh, and wherever camps were established, and the regulations of the army respecting the marriage of soldiers would be virtually abrogated. There was now no reason why soldiers should marry during the period of their service in the army. They now enlisted only for a period of ten years, they might generally quit the service before they were thirty years of age, and he thought the regulations at present in force respecting their marriages might very properly be maintained.

BILLETING TROOPS IN SCOTLAND.

QUESTION.

MR. COWAN said, he would beg to inquire of the Government whether it was their intention, previous to the Mutiny Bill being brought before the House, to lay upon the table any Clause or Clauses intended to be introduced or to be substituted for existing Clauses in the said Bill, so as to give effect to the Resolution adopted by the House on the 7th day of April last, upon the subject of Billeting Troops in Scotland?

SIR GEORGE GREY replied, that a clause would be introduced to give effect to the Resolution in question.

WAYS AND MEANS—THE BUDGET.

COMMITTEE MOVED. AMENDMENT MOVED.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir John Tyrell

MR. DISRAELI: Sir, before the House goes into Committee on the financial arrangements of the Government, I ask them to pause and to consider their scope and tendency. In offering some statements and arguments to the House, by which I hope to persuade them to adopt the Resolution before us, it is my intention, so far as I can, to conduct the discussion in that temperate spirit which I think discussions of this nature essentially require. This is a financial debate, and so far as I am concerned I shall not introduce into it any topic which may in any way lead the House to depart from the consideration of those financial details which are now before us, a sound judgment upon which appears to me to be of the utmost importance to the community at large. We have, Sir, and always shall have, great differences of opinion in this House on political subjects, whether foreign or domestic. I dare say that differences of opinion will always exist in this House as to the manner in which our foreign relations should be conducted; or on subjects such as that which occupied our attention last evening, as to what classes shall be the depositories of political power in England. But, Sir, there is one question upon which there ought not to be a difference of opinion in this House, and that is, the importance of maintaining our finances in a wholesome condition, and of taking care that the Government of the country do not impose taxes which are not necessary.

Now, Sir, I willingly and at once approve the course which has been proposed by Her Majesty's Government with regard to the war income tax. I have ever considered that the continued existence of that impost involved a public grievance. Considering the spirited manner in which the people of this country supported the Ministry during the late war, the generous and almost lavish manner in which they placed their resources at the disposal of the Government in that arduous struggle,—I think it would have been a great political mistake if the people had found themselves saddled with a heavy burden which did not in its origin come from their own free will, and which, according to their understanding, had been obtained almost by a clerical error in an Act of Parliament. I have no doubt the people of this country are prepared at all times to endure such burdens and to make such

sacrifices as they think are necessary for the public advantage ; but if they make a sacrifice they require—and I think it is not unreasonable they should require—that at least they should make it of their own free will, and that it should be an act of their spontaneous devotion. Now, when we doubled the income tax to carry on the war, there is no doubt that the whole community heartily acceded to the proposition. They agreed to double the income tax in order to carry on the war, and they consented that the increased impost should continue for a year after the war had ceased. That was clearly understood throughout the country, and by all classes of the community. The language by which that burden was entailed upon them for a second year was introduced into an Act of Parliament of comparative insignificance, not into that by which the tax was doubled ; and it certainly was not at the time understood by the great body of the people that the consequence of our legislation would be, not merely to double the income tax, but to enforce that double tax, granted for carrying on the war, for two years after that war had ceased. There is no doubt that the discovery gave rise to a feeling of surprise and indignation. It was, in my mind, no longer a financial, but had become a political question—a question whether it was politic to allow the disposition of the people, which during the war had been so admirable, to be soured by such a circumstance, and whether, if we continued pedantically to adhere to the letter of the bond, we could in future emergencies appeal to popular feeling with equal success. Considering, then, that this was a political and not a financial question, I deeply regret that Her Majesty's Ministers should have permitted that agitation to exist which in the autumn did prevail upon this subject. I know it may be said that Parliament was not sitting at the time, and that there were, therefore, no means of communicating to the country the sympathy of the Government with the spirited manner in which the people had supported them in the war, and their consequent disposition to exempt them from this doubled tax, imposed in a manner so equivocal, and to enforce which would have been an act of political injustice. But, though Parliament be not sitting, there are means of communicating to the country the intentions of the Government other than through this House. There are means,

either by a speech or by a letter, by which we know that public opinion can be tranquillised or can be agitated ; and I regret very much that Her Majesty's Ministers did not think it consistent with their duty to communicate to the country during the autumn the intention which they have since announced in Parliament. The noble Lord the First Minister, for example, went down to Manchester because he wished to communicate to the country his opinions upon an important political treaty. The noble Lord might, when this agitation had assumed a disagreeable character—when not merely a grievance was complained of, but the very principles upon which the tax was to be continued were discussed—have availed himself of similar machinery, and have announced the determination of the Government to redress this public grievance. However, we were disappointed in that respect. There was another opportunity at which that communication might have been graciously made ; that was at the opening of Parliament. I think it would have been most gracious to have announced in the Speech from the Throne that this grievance should be redressed. That opportunity also was lost ; and in consequence I gave notice on the first night of the Session, that I should ask the opinion of the House upon the subject. I mentioned then what I now say, that I considered I was dealing with a strictly political question, and not with a financial one ; that I believed there was a great public grievance which ought to be redressed ; and that I thought it advisable and proper that the redress of that grievance should take place immediately after Parliament assembled ; and that, as the Ministers themselves did not offer such redress, I thought it was consistent with the duty of a Member of Parliament, not connected with them, to make the attempt. In so doing it was not my intention to interfere, nor do I consider that I did in any way interfere, with the financial arrangements of the Chancellor of the Exchequer. I did not ask him for his Budget ; I did not ask him for his Estimates. If the Government had, on my Motion, taken the opportunity of announcing their policy with respect to this grievance, they would not have been pressed for their financial measures ; they might have brought them forward after the expiration of an interval of a month from this time. However, those measures are now before the House, and

it is necessary that we should calmly and accurately discuss their effect. They are of an importance which it is quite unnecessary for me to dilate upon to this House.

Sir, I have no wish at any time unnecessarily to indulge in prospective finance. I agree that on ordinary occasions it is more convenient, I should say most convenient, in discussing the financial position of the country to confine ourselves to the current year, whose fortunes we are endeavouring to lay before the House. But, on the present occasion, if I indulge in prospective finance, I must remind the House that I am commenting upon a statement which is, in its character and provisions, essentially prospective. It is not I who have introduced the prospective element into our debates upon this subject; it is the Chancellor of the Exchequer himself, who has brought before the House a prospective Budget, founded upon another Budget eminently prospective—namely, that of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) in the year 1853. The Chancellor of the Exchequer, the other night, did not confine his ken to the commencement and end of the ensuing year. On the contrary, the right hon. Gentleman, not only upon that, but also upon another occasion, sketched the position of the Exchequer for a period of three years to come. On Friday night—the night on which he made his first and principal statement—the right hon. Gentleman submitted his views under the name of his “plan,” and said, “If my plan is adopted I shall be able to do this and that and other things in the course of the next three years.” The right hon. Gentleman did more than this. His plan is prospective, not merely as regards his schemes, but also as regards our pockets: because he proposed new taxes to be levied for a period of three years, and which are even to vary during that space of time. Therefore, those who should find fault with the Motion which I am about to introduce to the notice, and I hope to the acceptance of the House, on the ground that it interferes prospectively with the finances of the country—though I do not suppose that upon mature reflection such an objection will be urged—must have forgotten the Budget of the Chancellor of the Exchequer, and the nature of the financial arrangements which we now have to discuss. It is, I repeat, the Chancellor of the Exchequer who has,

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by what he calls his “plan,” introduced the prospective element into our discussions, and it is utterly impossible to form any opinion upon the arrangements which he proposes—it is utterly impossible to offer any criticism upon the scheme which he has submitted to our notice—unless we consider their bearing not merely upon the present year, but also upon the subsequent years before the period arrives when, as we had hoped, the income tax was, according to the arrangement of 1853, entirely to cease.

Now, Sir, I have two general objections to offer to that plan upon which the right hon. Gentleman dilated on Friday evening. I think that the inevitable consequences of that plan will be to cause financial embarrassment, and to render the remission of the income tax in 1860 not merely difficult but absolutely impossible. These are the two great objections which I entertain to the financial plan of the Chancellor of the Exchequer, as elaborately described to the House on Friday night.

Now, with the permission of the House, with very little appeal to figures, and that as succinct as possible, I will endeavour to show the grounds on which I intend to support these objections. I have at this moment very little comment to make upon the Estimates of expenditure and income which the right hon. Gentleman offered for the year 1857-8. I mean to say that at this moment I have no particular observations to make upon them. I do not now want to inquire captiously into the accuracy or wisdom of those statements. The House will recollect that the right hon. Gentleman estimated the expenditure for the year 1857-8 at the sum of £65,474,000, which was to be defrayed by an income of £66,365,000, leaving a surplus revenue of between £800,000 and £900,000. I do not, in this estimate, observe upon the omission of provision for the Persian war. I will not dwell upon the fact that this country is at present at war with distant countries, yet that in these estimates no provision is made for the expenditure to which those wars will lead. I am still willing to believe that we are to have peace with Persia, and that we are not at war with China. It is, of course, impossible entirely to shut out the knowledge of existing circumstances and the consideration of their influence upon our finances; but I will, as much as can be, remove them from the question, and will, if possible,

confine myself to the financial facts and the financial speculations which have been introduced to the House by the Chancellor of the Exchequer. In the year 1857-8, then, we are to have an expenditure of £65,474,000, with an income of £66,365,000. The House will recollect that one of the most important items of that estimated income accrued from the income tax itself. The right hon. Gentleman, besides the £7,000,000 which he will obtain if we raise the tax 2d., will be in the enjoyment of £4,500,000 sterling arising from the still unrealised produce of the war income tax. Now, Sir, having stated to the House the expenditure and income of 1857-8, I want to put before it also the income and expenditure of the year 1858-9, the second year of the right hon. Gentleman's plan. As regards the income, I have taken, as far as I could, the figures which were afforded me by the right hon. Gentleman. The House will understand that any figures that I read, unless they have been furnished by the Government, I offer, of course, with diffidence; yet in my general conclusions I have given so large a margin that if my views are right in the main the results will not be affected by any inaccuracy on the score of figures. This, then, is my estimate for 1858-9, the second year of the right hon. Gentleman's plan:—He took for 1857-8 the estimated revenue from the Customs at £22,850,000. This calculation supposed the duty on tea to be 1s. 7d. per lb. instead of 1s. 9d., the rate for the current year; and it reckoned the duty on refined sugar at 18s. 4d. per cwt., instead of 20s. But in 1858-9 the duty on tea will be 2d. less per pound, and that on refined sugar 1s. 8d. less per cwt. I, of course, have great difficulty in forming an estimate of our probable loss on tea and sugar, in the event of the Chancellor of the Exchequer's proposition for 1858-9 being accepted. I therefore offer, unaffectedly, rather a suggestion than a formal statement of figures; but I have estimated that the loss may be on tea £469,000, and on sugar £442,000, making together a total of £911,000. I take the Customs, then, for 1858-9 at £22,339,000; the Excise at £17,000,000 (being the figures of the right hon. Gentleman); the stamps I take at the same amount as in 1857-8, namely, £7,450,000; the land and assessed taxes at £3,150,000; the income tax, reduced to 7d. in the pound, I take at £7,000,000;

the Post Office at the same sum as in 1857-8—namely, £3,000,000; the Crown lands at £265,000; and the miscellaneous revenue at £1,200,000. The total income from these various sources will be £61,404,000. Now for the expenditure of 1858-9. I take the estimated charge for the debt at £28,550,000. This, of course, ought to include the interest on the whole of the war debt; but there must be deducted from this charge the interest on the £2,000,000 of Exchequer bonds, amounting to £70,000, which will make £28,480,000. Next, I take the charge on the Consolidated Fund at the same scale as in 1857-8—namely, £1,770,000; the army I take at £11,625,000; the navy at £8,109,000; the packet service at £965,000; the civil service at £7,250,000; the collection of the revenue at £4,215,000; and the superannuations at £475,000. This gives a total of £62,889,000. There are two other additional items, the first of which is the £2,000,000 of Exchequer bonds payable in 1858-9; and the sum of £1,500,000 for the sinking fund in the same year. These items added to the former total produce an aggregate of £66,389,000. Thus even taking the right hon. Gentleman's own figures, there would appear to be a deficiency in the second year of his financial plan. I ought to state why I have taken the army, the navy, and the civil services at the same figures as the right hon. Gentleman reckoned them for the year 1857-8. The right hon. Gentleman, when he made his financial statement a week ago, in applying himself to the discussion of the great estimates, entered into an elaborate argument to show us that no very considerable reduction could be looked for on these items. [The CHANCELLOR of the EXCHEQUER: I said that no considerable reduction could be expected in them for the present year.] I beg the right hon. Gentleman's pardon. He will have an opportunity of following me in the debate, and I must hope, therefore, that he will allow me to proceed uninterruptedly in my statement. The right hon. Gentleman says "for the present year"—but, unfortunately, on Friday last, the whole tenor of his argument was that on the whole of these items—the army, the navy, and the civil service—the increased charge was of a permanent character. He compared the Estimates of 1857-8 with those for the three years immediately before the war,

and stated that the current year was the period of transition from war to peace, and that though the current year would exhibit a great reduction in war expenditure, there was no ground for looking for any future considerable reduction in these large items. The Estimates for the present year not having been laid before us previous to his financial statement, he took the liberty of introducing them then in detail, and showed from analysis the excess of the present over the corresponding Estimates in the time of peace. He proved, in fact, that there was no ground for reduction with the exception of one item, on which the right hon. Gentleman laid very little stress—and I believe rightly so—namely, that of unfulfilled contracts. He analysed the expenditure under six distinct heads; and, though I will not weary the House with detail, I must recall to the right hon. Gentleman's recollection, that his observations could not be limited to 1857-8, the ensuing year, for the whole of his reasoning tended to convey that, exclusive of the unfulfilled contracts—to which he attached but small weight—the principle of reduction could not be further carried out to any appreciable extent. With regard to the navy, having given us five great items of excess, the right hon. Gentleman said that one of them was for an increase in the marines and the coast-guard. This, he told us, was the result, not of a war Act but of an Act passed in time of peace. He next informed us that the price of provisions was high—another cause of the increase; a third was, that the scientific Vote was also augmented; the fourth cause of additional expense during the ensuing year was the item of unfulfilled contracts, which must either be fulfilled or forfeit paid, and that either of these causes would entail expense during the present year. We have very recently obtained some information that will guide us in ascertaining the amount of the last-named extra charge, and we may, I think, safely conclude that it will not be very considerable. Then the right hon. Gentleman said that the vote for steam machinery and coal would be greater than before in consequence of the progressive introduction of steam power into our navy—that owing to this circumstance we must look to an additional expenditure on this head, permanent in its nature. Then came the increase for the factories in which to repair our machinery, for enlarging our docks, and for the extension of the packet service. Now,

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none of these items for next year, with the single exception of that for unfulfilled contracts, is for purposes of a temporary character; therefore I do not suppose that the right hon. Gentleman anticipated the possibility of making any reduction upon his estimates. Continuing this line of remark he came next to the army, and here again we had from him the same description of analysis. I will not trouble the House by going into detail on these points; but when we look to the items of this analysis, to the explanation of the principal sources of increase as given by the right hon. Gentleman—whether we look to the artillery branch, to the creation of new military trains and a new hospital corps, to the item of £225,000 for warlike stores (the result of unfulfilled contracts), to artificers' wages, or to education, works and buildings, we can but conclude the result of that analysis to be that, in the right hon. Gentleman's opinion, reduction was not the means by which the financial arrangements of the country could be carried into effect. Therefore, I believe, I am perfectly justified in taking for the expenditure of 1858-9 the same estimates as he proposes for the ensuing year, 1857-8. And in neither case has any provision been made for the existence of war, or to the possibility of fresh misconceptions, which might lead to an increased expenditure. The consequence will be that, with an expenditure for 1858-9 of £66,300,000, and an income of £61,000,000, you will have an apparent deficiency of about £5,000,000 sterling. This, then, is the result of the second year of the right hon. Gentleman's plan. I may, I think, fairly ask the House whether that is not a result which should at least call upon us to reflect, and whether, before we sanction financial arrangements which, upon the face of the statement of the right hon. Gentleman, threaten such an issue in the second year of his scheme, it does not become our duty, previously to going into Committee of Ways and Means, to examine the whole scope and tendency of the plan of the Government and clearly ascertain its probable effect? But if the second year of the scheme leads to a deficiency of £5,000,000—if such be the result of 1858-9—what becomes of the year 1859-60, its third year, and the year, too, which is to witness, according to the general idea of the House, the extinction of the income tax? All the causes of de-

fiency which prevail in 1858-9 equally prevail in the case of 1859-60; and the revenue will further have to sustain the loss of another reduction of the duties on tea and sugar. Sir, I shall not attempt to estimate exactly what will be the amount of the second reduction of those duties; but the House will see that the general effect of the right hon. Gentleman's plan will be that at the end of its third year we shall find an accumulated deficiency, according to his statement of Friday last, of about £10,000,000; and that, too, just as we have arrived at the point when we ought to take off the income tax producing £7,000,000 sterling. That appears to me to be a very grave position of affairs. What will be the condition of this country if, in the year 1860, at the termination of the right hon. Gentleman's plan, it finds itself with an accumulated deficiency of perhaps £10,000,000, and at the same time the right hon. Gentleman has to come forward and propose the extinguishment of the income tax? And if he proposes its continuance, I venture to say—as I said the other night—that every controversy which has been appeared, though not settled, by the belief that the income tax was to cease would be revived. Every class, every section that is now under the belief that it entered into a compact with the Chancellor of the Exchequer of the time would come forward to demand the reason why that compact was violated. You would have one body of men who would say, “It was because we were told that the income tax would cease in 1860 that we submitted to the succession duty.” The Irish Members—I believe the income tax is not very popular in Ireland, remembering the peculiar circumstances under which they were first led into this tax—would very naturally come forward and say, “We acquiesced in the extension of the income tax to Ireland because we were told that extension was part of a scheme which secured its extinction at a particular period.” As for England itself we can form some idea by the agitation of the last autumn of the character of the questions which would arise here. Graduated scales, distinctions of assessments—the old quarrel between precarious and permanent incomes—whether trade profits are to pay as high a rate as rents derived from real property or the dividends of the public creditor—whether professional remuneration is to be taxed at the same rate

even as trade profits—who are to be exempt—whether there should be any exemptions? these are the questions which you would then have to discuss; and under what circumstances?—apparently, according to the financial statement of the right hon. Gentleman, with a vast accumulated deficiency. That appears to me, calmly considering the statement of the right hon. Gentleman, the result at which we should arrive. Financial embarrassment, and instead of the extinction or even mitigation of the tax, the very impossibility of its extinction seemed to me to be insured by the policy which the right hon. Gentleman introduced to our notice on Friday night. We had some time since from a right hon. Member of this House, a financial scheme which was very popular in this House, and which was supported by the great body of Gentlemen opposite. That was a prospective system also, and in its extensive ken it ranged over a wider territory than that which the right hon. Gentleman occupied the other evening; but the basis of that scheme was the extinction of the income tax, and every measure of importance connected with it had some relation to the year 1860, at which time that extinction was to take place. But the new scheme of prospective finance has a peculiar and distinctive feature of its own—not the extinction, but the perpetuation of the income tax. Sir, we have before in this country suffered under deficits, as, I dare say, many hon. Gentlemen remember. They have been a cause of great anxiety in this House, and of deep despondency in the country generally. But of them, at any rate, we can say this—that they were the consequence of mismanagement and misfortune. They came unexpectedly, they accumulated gradually, and, though they assumed at length, from their vast dimensions, a formidable and menacing character, still everybody was obliged to allow that, however deplorable such a result might be, it could in a great degree be accounted for by inevitable causes. We had a deficiency in the year 1841, which, no doubt, was to be traced in some measure to a reckless reduction of taxation in 1839; but it was produced much more by the visitation of Providence—we had had three bad harvests; and we bowed to the decree of a Power before which even Parliaments must with humility bend. But this is the first time that a Chancellor of the Exchequer has come forward with a plan creating an enormous and increasing

deficiency ; and that, too, in the face of a House of Commons, the cardinal point of whose financial policy has been throughout its now long existence to accomplish the extinction of the income tax. So that we have brought our finances to this position—that the year 1860—when the policy of 1853, on which the hope and expectation of Parliament and the country have rested for the extinction of the income tax, was to have been accomplished—is to witness not its extinction but its perpetuation, and instead of receiving that relief from taxation to which we have been looking forward with such anxiety, we are then to be called upon for new taxes to meet a deficiency which may amount to not less than £10,000,000. I am, of course, perfectly willing to admit, that figures of this kind must be received with considerable allowance on both sides of the House. There may be countervailing causes which, to a certain extent, may alter these calculations; the consuming power, for instance, on which so much of our financial system very properly rests, may increase, though we must remember that it is at the present moment a consuming power at high prices; and therefore we must not count too much on that. But, admitting that your Customs and Excise may increase—admitting a whole series of mitigations—this great fact remains, that in the year 1860, if we pursue the financial plan introduced on Friday night to its consequences, instead of witnessing the extinction of the income tax we shall have to grapple with a colossal deficiency. Under these circumstances I thought it my duty to place on the table the Resolution to which I am about to ask the House to agree.

Now, Sir, let us see what, if I am right in my estimate of the consequences of the plan of the right hon. Gentleman, would be the wisest and most temperate course to adopt. If the House really believes that we are menaced by a deficiency, what can be more judicious than to proceed upon this excellent principle of finance—which, indeed, must be the basis of all sound financial schemes—to adjust the estimated income and expenditure in such a manner as is best calculated to prevent a deficiency, and then, in pursuance of a policy to which I believe this House is pledged, to provide in the best manner we can for enabling Parliament in the year 1860 to remit the whole of the income tax, as was promised to the country in 1853.

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That, Sir, is the object of the Resolution which I placed on the table, but no sooner had I given notice of this Resolution than a most extraordinary change occurred in the financial world. The right hon. Gentleman the Chancellor of the Exchequer was at the table—the House being in Committee of Supply—moving a Vote to which there was no opposition, and he took advantage of that opportunity to offer to the House a supplement to his financial statement of the preceding Friday, introducing elements, in my opinion, entirely inconsistent with the statements, arguments, and plans which he had previously laid before us. I am not complaining of this; the right hon. Gentleman has a right, of course, to make two financial statements if he chooses—there have been Chancellors of the Exchequer who have made even more—I am only putting before the House a narrative of these incidents. And what was the right hon. Gentleman's statement of Monday night? It was apparently addressed to my Resolution, which was then in the possession of the House. He said—very frankly I own—"I can answer the Motion of which notice has just been given at once," and, mentioning me, he said, I seemed to fear a great deficiency in the years 1858-9 and 1859-60; but that there was in reality no fear of any such deficiency. "I will tell you," said the right hon. Gentleman, "what are my estimates of the expenditure for those years"—(he might have told us on Friday, but that is nothing);—"and I will tell you how I mean to meet that expenditure." The right hon. Gentleman, with great frankness, gave us his estimates for those years, and they varied very slightly, but not in any degree so as to affect my argument, from the figures which I had assumed before he made that supplementary statement—leaving, therefore, if my first conclusion was just, on each year a vast deficiency. "But," says the right hon. Gentleman, "there will be no deficiency, because we are going to adopt the expenditure of 1853-4." No doubt, if the Government be going in 1858-59 to adopt the expenditure of 1853-4, that is an important element in the consideration of the financial plan. But if that be the case, although I do not complain for a moment of the previous criticisms into which I have been betrayed by the right hon. Gentleman making his statement on Friday—which

I considered to be a statement of authority—inconsistent with that which he made on Monday, I say if that be the case, and if we are to take the statement of Monday, as I do without complaint, as the authentic statement, what are the irresistible inferences which we are to draw from it? In the first place, Sir, one naturally asks if there is to be that vast reduction in 1858-9 which is to prevent these enormous deficiencies, what is the reason that the reduction has not some effect in 1857-8? Let us know what are the causes which will enable the Government in 1858-9 to make reductions of which, according to the representation of Friday, no hope was held out for 1857-8. If I go through all the heads into which the Chancellor of the Exchequer elaborately analysed the Estimates which had not been introduced by their respective Ministers on Friday—if I go through his analysis of all the causes of excess of expenditure in 1857-8 over 1853, I cannot find—except in that poor item of “unfulfilled contracts,” for which a large estimate, including gunpowder and timber, would be £500,000—that any of them, according to his views, would be less influential in 1858-9 than in 1857-8. But now, Sir, after that statement of the right hon. Gentleman's, I want the House to consider this:—What would be the effect if in 1857-8 the Government would do that which they say they are prepared to do in 1858-9? Let me show to the House the effect of that upon our income and expenditure. We are to fall back in 1858-9 to the expenditure of 1853-4. Now, the gross expenditure of 1853-4, as stated by the Chancellor of the Exchequer on Monday, was £55,840,000. Add to that the increased charge of the debt, £746,000; add the Exchequer bonds to be paid off in 1857-8, £2,000,000; add also the Sinking Fund for 1857-8, £250,000, and the total will be £58,836,000. That is an estimate for 1857-8, drawn up on the expenditure of 1853-4, which is to be the basis of 1858-9. Now, this is very important; and let me press it therefore upon the attention of the House. Having ascertained that we might have an expenditure of £58,836,000, let us see what the income of 1857-8 would be on the supposition that the income tax was not increased beyond 5*d.*, and that there was no increase in the tea and sugar duties. The income estimated by the Chancellor of the Exchequer on Friday was £66,356,000. From that deduct for the 2*d.* on the income tax, £2,000,000;

deduct also the tea and sugar duties, which I take at £911,000; and we have then the income for the ensuing year £63,455,000, against an expenditure of £58,836,000. We thus should have, according to the new position of Monday, a surplus at the end of the year of upwards of £4,000,000 in the Exchequer without adding any new taxes whatever, without increasing the income tax, which ought to be only 5*d.* in the pound if we adhered to the old system, and without adding to the taxes upon sugar and tea. The right hon. Gentleman, then, by the statement which he made on Monday, has opened a most interesting subject of speculation, which I am sure every hon. Member must appreciate. Now, Sir, how do we stand in this matter? because it is exceedingly difficult to deal with a financial statement which has apparently two colours and two forms and aspects. If the statement of Friday be the authentic statement, we are about to be landed in a great deficiency, and there is no hope whatever of seeing the end of the income tax in 1860. If, on the other hand, the version of Monday be the orthodox version, we not only get a reduction of the income tax immediately, and we not only have no recourse to those indirect taxes which have created so much odium out of doors, and which are so much opposed here, but we have a fair prospect also of getting rid of the income tax in 1860 altogether. But it is impossible that two results can be more different. If we are to adhere to the Budget of Friday, it is deficiency; if, on the other hand, we are to fall back, as we were told that we were on Monday, to the expenditure of 1853, we have before us the most rosy prospect that a financial Minister ever introduced to the House of Commons, especially at the termination of a war. I should think, then, that a debate upon the scope and tendency of these financial propositions is not at all irrelevant or unnecessary.

Now, I know it will be said that in the estimate which I have offered there is an element as regards the last two years of the right hon. Gentleman's plan, assuming that he really adopts the expenditure of 1853, which I have omitted; but I assure the hon. Gentleman that I have not forgotten it. According to the estimate of income and expenditure for 1857-8 drawn up on the basis of the expenditure of 1853 I have shown to the House that without any increase of taxation whatever there would actually be left in the exchequer a surplus exceeding £4,000,000—that is to say, that

there would be left in the Exchequer about that sum which the right hon. Gentleman will obtain by that large portion of the war income tax which is not yet paid. That is the exact sum probably which would be found as surplus in the exchequer. Otherwise, without the war income tax for 1857-8, the expenditure and income would exactly balance themselves, suppose that you took the expenditure of 1853. The right hon. Gentleman, however, may say, "But if you take the expenditure of 1853 there is an item of vast amount which will enter into the calculation of 1858-9 and 1859-60—which is not included in 1857-8—I mean the charge for the sinking fund for the war debt of £1,500,000. Therefore, if the income and expenditure of 1857-8 did balance themselves after that surplus derived from the war income tax was deducted there would be a deficiency of £1,500,000 upon those two years." Well, Sir, I grant that. I grant if you established the expenditure of 1853 as the basis of your operations, and if you did all that I have sketched out, that you would find a deficiency in consequence of the sinking fund for the war debt of £1,500,000 for the last two years of the right hon. Gentleman's plan. But remember that we shall have in the Exchequer a surplus of upwards of £4,000,000. I do not mean to say that that £4,000,000 can legally be applied at the present moment to the liquidation of the sinking fund, or even to the payment of the Exchequer bonds of the last two years. The law respecting surpluses and balances is too rigid to permit of the Chancellor of the Exchequer's applying it without appealing to Parliament. But see what the effect of the statement of Monday is:—Here you can, by falling back to the establishments of 1853, carry on the affairs of the country without any new taxes whatever, and with a large surplus at the end of the current year of upwards of £4,000,000 in your Exchequer; but in the last two years there will be a deficiency in consequence of the action of a special sinking fund for the liquidation of the war debt. But when we recollect that that large balance has been obtained by war taxation in a time of peace, I do not see why the Chancellor of the Exchequer, instead of imposing new vexatious and odious taxes upon the people, should not come forward and ask the House of Commons whether, in equity, that surplus of £4,000,000 might not be applied to the liquidation of the war debt.

Mr. Disraeli

In that case, according to the statement of Monday, the right hon. Gentleman might carry us through the three years of his scheme without increasing any of our taxes, and might be enabled to deal ultimately with the income tax by the aid of the terminable annuities and such other means as might then providentially arise. What a different plan has the Chancellor of the Exchequer marked out! The Chancellor of the Exchequer, in this state of the finances, comes forward and proposes new taxes. The Chancellor of the Exchequer enters into an essay as to the comparative merits of direct and indirect taxation—a barren subject for this House and the country; for, whatever their relative merits may be, it is clear that our revenue must be derived both from direct and indirect taxation, and that we must appeal to both to a very large extent. But the Chancellor of the Exchequer finds himself in this position, according to the Friday view, that he comes forward to propose the most odious of direct taxes and the most odious of indirect taxes. Sir, with regard to the income tax, I am not one, and I think I have shown I am not one, who will resist a fair introduction of direct taxation in our system. But, I say, direct taxation has never taken a more intolerable form than in the income tax. It has been condemned by the voice of the country and the decision and policy of this House. I need not enter into the catalogue of its enormities—that it is unjust, unequal, inquisitorial. There are very few who have listened to me who have not had personal proof of these qualities of the tax. They are grievances which are not to be borne, and in time of peace the income tax, as a permanent feature of our taxation, cannot be endured. In a national emergency these grievances are not felt. At such a moment private grievances are absorbed in public patriotism, and no one thinks of the injustice, the inequality, and the inquisitorialness of a tax, if he believes that the honour or existence of the country is at stake. In such an emergency no one criticises a tax; but just in proportion as it is exempt from criticism at a period of public danger, the moment a period of tranquillity returns you will find a re-action of odium to that degree that the tax is, perhaps, more criticised than it deserves. But the result is that the income and property tax is the most odious form of direct taxation, and I protest against that easy mode of argu-

ment which prevails, and which holds that any person who opposes the income tax is opposed to direct taxation. When I oppose it, it is as the most odious form of direct taxation. Then, Sir, what is the main article of indirect taxation upon which the Chancellor of the Exchequer is going to inflict an impost? Sir, if there be one article more than another which, in my opinion, the Chancellor of the Exchequer ought not to interfere with it is tea. I do not say this for the convenience of debate or of Parliamentary combination. I despise and repudiate such considerations. When I had an opportunity my views on this subject were sufficiently shown. I had not the glory of carrying the reduction of the tea duties, but as the organ of Lord Derby's Government I was the first British Minister who tried to grapple with that question. I therefore express the deep conviction of my own mind on the subject, and I say that tea is the very last article that the Chancellor of the Exchequer ought to have dealt with; and that the most odious of direct taxes and the most odious of indirect taxes are not the sources of revenue that ought to have been selected when in the face of the papers I referred to tonight it becomes a matter of controversy whether any new taxes at all are required. Indeed, it appears to me, from the Chancellor of the Exchequer's statement of Monday, which I take from the observations of the right hon. Gentleman to be the real financial statement, that we should waste our time in criticising the former Budget. Well, then, if the Chancellor of the Exchequer and his colleagues have really determined to fall back on the expenditure of 1853, there is no cause whatever made out for any new taxes at all. Now, Sir, I know that some Gentlemen are much alarmed at the word "reduction," and, Sir, unquestionably rash and precipitate reductions, aiming at no precise object, and founded upon no precise information, are the most dangerous courses to which Parliament can ever have recourse, and ought never to be sanctioned by this House. But, on the other hand, it is certain that wise reductions, aiming at distinct and practical objects, and founded upon ample and authentic information obtained by experience and research, are measures which, of all others, deserve the respect and approbation of Parliament—are the measures of all others which is not only the privilege but

the duty of this House to sustain and originate, and are the measures of all others which are most entitled to public approbation and gratitude. When some Gentlemen, therefore, are alarmed at reduction, I am tempted to recall to their recollection what is the reduction which appears to terrify them. In 1852, it was my lot, as the organ of the Government, to accept the Estimates prepared by our predecessors at the moment we succeeded to office. In the course of a few months circumstances were very much changed. There were many considerations of an alarming character. The political horizon was clouded. There was great alarm in the public mind that the defences of the country were not sufficient. We had to consider that difficult question; and, although our Government was weak, we resolved to come to Parliament with supplementary Estimates, the principal object of which was to secure that this country should have an efficient navy and an efficient ordnance. We came to Parliament—not, be it remembered, to a friendly Parliament—but on our representations Parliament instantly supported us. I believe I may say that the money intrusted to us was skilfully and efficiently employed; I believe that no money ever voted by Parliament was more skilfully and more efficiently employed. Witness what took place in our navy and in our artillery. But the necessary consequence of the supplementary Estimates of the Government of Lord Derby was a considerable increase on previous estimates. When we retired from office our successors accepted entirely the policy which we had originated in improving the defences of the country. They completed, and they completed in a manner that deserves all praise, the plans which we had commenced. More than that—they enlarged those supplementary Estimates, and the consequence of Lord Aberdeen's Government following that policy was a still greater increase of the Estimates. The additional Estimates amounted, after we left office, to more than £2,000,000. The House will remember that when the Chancellor of the Exchequer talks of reduction, he talks of reducing the Estimates not even to what they were in the time of Lord Derby's Government—he is not going to reduce them to the sum they amounted to after they were increased by the supplementary Estimates which I moved—but to what they were when a large increase was afterwards made. Sir, I

hope hon. Members on both sides the House will remember this in considering this question of reduction. We have before us several significant precedents as to how the House of Commons has acted on this subject. I need not dwell upon what took place in 1816, although it may be well that hon. Gentlemen should remember the circumstances. You had a King's Speech in which the Estimates were described by the Ministry as having been prepared with the utmost regard to economy. The income tax was then ten per cent. The country Gentlemen came down to Parliament, and protested against the income tax. It was the country gentlemen who mainly terminated the income tax in 1816. It was not, however, merely the country gentlemen who protested, nor was it the precipitate action of men who acted from the impulse of the moment, and not from thoughtfulness. The income tax was opposed by many eminent merchants of the day, and also by the greatest merchant that England perhaps ever had,—Mr. Baring, the late Lord Ashburton. He took the most decided course on the subject. He was a man of singular ingenuity, but of a prudence amounting to timidity. He was of all other men most deeply interested in the maintenance of the public credit of this country. And what did Mr. Baring say? Mr. Baring said, "You must terminate this income tax entirely; you must listen to no compromise,"—for the Chancellor of the Exchequer of that day was prepared to accept a reduction of the income tax to 5 per cent. As to a plea in excuse for the income tax that there was a tail of expenses left by the late war, "believe me," said Mr. Baring, "that if you yield, that tail will never disappear." Let the House remember what that war was, and what was the position of Great Britain, when Mr. Baring made that statement in the House of Commons. The battle of Waterloo had only been fought a year before; France was occupied by our armies; we had increased the national debt during the previous twelve months £67,000,000; and yet, under these circumstances, Mr. Baring was sanctioned and supported by the country gentlemen of England in demanding the abolition of the income tax. On that occasion Mr. Baring declared—

"That it was impossible, as long as Ministers could show any tail of the war expenses, that they would give it up. If they could once get the tax fixed in time of peace they would gain their object, and not a Member of the House would see the end

of it. No one who had the least experience of the conduct of Government could doubt that, instead of producing redemption of debt, it would produce wasteful establishments and extravagant expenditure. It would only be by ridding the country of the tax that Ministers would be induced to practise economy."

I would ask, are not the opinions of such a man to have their influence on us? What happened? The House acted on that opinion. On the 25th of March the House threw down the income tax. In May the Chancellor of the Exchequer came forward with a new Budget, and it was found that we could get on extremely well; although this £16,000,000 of taxation had been taken away. That is a very striking historical instance familiar to the House; but there is another instance, much more significant, that occurred in our own time—an instance which very many now sitting in the House must have been witnesses of, but which I am sorry to say almost every Gentleman has forgotten. So vast and rapid have been the events of modern times that the recollection of what occurred in 1848 with respect to taxation in this House has been entirely obliterated, as I learn from the personal experience of many of its Members. In 1848 there was a deficit. The political horizon was very cloudy, and the chief Minister of that day came forward, not trusting, if my memory be correct, even his Chancellor of the Exchequer to make the financial statement, but lending to it all the authority of the Premiership and the First Lord of the Treasury. He told the House that there was a deficit, and that the state of affairs demanded that they should be vigilant and watchful. He then proposed that the income tax of 7*d.* should be raised to 1*s.* Now, that was no slight proposal. Fivepence did not then bring £5,000,000 into the Exchequer, for my Irish friends had not then the opportunity of contributing to the Exchequer through this medium; but they will perhaps permit me to say, that if they support the financial proposition of the Government, they may rest assured they will have the privilege of paying it for many a long year. The Government of 1848 wanted to get £3,500,000 additional into the Exchequer, and their proposition was to raise the income tax to 1*s.* What happened? Why, nobody listened to it. They simply told the Government that, if they wanted £3,500,000, they must find it somewhere else. The noble Lord (Lord John Russell) knows very well that his

proposition was withdrawn, and still the money was found. That was another instance in which the House and the country by their determination prevented an increase of the income tax—an increase which events proved not to have been at all necessary.

Now, Sir, I am for wise, not wild reduction. I am for reduction with a definite object, founded on definite knowledge. I do not want to confine my criticism to the military and naval Estimates. There is another branch of the Estimates which I think might be subjected to wholesome criticism. Let us examine these Estimates. We are proposing no measure which will be hostile to public credit; but, to my mind, we are taking a course which will confirm public credit, by not adding to the burdens of the people. Let us do as our predecessors did in 1816, and as we ourselves did—though we had forgotten it—in 1848. Let us support the Chancellor of the Exchequer in his wise policy of Monday. Let us forget that woeful Budget of Friday, which has frightened the isle from its propriety. Let us, in a word, dismiss from our minds any increase of income tax, any increase of tea duties. Neither appears to me to be necessary. The Chancellor of the Exchequer has now got upon the right rail, and we will support him in the policy which, “better late than never,” he has now adopted. But, Sir, I would ask, is this change in the policy of the Minister any reason why I should change my Resolution? My Resolution appears to me to be peculiarly adapted to the position in which we find ourselves. We want something that is clear in words and definite in expression. We do not wish to express any want of confidence in the Government, which, as we heard yesterday, would be likely to alarm some very influential Members of the House. We do not want to take the Government out of the hands of the Minister, and give it to a Parliamentary Committee. That is a course which I would never recommend. I do not wish to see a Select Committee taking, or even sharing, the responsibility of the Government. Let us, therefore, carry out this Resolution, which, in my humble judgment, lays down the right principle on which our finance should always rest—the fundamental and cardinal principle of finance to which this House should ever adhere; let us require that, before we sanction the financial arrange-

ments of the Government, we shall see the estimated income and expenditure adjusted in the manner best calculated to secure the country against the risk of a deficiency. Surely, Sir, that is the principle on which we ought to act. Asserting this, let us then examine the best mode by which we can provide in 1860, without financial embarrassment, a balance which will allow the entire remission of the income tax. I think that my Resolution is one which the Government may accept, and all I shall do will be to ask them to act upon it. If they will act upon that Resolution, if they will really adopt the policy which on Monday appeared to be in the ascendant, and take the Estimates of 1853 in the manner then set forth, I, for one, have no wish to embarrass the Government. If I saw a *bonâ fide* determination on the part of the Government to carry such a policy into effect, I would even counsel those whom I may be presumed to influence to offer some assistance to the Government in those circumstances. I should not care even for the first year—though I think increased taxation is unnecessary—perhaps even for a further period, to meet, as regards the income tax, the views of the Government. If we saw that in 1860 we were to get rid of the income tax—if we saw that there was to be no permanent increase of the duties on tea, I would be disposed to make some sacrifice to meet the convenience of Government. But if the policy of the Government is this—that, though we may make sacrifices by this increase of direct and indirect taxation, we are only in the end to be landed in a deficit, then I think the House of Commons cannot too speedily and decidedly interfere to prevent a result so calamitous. In the belief that if the House will sanction this Resolution, we shall be able altogether to avoid new taxation by wise and well-considered reductions. I now place it in your hands, and commend it to the impartial but earnest consideration of the House of Commons.

Amendment proposed, to leave out from the word “That” to the end of the Question, in order to add the words—

“in the opinion of this House, it would be expedient, before sanctioning the financial arrangements for the ensuing year; to adjust the estimated Income and Expenditure in the manner which shall appear best calculated to secure the Country against the risk of a deficiency in the years

1858-9 and 1859-60, and to provide for such a balance of Revenue and Charge respectively, in the year 1860, as may place it in the power of Parliament at that period, without embarrassment to the Finances, altogether to remit the Income Tax," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: Sir, considering that when, on the first night of the Session, the right hon. Gentleman gave notice of a Motion relative to the income tax, he had evidently considered the subject with great deliberation; considering that although he announced his intention some days afterwards to persist in that Motion, he has since allowed it to disappear from the notice book;—considering that the Motion now before the House is a Motion substituted for the one originally presented,—and considering that the right hon. Gentleman who holds so eminent a position in this House, and is so experienced in financial affairs, has, we may assume, thoroughly investigated the matters upon which he has spoken,—considering, Sir, all these things, I cannot but congratulate myself at finding that he has offered scarcely any objection to that which may properly be called the financial plan of the Government. Sir, with the exception of a few remarks upon the absence of estimates of the extraordinary expenses of the Persian war, and also of what he thinks fit to call the Chinese war, and some general remarks upon the odiousness of an income tax, and the odiousness of taxes on tea and sugar, I do not remember that the right hon. Gentleman introduced into his address a single observation bearing upon the financial plan of the year. With regard to the want of an estimate of the expenses of the Persian war, I have already stated that we shall present one on some future day, and I did include in my statement of Friday last a sum of £260,000, which we estimated would represent the first portion of the extraordinary expenses of the expedition that we should have to defray up to the 1st April next. It is, therefore, not correct to say that no estimate for the extraordinary expenses of the war with Persia will be laid before Parliament. With regard to what the right hon. Gentleman calls the Chinese war, the operations have been carried on by the vessels on the station, and no extraordinary expenditure has hitherto been incurred—none that we could

lay before the House in the shape of Estimates. As to the right hon. Gentleman's general declamation on the subject of the income tax, I think, considering the number of years during which that tax has now existed since it was proposed by Sir Robert Peel—years of peace as well as of war—that the House will hardly expect that I should enter into a formal dissertation as to the policy and necessity of that tax under certain circumstances. With regard to the tea and sugar duties, which the right hon. Gentleman declares to be the most odious of imposts, I really am at a loss to know upon what ground they are to be so designated. [Mr. DISRAELI: Only the tea duties.] For a long time tea and sugar have been included among the articles upon which a Customs' duty has been levied, and the duty is not subject to the objection of being a protective duty, inasmuch as these articles are produced exclusively abroad. They are certainly articles of general consumption, but they occupy a position somewhat above that of mere necessities, such as bread and meat. At any rate, for a series of years, without any interruption, tea and sugar have been regarded as proper subjects for taxation. I am therefore at a loss to know why the right hon. Gentleman should stigmatize the duties upon tea and sugar as peculiarly odious. [Mr. DISRAELI repeated that he had only mentioned the tea duty.] Well, I cannot see why he should condemn me for retaining as an object of taxation an article upon which a greater amount of duty than is now proposed to be raised has in time of peace, up to the present period, been levied for a long series of years. I must assume, then, that the financial plan of the year—or the Budget—that term being confined to the estimate of expenditure submitted to the House in Committee of Supply, and to the estimate of the Ways and Means provided to meet that expenditure—having been placed before the House, the right hon. Gentleman can scarcely make any objection to that Budget, and I may regard myself as fortunate in having escaped almost entirely his censure. But in the discursive flights which the right hon. Gentleman took over the regions of finance he was not satisfied with remarking upon the estimate of revenue and expenditure for the year, but he commented upon the plan which I proposed for fixing the taxation for two addi-

tional years. I may, perhaps, remind the House of our constitutional practice with regard to the determination of revenue and expenditure. The expenditure of the country is partly fixed by Act of Parliament—that is, it partly consists of the interest upon the debt, which is payable by Act of Parliament, and of charges upon the Consolidated fund, which are also fixed by Act of Parliament; and it partly consists of annual Votes in Committee of Supply. These two branches of expenditure are now about equal, the amount payable in the present year under Acts of Parliament being about £32,000,000, and the amount to be voted in Committee of Supply being also about £32,000,000. It is possible, when the Estimates are laid on the table, when a plan of expenditure is proposed upon the responsibility of the executive Government to the House, to form a financial plan or scheme of revenue and expenditure for the year; and that is what I and all persons in my position have done. But I will venture to say that no Finance Minister upon any occasion ever presented to the House a plan of expenditure for any future year. Such a thing is perfectly unheard of. The great majority of taxes are fixed by permanent Acts of Parliament and levied from year to year until Parliament thinks fit to get rid of them. Other taxes are fixed for a period of years. Formerly there were certain annual duties, such as the sugar duties, but they have now been discontinued, and at present all taxes are fixed for a perpetuity or for a period of years by Act of Parliament. I thought it my duty to propose, finding that the tea and sugar duties and the income tax were continued for a certain time, that certain alterations in the rates at present fixed by Act of Parliament should be made in respect of those duties and of that tax. The income tax was limited to continue for three years, and I proposed simply to alter the rates of the tax during those three years. The tea and sugar duties were to fall by fixed gradations to a certain amount, and were then to be fixed at that amount. All that I did was to propose certain alterations in these duties. But I never submitted to the House a plan of expenditure for a future year—for any year beyond the present. Neither on Friday, when I first addressed the House on this subject, nor on Monday, when I gave an explanation supplementary to my former address, did I attempt to give any

estimate of expenditure for a future year; and if the right hon. Gentleman will look at the statements of former Finance Ministers,—for instance at that of Sir Robert Peel when he introduced the income tax, and at those of the various Chancellors of the Exchequer who have renewed that tax, he will find that on no occasion did they attempt to give an estimate of expenditure for more than one year. Therefore, when the right hon. Gentleman talks of a “deficiency,” as threatened in future years, he introduces an idea wholly foreign to the subject. In order that there should be a deficiency it is necessary that there should be a comparison between revenue and expenditure; and if I had made an estimate of expenditure for future years, and the right hon. Gentleman had compared it with the revenue, and had then found there was a deficiency, he would, no doubt, have been justified in saying that I had created, as he called it, a colossal deficiency. But I never asserted that the changes of taxation I had proposed would create either a deficiency or a surplus. On the first night that I made a statement I abstained from all specific mention of future years; but on Monday, when the right hon. Gentleman had given notice of the Motion he has now made, I thought it would be convenient to the House to know what was the revenue which I calculated for the two years to which that Motion referred, and I accordingly read an estimate of that revenue. The totals of that estimate, by the way, were not stated by the right hon. Gentleman exactly as I stated them. The totals which I stated were £62,300,000 for the year 1858-9, and £62,265,000 for the year 1859-60; and I said that if you compared that revenue with the expenditure of the year 1853-4, you would find no deficiency. That was the statement I made, taking the last year before the war as a standard of comparison; because, if I had taken as my standard the estimated expenditure of the present year, I should have taken an estimate which has not been agreed to by the House, and which, moreover, relates to a year of great peculiarity—the first year after the war. However, any hon. Gentleman may make the comparison for himself, either of the revenue, such as I have stated it, with the expenditure of the present year, or of that revenue with the expenditure of 1853; but, whatever year may be taken as the standard of comparison, I must be understood

as declining to make any positive estimate, or to give any opinion as to the amount of expenditure of any year after the present. With regard to the argument of the right hon. Gentleman, that there will be a great sum, which will accumulate, to be defrayed in the year 1860, by which the difficulties of repealing the income tax will be increased, I wish to call the attention of the House to a few remarks. At the same time I repeat, I do not undertake to make a Budget for more than one year. I express no opinion whatever as to the probable expenditure for a year after the present. Nevertheless, I shall take a general view, so as to throw some light on the possible financial position of the country in the two following years. The revenue estimated for the years 1858-59 and 1859-60 is, as I have already stated, about £62,300,000 and £62,260,000 respectively. I hold in my hand a statement of the gross revenue of every year since 1830. There is only one year from 1830 up to 1853 in which the gross ordinary income exceeds £58,000,000. The revenue which I have provided resulting from the alterations of taxation will be at the lowest £62,265,000, being nearly £4,000,000 greater than that of every year prior to 1854-5. Since 1854 the revenue has been £64,000,000 for 1854-5, and £70,550,000 for 1855-56. In the present year the revenue will amount to about £71,885,000. The revenue for next year is estimated at £66,365,000, being the year 1857-8, for which I propose the present Budget. Then we come to the years 1858-9, when the revenue is estimated at £62,300,000, and 1859-60 at £62,265,000. The question is whether it is probable that an income of that amount will be insufficient for the expenditure of those two years. Notwithstanding the disapprobation of the right hon. Gentleman, I must again be allowed to institute a comparison between the expenditure of these years and the expenditure of the year 1853-4. The expenditure then was £55,840,000. The revenue proposed to be raised in each of these two years is £6,460,000 in excess when compared with that expenditure—that is to say, the income of the years 1858-59 and 1859-60, as compared with the expenditure of 1853-4, shows a surplus of £6,460,000. We must consider in a Parliamentary point of view what may be regarded as the first charges on that income. I will at once assume that, looking at the im-

portance of our national defences, the expenses for the army and navy will be the first charges. Comparing the estimates of the present year with the estimates of the last year before the war, there is an excess of about £4,000,000. We certainly cannot reasonably anticipate that that excess shall continue at its present amount. Some portion, everybody will admit, is due to this being the first year after a war. [Mr. DISRAELI. — The second year; that is important.] At all events it is the first year after the disbanding of our armies, and after the return of our army from the seat of war. Unquestionably great difficulty is experienced in making reductions suddenly in the army and navy, and in military and naval establishments, and we must therefore consider that a large portion—I will not say how large, but a large portion—of the present excess is due to the peculiar circumstances of the present year. What reduction we may be able to make in future years, under that head of our expenditure, is a matter on which I can now express no opinion. It will depend on many causes, many of which are within the control of this House; but inasmuch as we have not yet been in Committee of Supply, and the Estimates have not undergone any debate, it would be premature to offer an opinion as to the extent to which the Estimates for the army and navy may be susceptible of reduction in future years. That they will admit of reduction to a greater or less extent I deem absolutely certain. We then come to the estimates for the Civil Service, and I confess that offers greater difficulties in the way of reduction than the army and navy. This has been owing to the great increase which has taken place of late years in that branch of expenditure, so that now the estimates for the Civil Service amount to rather more than £7,000,000—that is to say, they exhaust the whole of the Income Tax at 7*d.* in the pound. At the same time, the House should bear in mind that a sum of £1,200,000 has been transferred from the Consolidated Fund to the annual votes, which is a transfer of expenditure, not an increase, and merely appears under a different head. But, Sir, there has been of late years a great increase under this head of charge, owing in a great measure to the policy which has been received with so much favour in this House, and particularly found advocates among hon. Gentlemen opposite, of transferring

charges of a local nature to the National Exchequer. As it is a matter of some importance, perhaps the House will allow me to state to them a series of items of this character which are now charged upon the Civil Service Estimates. There is the item of criminal prosecutions in England and Wales, formerly paid out of the county rate, £250,000; the same for Scotland, £12,000; maintenance of prisoners in the United Kingdom, £126,000; Poor Law charges, £118,000; County Constabulary, £146,000; the same for Ireland, £645,000—making altogether in relief of local rates, £1,297,000. There has been also a transfer to the Civil estimates of an item of £268,000 from local fees in County Courts. There is also a charge, which must be considered in the nature of relief to local expenditure, for education in Great Britain, which this year amounts to £529,000, and for Ireland to £181,000. The branch of science and art takes £45,000, and these three items make together £755,000. The total of items of this class is £2,320,000. That is a branch of expenditure which has been growing, and is still on the increase, and in the reduction of which any Executive Government will find itself comparatively powerless. The next charge which will come upon those years is the charge for the debt. If the revenue should be found insufficient, after defraying the service of the year, to defray the repayment of debt charged by law on those years, it will of course be open to Parliament when that time arrives to consider whether any other arrangement may be made for the discharge of that obligation. I should be extremely sorry if I thought that anything would interfere with the payment of the four series of Exchequer Bonds which stand for payment in the present and the three succeeding years. At the same time, if it should be found that they can only be paid by imposing on the country taxes of a very onerous description—if the financial pressure is severe—of course it will be open to the Parliament of the day to consider whether the burden can be distributed over a greater number of years. My hope and conviction are that it will be possible to defray them in the years when they fall due. But with regard to the sinking fund which is due in the same years, a different reason applies. I ought, perhaps, to explain to the House the way in which that sinking fund is to

work. The sinking fund for the two loans of £16,000,000, and £5,000,000 was made to commence in the same manner in which the income tax was made to cease—that is to say in a year after the 1st of April succeeding the ratification of a treaty of peace. That was the case with the first two loans, because they were contracted in the course of the war. The third loan of £5,000,000, was contracted after the war, and therefore a definite period was fixed for its payment. When the first and second of these loans were contracted the duration of the war was quite uncertain. It might have lasted five or ten years. If it had lasted for any period of that sort, and Exchequer Bonds had fallen due during the continuance of the war, it would have been impossible to pay such bonds out of the annual revenue, and it would have been absolutely necessary to have recourse to a new arrangement, such as a new loan, for their discharge. But as the war happily lasted only three years, it so happens that the first payments out of the sinking fund upon the three loans fall in the same year as the first redemption of the Exchequer bonds; and hence arises a great accumulation of redemption of the debt in those three years. The House will observe, that the amount to be redeemed in the present year is £2,250,000. In each of the two next years the sum will be £3,500,000. It would be a perfectly legitimate financial operation, if Parliament should think fit to do so, to postpone that sinking fund for three years. The only effect of such postponement would be, that the first loan, for example, instead of being paid off in 1873, would not be paid off till 1876, and so with regard to the other two. In that way, if Parliament thought fit, relief might be afforded to the finances during the next two years. Sir, there is also another reason why it might be reasonable to adopt that course. When so large a sum as £3,500,000 is to be redeemed within a year, and that redemption takes place by the purchase of stock by the Government, they raise the price of stock as against themselves, and the redemption is therefore effected on unfavourable terms. I have not stated the full extent of the redemption of debt which will be going on in those three years. There are now annual payments upon terminable annuities to the extent of about £4,000,000.

Now, the annual charge of these annuities, if they were converted into perpetual annuities, would be £900,000. The difference therefore, in the three years between the charge upon those terminable annuities, and upon them, if converted into perpetual annuities, would be £9,300,000, which represents with tolerable accuracy the annual extinction of the debt. And, therefore, if in those three years the whole of the debt represented in the return which I hold in my hand were extinguished, together with the payment of the terminable annuities, we should have redeemed £18,550,000 of the debt at the end of those three years. I have explained to the House that I do not undertake to make a Budget for the next two years, but that, according to any reasonable computation of expenditure, and also making allowance for those legitimate arrangements which may be resorted to with regard to the redemption of the debt, if Parliament should so determine, there can be no ground, as far as we can judge, for anticipating that financial embarrassment (involving a deficiency of £5,000,000), in a future year, which the right hon. Gentleman has depicted in such alarming colours, and which, he says, would render the extinction of the income tax impossible. I have, I trust, shown that that part of the right hon. Gentleman's speech, which consisted of the demolition of an imaginary fabric—namely, the balances in the next two years between revenue and expenditure upon which I had relied, together with the right hon. Gentleman's calculated deficiency, is wholly founded on error and on a misapprehension of the very elements and conditions of the question. But, Sir, can it be said, with any truth, that I have opposed any additional or artificial obstacle to the extinction of the income tax in 1860? I think I can convince the House, that so far as I have done anything in that respect, I have rather afforded facilities for its extinction—that so far from rendering that end more difficult, I have rendered it more easy. I have proposed a reduction of the income tax for the present year, which the right hon. Gentleman himself not only does not object to, but which, he says, is a political necessity. I have proposed that the income tax, for the last two years of its existence, shall be 7*d.* instead of 5*d.* in the pound, and I think that that is by no means a burdensome increase. An income tax of

1*d.* in the pound would be 8*s.* 4*d.* per cent, and therefore the addition of 2*d.* in the pound to 5*d.* will only add 16*s.* 8*d.* per cent to £2 1*s.* 8*d.* per cent, thereby making the per centage of £2 18*s.* 4*d.* That addition, I think, cannot be regarded as a very heavy burden upon any scale of fortune. So far as the change which I propose in the income tax makes any difference, it provides an additional revenue for those two years, and so far it stands in the way of the alarming deficit of which the right hon. Gentleman talks, and which he imputes to me as its author. And the same is the case with regard to the tea and sugar duties. At present those duties are upon a descending scale. I propose to arrest that descent; and, therefore, so far as those duties are concerned they will tend to increase the revenue for the two next years. The change which I propose, so far as the addition to the income tax and the tea and sugar duties is affected, manifestly facilitates and does not obstruct. Then with regard to the provision which may be made for the discharge of the debt in these three years, if that debt should be discharged to the extent of £9,250,000, the reduction of the interest in 1860, compared with the year 1857, would be £313,000. So far, therefore, as the charge of the debt and any bearing it may have on the extinction of the income tax in 1860 is concerned, it is plain that my proposals all tend in that direction. I may, perhaps, be liable to the charge of attempting to penetrate too far into the future if I read to the House an estimate which I have prepared of the revenue in 1860–61. The revenue of a future year can be estimated according to the existing law: but it is otherwise with regard to the expenditure, because it depends upon the annual estimates which are prepared by the Government of the time being, and have to be submitted to Parliament. When, therefore, I make an estimate of the expenditure for 1858–9, for example, I can estimate that portion of the expenditure which is fixed by Parliament—such as the annual charge on the Consolidated Fund; but all the Supply Services must necessarily be framed upon mere conjecture. Supposing, then, that no alteration shall be made till the year 1860 in the taxation which I have proposed, I estimate the revenue of the years 1859–60 at £62,265,000. There would be a loss in

1860 upon the tea and sugar duties (even taking into calculation the increased consumption in that year) of about £1,065,000. There would also be a loss upon the income tax of £3,650,000, because the payment of only half of the sevenpenny-tax would fall due in that year. In respect of Miscellaneous, I estimate a loss of £100,000. The total loss, therefore, to the revenue in 1860-1, under my proposed changes, compared with that of the previous year, would be £4,815,000, and the revenue in 1860-61 would be £57,450,000. If we add for improvements in other branches of the public revenue an assumed sum of £665,000, we get a total of £58,115,000. Again, I am afraid I shall incur the displeasure of the right hon. Gentleman by referring to the expenditure of 1853-4. The expenditure of 1853-4 was £55,840,000, which we may take as a standard of comparison, approving it or not as we think fit. I deduct from that sum the difference between the interest of the debt in 1860-61, and the interest of the debt in 1853—namely, £1,640,000—which is formed by deducting from the terminable annuities, which expire in 1860-61, and which amount to £2,146,000, the additional charge of interest which has accrued during the war. The expenditure of the year—assuming always that of 1853,—is thus reduced to £54,200,000, as against an income of £58,115,000. The House may take that estimate for what it is worth. I have expressed no opinion upon it, and refer to it merely for the purpose of showing that the plan I proposed does not throw any obstacle in the way of the extinction of the income tax in 1860. With regard to that question I feel myself incapable of assenting to the latter part of the right hon. Gentleman's Resolution. It says that it would be expedient to "provide for such a balance of revenue and charge respectively in the year 1860 as may place it in the power of Parliament at that period, without embarrassment to the finances, altogether to remit the income tax." Sir, I do not in the least deny that it would be extremely desirable to realize that result. All persons must wish that any onerous tax, which the income tax is alleged to be, should, by the increasing prosperity of the country, be found unnecessary for the public service. But it seems to me that we cannot bind ourselves down to any sort of pledge, or to any formal confession of faith, as to the possibility or the probability of Parliament being able to re-

mit the income tax in 1860. Each Gentleman may calculate the probabilities for himself, and if we choose we can abstain from taking any measure which might render such remission of taxation either difficult or improbable. What I maintain is, that the proposal which I have made, so far from increasing the difficulties, mitigates and lessens them, and that on the contrary, it offers every reasonable prospect which we can hold out at present of a satisfactory financial adjustment in 1860. Beyond that point it appears to me impossible to go. If the state of our finances in 1860 be such as shall admit with advantage of the remission, wholly or almost entirely, of the income tax, let us trust to the wisdom and patriotism of Parliament in that year to effect the change. If, on the other hand, it should turn out, from adverse circumstances which, without the gift of prophecy, it is impossible for us to foresee, that the abolition of the income tax is impossible, we should only create disappointment and weaken the respect in which Parliament is happily held if we led the country, by an abstract Resolution, to expect a remission which circumstances might put it beyond our power to effect. Therefore, although there is little in the general tenour of the Resolution to which I have to object, I cannot see that any advantage would arise from our assenting to it. It would be open to much misrepresentation, would give rise, perhaps, to dangerous misunderstanding, and therefore I shall vote in favour of the Speaker leaving the chair. I shall neither affirm nor deny the Resolution, but shall ask the House to pass to the Order of the Day and go into Committee of Ways and Means, with a view to consider the practical question of the reduction of the war rate of the income tax. The Resolution of the right hon. Gentleman can lead to no practical result. It can produce no effect beyond that of a certain quantity of discussion in this House, and even if we were to bind ourselves down to this sort of political test, I cannot understand how we should be nearer than we are now to the attainment of the end which the right hon. Gentleman opposite and all of us must have in view—namely, a permanent and prospective settlement of our finances. So much for the latter part of the Resolution. The former part seems to me, so far as I can apprehend its meaning, to be equally objectionable. It asks the House to resolve that "it would be expe-

dient, before sanctioning the financial arrangements for the ensuing year, to adjust the estimated income and expenditure in the manner which shall appear best calculated to secure the country against the risk of a deficiency in the years 1858-9 and 1859-60." I confess I am not quite clear as to the meaning of that paragraph, but I apprehend the right hon. Gentleman means—and perhaps he will have the kindness to correct me if I misconstrue the words—that we are to adjust the estimated income and expenditure of the years 1858-9 and 1859-60 in the manner which shall appear best calculated to secure the country against the risk of a deficiency in those years: I will assume that that is the meaning of his Resolution.

MR. DISRAELI: I beg to say that that is not its meaning.

THE CHANCELLOR OF THE EXCHEQUER: Perhaps the right hon. Gentleman will explain what he does mean?

MR. DISRAELI: I thought the wording of the Resolution was extremely clear. When I ask the House to resolve that it would be expedient, before sanctioning the financial arrangements for the ensuing year, to adjust the estimated income and expenditure, I do not refer to the estimated income and expenditure of the years 1858-9 and 1859-60, but allude particularly to the estimated income and expenditure of the present year.

THE CHANCELLOR OF THE EXCHEQUER: Then what the right hon. Gentleman proposes is, that we should adjust the estimated income and expenditure of the present year in such a manner as should appear best calculated to secure the country against the risk of a deficiency in the two following years. Sir, I confess I had some difficulty as to the construction of the terms of his Resolution, but I was desirous of saving his logic at the expense of his grammar. The right hon. Gentleman, on the other hand, appears to wish to sacrifice his logic and save his grammar; for by what process of adjustment of the income and expenditure of the current year we are to guard the country against the risk of a deficiency in the two following years, I am at a loss to imagine. The right hon. Gentleman is perfectly aware—he stated, indeed, in the course of his speech—that by law the Commissioners of the National Debt are bound to apply to the reduction of the debt the surplus of each separate year; and therefore if there were a surplus in the present year it

could not be handed over to supply the deficiency of subsequent years, but must be exhausted within the current year. But, assuming an adjustment of the estimated income and expenditure of the ensuing year to be expedient, how is it to be carried into effect? I do not think that a discussion such as that of to-night is likely to have a very adjusting effect. The House itself cannot undertake the adjustment of the income and expenditure; and if that duty is to be performed in a workman-like and efficient manner, the right hon. Gentleman must move the appointment of a Select Committee. There must be not a "Finance Committee," but an "Adjustment Committee." I presume the first step would be to refer the Army and Navy Estimates to it; the Civil Service Estimates would follow; and so the process of adjustment would proceed through all the items of income and expenditure. Judging from the progress which former Committees have made with similar inquiries, I think I might venture to predict with considerable confidence that the Report of the Adjustment Committee would not be presented much before the end of the Session. The last Committee upon the Estimates sat two or three Sessions; but, giving the new Committee credit for extraordinary diligence, industry, and research, I think we could hardly expect their Report before the end of the Session. Even then, however, the process of adjustment would not be completed, because the House itself would have to consider and, if possible, agree to the Report; and all this before the financial arrangements for the ensuing year are sanctioned. Meanwhile, what would happen to the income tax? By law the war income tax is continued for another year. Unless some Act of Parliament to the contrary be passed by the Legislature before the 1st April next, the collection of the tax must continue. Well, then, while the right hon. Gentleman's Committee was adjusting taxation the taxpayer would be paying his war ninepence up to the end of the present Session, and thus the process which is suggested for the relief of the taxpayer would be found a principal means of continuing the burden of the taxpayer. I trust, then, that upon a consideration of this Resolution and of the effect it would have as regards either the adjustment of income and expenditure, or the question of the extinction of the income tax, the House will see that no practical benefit can result from its adoption, and that it will agree to

the Motion which I had the honour of making, That the Speaker do leave the chair, in order that we enter upon a consideration of the Resolutions relating to the income tax and the tea and sugar duties, and commence at once a revision of the taxation of the country in reference to its altered position by a transition from war to peace.

MR. GLADSTONE: Sir, I have been under the belief that the question raised by the Budget of Her Majesty's Government would command very great interest in this House. I am still impressed with that belief; but perhaps the reluctance of hon. Members to address the House may be intended to convey to me that they have a right to hear my sentiments upon this question. There is no man in this House who is so deeply concerned in the question which is now raised as myself. I have stood at that box, Sir, and have addressed the House of Commons, and I have received on the part of the Government to which I belonged the assent of the House of Commons to financial plans which were in every point contradictory to those which are now proposed. How it is that hon. Gentlemen still sitting on those (the Treasury benches) find such facility for giving assent to contradictory propositions it is not for me to say; but of this I feel convinced, that if I may assume to exist in this House of Commons the same feelings which existed four years ago—I do not mean as to questions which were the subject of party contentions, but as to the duty of balancing income and expenditure—the express pledges which were given to the country on the subject of the income tax will be rigorously maintained. If this House which I now address be the same House which then accepted the propositions of the Government when we held out certain expectations to the people of England—when with those expectations we imposed the income tax upon the people of Ireland—when we obtained an opportunity for the settlement of many difficult and thorny questions on account of the expectations so held out—if this be the same House of Commons, still governed by the same motives, still sensible of the same obligations, then I feel a great confidence in the vote which this House will give upon the present occasion.

Sir, my right hon. Friend who has just sat down has, I am bound to say, in the speech he has delivered, entirely, candidly, ingenuously corresponded with the description I have given of his financial plan.

Everything for which we have been labouring during the last fifteen years is—I do not say destroyed, because the destruction of the results of fifteen years' labour is not the work of a single day—but everything in regard to finance for which we have been labouring during the last fifteen years is in principle condemned alike by the speech as by the plans of the right hon. Gentleman the Chancellor of the Exchequer. Why, Sir, for several years before 1841 it was the misfortune of this country that there arose a series of deficiencies in the revenue. We recollect what it cost us to repair those deficiencies. We thought that from that time forward the principle had been established that it was the first duty of the House of Commons to provide a revenue adequate to meet the demands of the public service. We will see by and by what are the views of my right hon. Friend upon the subject of the balance of income and expenditure. We thought we had been simplifying and consolidating our financial laws. Upon three separate occasions—in 1842, again in 1845, and in 1853—with the general assent of Parliament—for it was no party question—great efforts have been made by successive Governments to consolidate our financial laws, and we removed from our Customs' tariff more hundreds of articles than I dare venture to mention. By that means we set a great portion of our trade entirely free, and that I believe has been the main cause of its subsequent vast expansion. But what says the Chancellor of the Exchequer? Does he approve that simplification? No; but he has done this—he has disinterred old Arthur Young; he has brought Arthur Young before us, and Arthur Young says that to load an infinity of articles with taxes infinitely small is the perfection of finance. That, however, is a total condemnation of the principles by which Parliament has been guided during the last fifteen years. In 1853 this House gave its solemn assent to this principle—that the income tax, while it continued in a time of peace, if it was to continue at all, should be continued for special purposes—namely, for the purpose of introducing great improvements into our financial system, so as to relieve the mass of the people from heavy burdens. Therefore, although the tax in itself was grievous, inquisitorial, unequal, a tax which it was desirable to get rid of, yet Parliament agreed to tolerate it for a further time, but only for that one purpose, which mitigated the re-

collection of the hardship of the tax by associating with it a recollection still more pungent of the blessings to be wrought out for the mass of the people through its instrumentality. What has become of that principle in the hands of the right hon. Gentleman the Chancellor of the Exchequer? With what beneficial change does he propose to associate the continuance of the income tax? My right hon. Friend has certainly not evaded the subject. His candour and ingenuousness forbade him to evade it. He scorned to escape it—he discussed the subject of indirect taxation—he knew there were three matters respecting which much feeling prevails in the country as to the expediency of the existing law. The right hon. Gentleman knew there was the tax on paper, which it is urged is not only a heavy burden upon literature, not only a burden upon the manufacturers, but a restraint upon the extension of rural labour, to which the manufacture is so well adapted. He took the tax upon insurances, which is a scandal to England. He took also the tax on wine, which he knows to be the greatest impediment to our enlarged intercourse with France; and how did the right hon. Gentleman deal with those subjects? How does he propose to associate the continuance of the income tax with the recollection of a benefit conferred? He said that the duty on paper was not a bad duty; that the tax upon insurances was a good one; and as to the duties on wine, he would discuss them another day. I ask, then, whether I use the language of exaggeration, or the language of truth, when I state that my right hon. Friend has completely, in his speech, thrown overboard, condemned, repudiated—as far as the act of one year can go—principles of finance which were introduced amid difficulties and struggles—which were first extensively applied when the party opposite was in power, and applied with the general approval of that party, as well as of the party on this side of the House. With respect to all those things my right hon. Friend—I will not say destroys all the benefits which have accrued, for as yet he has only had one opportunity to practise his hand—but he has done pretty well, and I am certain that if the Chancellors of the Exchequer who may succeed him should follow his example, or if he himself continues to labour in his vocation as sedulously in future years as he promises to do in this, and if those labours should

obtain the sanction of the House of Commons, at the end of the next fifteen years you will find but few relics of the great efforts and great achievements of the last fifteen years.

To pass from the speech to the Budget—I am sorry to find that, owing to what circumstances I cannot tell, it has been made the means of propagating throughout the country a series of impressions as to matters of fact which are totally unfounded. I am quite sure it was not the intention of the right hon. Gentleman to produce any such effect, but I am quite as certain that such effects have been produced, and that the production of them is owing to the inadvertent use he has made of figures in his statement. The impression that has gone abroad is, that £11,970,000 of taxes are to be remitted. That was the inference of the right hon. Gentleman's speech. We are told that about £9,000,000 of the income tax is going to be given up for the year 1857–8, and that after these great operations there will remain a surplus revenue of £900,000. Notwithstanding all this, there is to be no departure from the expectations held out to the country with respect to the cessation of the income tax in 1860; but, on the contrary, we are going to make a new affirmation of them by passing a Resolution to the effect that the grant of 7*d.* in the pound on incomes shall be for the term of three years and no longer. Now, Sir, I believe (and I hope to be corrected if I am wrong) that these are the exact impressions as to the character of the Budget now before the House which were propagated on Friday night, and which since that night have by means of the public journals passed throughout the country. Now, I venture to say that not one of these assertions is true. I do not speak now of matters of argument, I speak of matters of fact, and I say they are not true. I take the first statement of my right hon. Friend, when he gave us a list of taxes about to be repealed, though he did not tell us of any taxes about to be imposed—an omission much to be regretted. The Chancellor of the Exchequer told us that £11,970,000 taxes were to be repealed; and I think I am right in saying that it is the almost universal belief of the House that we are now going by our own acts to extend that amount of relief to the country for the year 1857–8, and still to retain a surplus of £900,000. Am I not right in that? because if the

foundation is cut away from under these financial plans the whole of their merits are cut away. We must see what we are going to do, and what we propose for the future after the proposed repeal of taxation. Now out of that sum of £11,970,000 there is a very large portion the repeal of which does not depend on any proposal of the Government or act of ours. When war taxes are granted they are invariably granted by the Parliament for the purposes of war in time of war. Thus the war tax on malt, yielding £2,000,000, has lapsed by Act of Parliament. The war tax on coffee £135,000 lapses by Act of Parliament from the 5th of April next. In like manner the war tax on tea of 6d. in the pound lapses, causing by Act of Parliament a boon to the country of £1,588,000, from the 1st of April next. The war tax on sugar of 2s. 1d. (taking brown sugar) lapses from the same date, making a relief to the consumers of £755,000. That is to say, there are several sums, amounting to £4,470,000, the repeal of which the people ought not to owe to the grace or favour of either the Government or the Parliament in the present Session, but which disappear in virtue of the operation of the Acts which limited them to the war. To begin with that—is not that a considerable hole to make in my right hon. Friend's promised repeal of £11,970,000 of taxes, the grace, beauty, and virtue of which repeal was, we were told, to attach entirely to the votes we should be called on to give in the present Session? So much remission as I have stated was already enacted by Acts of Parliament; but what are we called on to do? It is here that the great misapprehension lies. It is believed by the country—or it was believed—and it is still believed to a very great extent by this House, that we are going to grant the remission of £9,000,000 of the income tax applicable to the year 1857–8, and that after having made that remission there will still be a surplus of £900,000. Is that a fact or not? We heard abundance of comment and criticism—I would almost call it cavil—from the Chancellor of the Exchequer to-night on the folly of attempting to balance income and expenditure for future years. Yet it is very convenient for the Chancellor of the Exchequer to vote away from future years the revenue which he retains for the present year, and, applying that revenue to the ways and means of this year, to leave future years destitute; and, when called

to render an account, to say, "It is vain to pretend to balance the income and expenditure of a future year." Now, let my challenge be clear and intelligible. I will endeavour not to be ambiguous. I say that the Government are not giving away £9,000,000 of the income tax for the year 1857–8. I say that they are now giving up only about one half of that sum, or £4,600,000, in respect to income tax; and that against even that is to be set the sum of £1,416,000 as taxes levied on tea and sugar additional to the present law from the 5th of April next. Therefore, the real amount of the remission we are called upon to sanction for the year 1857–8 is not £11,970,000, but £3,184,000. I give my figures with such clearness that no one shall misunderstand them, and I challenge contradiction. But that is not the only remission which the Chancellor of the Exchequer is asking us to vote. He is asking us to vote the remission of another half of the income tax for the year 1859–60—another £4,600,000. Against that too, there is a small set-off; for while he is going to lay an additional burden on tea and sugar for 1857–8, he is going to make an additional burden on 1858–9 of £560,000, which I deduct from the repeal of £4,600,000 of income tax. He is therefore inviting us to sanction a net remission of £4,040,000 for the year 1858–9 and £3,184,000 for 1857–8. Then, these considerations will reduce the total amount of remission to be enjoyed in 1857–8 according to the Chancellor of the Exchequer's plan and by Acts of Parliament to £7,654,000; and the total amount of remission which his plan invites the House to enact, which is to take effect partly in this year and partly in next, amounts to £7,224,000; but the total remission he proposes now to grant and to be enjoyed in 1857–8, amounts only to £3,184,000. Under these circumstances, I think I am justified in the statement I made, that the most extensive misapprehensions of fact in this case had gone abroad. If it were true that we were really about to surrender £9,000,000 of the income tax; if it were also true—as my right hon. Friend allowed it to be supposed, though he did not say so—that while we are making the surrender of the income tax for our own benefit, we are at the same time keeping our hands off the tea and sugar of the poorer classes, and that still there would be a surplus of £900,000, I venture to say that the opposition to the Budget of the Government

would be of a very light and airy character. But, Sir, I do not admit the surplus of £900,000. The request of the right hon. Gentleman was certainly a very modest one, when he hoped this would not be considered too great a surplus. Too great a surplus! Why, the right hon. Gentleman did not say a word about what you will have to vote for the two wars in the East. When we recollect that we have to carry on two wars in the East; and that the right hon. Gentleman has not called upon us to vote any money for the expenses of those wars; that amongst all the votes he has submitted to Parliament he has not asked for one farthing for the Chinese war, while with respect to the Persian war he finds it the most convenient cause to keep it as long as possible out of sight—can you believe, with these considerations before you, that the right hon. Gentleman is correct in his estimate of £900,000 surplus? He confines himself, as to the Persian war, to covering the expenses of last year, and does not call upon us to vote any money for its charge in 1857-8. If there be any life in the House of Commons—any sense of its constitutional duty—it will not allow the Persian war to be conducted on those principles. I give the fullest notice that I do not understand it to be the function of the representatives of the people, while attending in this House, to allow wars to be begun by the Government, to be carried on by the Government, without any explanation or estimate of the charges being submitted to us: until after the conclusion of the war, after the money has been spent and the lives of our countrymen sacrificed, the little bills are presented, and we are told by the Chancellor of the Exchequer that we have nothing to do but to consider how they shall be paid. That is not my understanding of our duties as representatives of the people. If the Government form such an estimate of our duties, I tell them that I for one will never conform to that estimate, and if the House of Commons shall be of the same determination as myself, we shall invite the Government to give us a distinct explanation of the character and expenses of those wars. If they decline our invitation, we shall urge them to do so. And if they still refuse, we must coerce them by our votes to give us an estimate of the expenses of the Persian war, that we may know precisely what it is before the war goes further, and not allow ourselves to be kept in ignorance of it until

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the war is over. So far from thinking the £900,000 surplus asked for by my right hon. Friend, a sum which it is immodest in him to ask, I think it so extremely narrow for his purpose that I cannot consent to consider it as a surplus *bond fide* available; for, without asking any such questions as that put to-night by my right hon. Friend (Sir James Graham) about the liquidation of the Sound dues, or any questions concerning the increased sums necessary for the civil service of the country, I see two wars going on, the whole cost of one of which we are to assume must be defrayed by this country, while half the cost of the other, we are told you are to liquidate. If you have two wars going on you have two operations in progress to absorb this modest surplus of £900,000. I say, therefore, in short, that £11,970,000 of taxes are not repealed; that £9,000,000 of income tax for the year 1857-8 are not repealed, and that a surplus £900,000 does not remain by those proposals. With regard to the termination of the income tax in 1860, the right hon. Gentleman did not make a direct promise on that point, but he rather facetiously observed that the Government would by their financial measures give additional facilities for bringing the tax to an end in 1860. But into that we shall inquire a little more by-and-bye. So much with regard to the description of the Budget of Her Majesty's Government, and to the remissions which my right hon. Friend proposes to make. Sir, the right hon. Gentleman the Member for Buckinghamshire, in the speech which he has addressed to the House to-night, spoke of the difficulties attendant on prospective finance. No doubt those difficulties are serious. I myself am the person properly responsible, perhaps, for having proposed in the House of Commons, on the part of the Government of 1853, a plan which involved much of prospective computation. I believe I was justified in propounding that plan, regard being had to the circumstances under which it was proposed; but, at any rate, my conviction is that, as it was proposed by a Government and accepted by a Parliament, and especially as it was accepted by the Parliament in which we are now discussing the Budget of 1857, it is a great deal too late now for my right hon. Friend to say that you had no means of estimating the revenue and expenditure of future years. My right hon. Friend was not in the Government or

in Parliament in 1853, and he did not recollect the severity of the censure he was bestowing on his present colleagues; that almost every man who sits beside him on the Treasury Bench gave me a cordial and generous support in 1853, and that in that year Parliament, as well as myself, did enter into a prospective financial calculation—did in that year pretend to form an estimate—of course allowing for circumstances beyond our control—but taking into view any ordinary course of public affairs we did, I say, pretend to estimate the expenditure as well as the revenue of future years. It does not, then, do for my right hon. Friend, as the organ of the Government—for I will not make him responsible for this—above all, it will not do for this House, who made themselves to a great degree responsible for this plan of prospective computation, and induced the public to accept the income tax on the faith of them—it will not do, I say, for the House now to tell the public, “We can present an estimate of the revenue of future years, but as to the expenditure of future years that is altogether beyond our control.” My right hon. Friend was not in the House in 1853. I shall inquire whether the proceeding of 1853 was a reasonable or *bond fide* proceeding—whether, looking at the circumstances which have since occurred, we were then justified in making the estimates we did; for, Sir, had I been capable, for the sake of any temporary advantage, of coming down to this House, or had my colleagues been capable of encouraging or supporting me in that appeal to this House, for abundant advances for our financial arrangements in 1853 on account of future years, I would consider that I had acted the part of the veriest charlatan that ever stood at that bar, if not of the basest swindler that was ever placed in a dock, if my appeal had not been based upon what I believed to be a fair and conscientious calculation. As my right hon. Friend has put aside the undertaking entered into on that occasion—for he says it is absurd to estimate the expenditure of future years—let us now, Sir, see what grounds we had for the promises made to the public on that occasion. In the month of April, 1853, I showed a surplus of revenue over expenditure, for the year ending in the coming month, of about £500,000. At the close of that year, though the expenditure had swelled to the extent of at least £500,000, in consequence of some military preparations, there was a surplus

of £3,000,000. If there had been a corresponding expenditure for the year 1854—I mean had it not been for the war—we could have confidently calculated on a surplus of nearly £2,000,000. Therefore, Sir, I do not think there is the least reason to doubt that had the circumstances of the country been of the ordinary character, the state of the revenue and expenditure would have realized the expectations held out in 1853. Well, Sir, if it be the case, I think our duty is reduced within very narrow limits—because our duty is to inquire candidly and dispassionately into these intervening circumstances, and see what amount of additional difficulties have been laid upon us, and then to consider whether the difficulty arising out of those intervening circumstances is or is not sufficient to absolve us from the pledges then virtually given to the people of England. Then, Sir, I say those circumstances are not sufficient to absolve us from those pledges. It is perfectly true that there have been some difficulties, principally owing to the war—some increase of unavoidable charges. My right hon. Friend has told us that the additional charges in respect of the debt since 1853 are £1,460,000. And he alluded to the other sum of £1,250,000 as an addition since 1853. But he says you have not only incurred a new permanent charge in the shape of debt, but you have likewise abandoned a good deal of revenue since 1853. He gave the sum of £760,000 as the amount of taxation abandoned since 1853, which he afterwards reduced to £470,000, and he contends we are worsened since 1853, not only by the new debt which has been created, but by the £470,000 of permanent revenue which has been abandoned. I say the contrary. I reverse the statement of my right hon. Friend, and I contend that we have not only not reduced, but have added to the permanent revenue since 1853. He appears altogether to have overlooked the operation of the spirit duties. He said the produce of the spirit duties was £1,500,000; but from that item you must deduct £436,000, the sum imposed in 1853, which leaves £1,064,000; and from that again, if we subtract £470,000, the amount said to have been abandoned, we then have an absolute excess of permanent revenue to the extent of £594,000 imposed since 1853, or, in round numbers, £600,000 a year. That applied again to the additional charge on

the debt of £1,250,000, would make the real increase of permanent burden since 1853, £656,000. That is the alteration, brought about since 1853, after what may be called the permanent financial loss to the country in consequence of the taxing and borrowing occasioned by the war; and I think it is plain to this House, and will be plain to the people of England, that it is not an item of such magnitude as will enable us to escape from the promises we gave and the expectations we held out to them in that year, for which promises and expectations we had value received in the shape, I am bound to say, of political credit and popularity at the time, and in the shape of additional stability to the finances of the country during the war. In order to state the case fairly, I must say there is another item in which there is a falling off in the estimated revenue. In 1853 there was great difficulty in estimating the produce of the succession duty. I made the estimate £2,000,000. We are now told by the right hon. Gentleman that £1,300,000 is the more probable sum, and therefore we must deduct £700,000 from my estimate as the result of our altered position since 1853. But as the person upon whom the promises made to you may be said to rest, I say the changes that have since occurred do not absolve me in honour and in conscience from the duty of straining every nerve still to maintain and realize those promises and expectations, of the benefit and fruit of which my colleagues and myself availed ourselves at the time.

Sir, I come now to the question connected with the essential merits of the Budget of my right hon. Friend. In my opinion that Budget has four fatal flaws—flaws and faults which, speaking for myself, nothing can induce me to tolerate. One of them is, that it is based upon an excessive expenditure. I take this opportunity, in passing, to subscribe to what was said to-night by the right hon. Gentleman opposite (Mr. Disraeli) on the subject of military expenditure. Deprecating rash proceedings and wholesale promises, the right hon. Gentleman, notwithstanding, expressed his conviction that much reduction might be safely, prudently, and cautiously effected, and yet that you might have your establishments in a state of perfect efficiency. Sir, the right hon. Gentleman so fully expressed my opinions upon that subject that I have no desire to add to what he said. I maintain, however, that the

Budget is based upon an excessive expenditure. I will not at present go into the question whether the Estimates that are now laid before us are the same Estimates with respect to which, on the 3rd of February, the Queen assured Parliament that they had been drawn with a due regard to economy. This, however, I will say—that estimates ought to be drawn according to the judgment and conscience of a Government, and not according to the pressure of political inconvenience which may be anticipated from presenting them in one form or another. I will not now enter into that question, as we shall have much more to say upon expenditure before the Session is far advanced; but I may take this early opportunity of repeating what I stated on the first night of the Session—that, from the view of the estimates which has been given us in general terms by Lord Panmure, the Secretary for War, and by the Under Secretary for War (Mr. F. Peel), it will be my duty to object to them. I avail myself, therefore, of this opportunity to give notice that before you, Sir, leave the chair to go into Committee of Supply, it is my intention to propose a Motion to the effect that, in order to secure the country that relief from taxation which it justly expects it is necessary, in the judgment of this House, to revise and further to reduce the national expenditure. I have no right to claim authority in matters of finance—all that I have to claim is this—that the earnest application of my mind is to form a conscientious judgment upon the prospects of the country; and in the exercise of that duty I must state that I have never known a time when the financial prospects of the country—mixed up as they now are with political affairs, and with the pledges and proceedings of the Administration—presented an appearance of so much difficulty. In my opinion a most arduous task will be imposed upon the Minister of the next five years in providing a balance between revenue and expenditure. Sir, is the House of Commons really aware of the rate at which, and of the mode in which the expenditure has been growing? I will not now enter into details. If I have the opportunity it will be my duty to do so on some future occasion, and then it will be for Parliament to consider whether Her Majesty's Government have fulfilled their special obligation of controlling the expenditure of the country and checking the House of Commons when it shows

an undue disposition to expenditure. I will, however, state some facts which are summary and succinct. From 1842 to 1853,—during twelve years of constant improvement and continued social progress,—such was the administration of your finance that the expenditure of the country underwent no increase whatever. I say no increase whatever, because the amount is so trivial that it is hardly worth naming. In 1853 the expenditure exceeded that of 1842 by £234,000 only; and if you take the year 1852, which was not an inactive year in point of expenditure, you will find that the expenditure was positively less than it was in 1842. Since 1853, Sir, a change has passed over the spirit of our dream; a change has passed over the temper of the Government, over the temper of the departments, over the temper of the House of Commons, and over the temper of the country. Do not let us seek to shift the blame from ourselves. I believe that, in a great degree, this change is the natural and necessary result of war. If we were beings governed by pure reason, then no doubt it would be justly argued that in time of war, when enormous demands are made upon the public purse to meet the necessary purposes of the public service, we ought at all events to exercise a peculiar economy in all the ordinary departments of the State. But the case is practically just the reverse. You contract a habit of extravagance. War of necessity means reckless expenditure; useless, and worse than useless expense; and even if there were an attempt to control it, nothing worth naming could be done. But the civil expenditure of the State and the temper of the House of Commons are infected with this habit of extravagance, and see what is the result. The expenditure of the country did not increase from 1842 to 1853. From 1842 to 1853 you discharged your duty—your first duty—as stewards of the money of the people of England, by giving them an account which showed that, notwithstanding the growth of population, the extension of trade, and the creation of a multitude of new public services, they were yet served at no greater cost than was thrown upon them ten years before. What is the case now? Why, the Estimates of 1856-7, as compared with the expenditure of 1853, show an augmentation of £7,000,000. In twelve years you have a growth of £234,000; in four years you have a growth of

£7,000,000. It is true that some deduction must be made from this amount, for we now include in the accounts of revenue and expenditure the charges for the collection of the revenue. A sum of £900,000 out of the £7,000,000 may, I suppose, fairly be put down on account of the increased cost of the collection of the revenue. Part of that charge will, I hope, disappear with the return from a war to a peace income. Another portion of it is reproductive—that is connected with the Post Office. But after striking off the charges connected with the collection of the revenue you have yet a hard increase of upwards of £6,000,000 in the permanent expenditure of the country. You find an increase of £3,600,000 in the Military Estimates, £1,750,000 in the Civil Services, and the remainder—about £750,000 in the additional charge for interest. This is a state of things which excites in my mind the most serious reflections. I am quite persuaded that these facts are new to the country. The popular mind has not realized to itself the fact that upwards of £6,000,000 have been added to the regular expenditure of the country—quite apart, as I shall show, from the expenses of the war—in the short space of four years. It is time we should bethink ourselves what measures we are to take in order to discharge our duty as stewards of the money of the people—unless, indeed, we are prepared, according to the recommendation now before us, simply to shut our eyes and rush forward in the dark without inquiring whether there is before us a precipice or a plain. I shall not enter further into details on the subject of expenditure, beyond observing that, in my opinion, there is nothing more unfair than to press a Government in point of taxation, and at the same time to encourage them in expenditure; and as I am now soliciting the House to vote that we shall have no deficiency, so I intimate my readiness to contribute my humble part towards avoiding a deficiency by endeavouring to procure a further revision of the Estimates which have been placed before us by the Government.

My right hon. Friend the Chancellor of the Exchequer has said to-night that he will not affirm or deny the Resolution before the House, but that he thinks it uncalled for and unnecessary. The word “deficiency” has a disagreeable sound. It awakens many singular recollections. We have been accustomed for a number of

years to hear, not of deficiency, but of surplus. We had begun to hope that we had almost banished the term "deficiency" from our vocabulary as well as from our recollection. The Chancellor of the Exchequer therefore deprecates the obtrusion upon the notice of the House of this invidious and offensive phrase. He will not affirm or deny the Resolution, but he thinks it unnecessary and uncalled for. He cannot understand the meaning of the phrase "adjusting income and expenditure." He says there can be no adjustment in a Committee of Ways and Means, nor in a Committee of Supply; that it must be referred to a Select Committee, who could make no Report until the end of the Session, when it would be practically useless. That is the view taken by my right hon. Friend of the duty of the House of Commons with regard to the adjustment of income and expenditure. But it does not agree with my experience. I remember periods—for instance 1842—when this House did feel very severely its duty with regard to the adjustment of income and expenditure. These words which seem to the Chancellor of the Exchequer as if written in a foreign language—and indeed I believe if they were written in a foreign language he would understand them a great deal better—bear a homely English signification, and the task incumbent upon the representatives of the people at this moment is, in my judgment, to see if we can restore to them something of that proper force and significance which they bear in our mother tongue. By adjustment of income and expenditure we mean this—that when you have estimated the fair demands of the public service you shall take care, as far as human foresight can enable us to do, to provide an income which will actually cover the whole of it. That is what we mean by the adjustment of income and expenditure. I hope the House will enlarge the views of my right hon. Friend on this point, and certainly by affirming this Resolution we shall take one great step towards enlarging those views. The right hon. Gentleman opposite (Mr. Disraeli) invites us to say—"Do what you will, we will have no deficiency. Antecedent to any question about this or that tax, about this or that expenditure, the first duty of the House of Commons is to determine that it will have no deficiency. As every honest man determines that he will pay his way—that he will cut his cloth to his measure—that if he cannot spend all that he would

he will spend what he can—so let your determination be." But, Sir, after all, we are in no such condition. We have to draw upon a treasury which is ample for every purpose. The plea of necessity ought never to be urged in this House as a reason for stinting the public service in its reasonable demands. We are under no such difficulties as press upon an individual, therefore, Sir, we are bound to make adequate provision for those services to which we give our sanction, and not to have recourse to schemes which I do not hesitate to say an honest debtor seeking to compound with his creditors would never venture to advance. The whole of this matter really depends upon one point. Does my right hon. Friend threaten us with a deficiency, or does he not? He himself has given us his answer upon this subject, and what an answer it is! On Friday night it escaped him in the course of his speech on the Budget to say anything about the balance of a future year. No doubt, it was quite open to my right hon. Friend to avoid saying anything about the balance of future years, if only he would let future years alone, or have given future years the same chance which he has given to this year. But I have shown—and I challenge contradiction from my right hon. Friend—that he is not repealing taxes in this year. He is repealing them to an extent, in comparison, extremely limited. The grand remission which he asks you to make, is a remission for the year 1858-9. Now, I ask my right hon. Friend and the Government, if you are going to retain £4,500,000 of income tax for 1857-8, which you are going to vote away for 1858-9, is it not your duty to show us that the Chancellor of the Exchequer next year will be able to pay his way? Is it to be supposed for a moment that we are this year to curry favour with the country by voting away the money of 1858-9 in order that the Chancellor of the Exchequer in 1858-9, may be obliged to come down to the House in time of peace and reimpose the income tax? I will not now enter into the question as to whether that tax is to be repealed or not, but I say that my right hon. Friend, who is voting away the money of 1858-9, is under an obligation to show us that he has a reasonable prospect of establishing in that year a balance between income and expenditure. Here I must refer again to those proceedings which, although originally my own, yet, having received the sanction of

the Government and of Parliament, have now become matter of public record. When, in 1853, we entered into the subject of prospective finance—when we then endeavoured to sketch out what would be the course of expenditure and revenue until 1860, we should not have been permitted to shelter ourselves—and we did not seek to shelter ourselves—under such doctrines as those set up by my right hon. Friend to-night. What does he say? He says you can estimate the revenue of a future year, but not the expenditure. Why, Sir, does my right hon. Friend think, now, that his reputation as a finance Minister will be advanced by the adoption of that distinction? He can estimate the revenue of a future year; he can tell us what will be the state of trade, what will be the state of the consuming population, how much malt, how much tea, how much sugar they will be able to consume in a future year! Now, I rather think there are Gentlemen in this House who have been Chancellors of the Exchequer, and who have had very melancholy experience that it is not possible to estimate in a future year what will be the consumption of these commodities. On this point I say he cannot estimate the revenue of a future year—that is to say, he can only estimate it subject to the ordinary contingencies which mark the course of future affairs. In that sense he can: in any other sense he cannot estimate the revenue of a future year. Well, but that sense in which he can estimate the revenue of future years is exactly the sense in which he can estimate the expenditure. I must confess, Sir—it is better that I should at once speak out frankly on this subject—it appears to me that when my right hon. Friend stood up in his place and said he could not estimate the expenditure, but could estimate the revenue, he was trifling with the House, and was using us like children. (“Oh, oh!”) That I frankly own is my opinion. What, Sir! He cannot estimate the expenditure! He cannot calculate it within any limits! He cannot tell whether it will be £50,000,000 or £5,000,000! (“Oh, oh!”) Be patient, I beseech you, with your exclamations. You will soon find that I am speaking reasonably. I say there is a permanent course observable and established by experience just as much in regard to the expenditure as in regard to the revenue of this country; and the national expenditure,

apart from the contingencies of war, does not fluctuate more than—nay, not so much as—the revenue. Now, what has my right hon. Friend done?—and I should like to see and to hear the defenders of the right hon. Gentleman’s opposite proposition. He has presented to us an estimate of the expenditure for the year 1857–8, which amounts to £63,250,000. He is then told that he will have a deficiency of £5,000,000 in 1858–9. His answer is that he takes the revenue of 1857–8, carries it on to 1858–9, and allows for the changes which will take place in the revenue. He then compares that revenue, not with the expenditure of 1857–8, carried on in like manner to 1858–9, with fair allowance for circumstances likely to occur, but he goes back to 1853, with an expenditure of £6,000,000 less, and he compares the revenue of 1858–9 with the expenditure of 1853. Where is the Gentleman in this House who will get up and justify such a calculation? Sometimes my right hon. Friend compares, and sometimes he says he cannot compare. He says, “I give no opinion; take it for what it is worth; it is something or nothing.” Now, I say we have a right to know the value he attaches to those figures which he himself has quoted. In my opinion they are a pure and perfect delusion. Let me ask him this question. He has compared the revenue for 1858–9 with the expenditure of 1853. Does he in his conscience believe that the expenditure of 1858–9 will be the expenditure of 1853? Does he believe that? No, Sir. You may wait long enough for an answer to that question. He does not believe it. There is no man here that believes it; and if we allow a statement like that of my right hon. Friend to go forth with our sanction we are palming off a delusion upon the country. I will presently examine the case more particularly; but here is a sum of £1,760,000 added to the Miscellaneous Estimates and Services of the country since 1853. My right hon. Friend knows that the great bulk of that is in the shape of permanent charge; and, as to the portion of it which stands as temporary charge, although some of this may disappear, it is likely to be succeeded by other and probably more expensive items of the same kind. Every year for a considerable time past the miscellaneous expenditure of the country has been rapidly increasing. Does my right hon. Friend,

then, really think this expenditure will be reduced by £1,760,000 in 1858-9? If he sees his way to that, then he is not trifling with us; but if he does not, if he knows, as I know, that there has been a progressive increase of charge under this head—that the wants of the country are multiplying—that the disposition of the House of Commons to yield in these matters is greater than it used to be, then I say my right hon. Friend is trifling with us and with the country. Again, Sir, if my right hon. Friend thinks that this £1,760,000 can be disposed of in 1858-9, I want to know why we are to pay it for 1857-8? When I come to ask the House—not to refer the Estimates to a Select Committee; I know perfectly well how that might defeat the purposes of those who are in earnest by inducing this House to undertake the duty of the departments of the Government, which they are necessarily unable to perform—but when I ask the House to send the Estimates back to the Government in order that they may reconsider them—(and having once practised upon them with success they may again try their hands)—when I submit, as I shall, such a proposition to the House, I shall certainly ask my right hon. Friend why, if we are to pay £1,760,000 less in 1858-9, we are to pay £1,760,000 more in 1857-8? The truth is, and I believe there are not two opinions about it on either side of the House, the reference to the expenditure of 1853 is purely illusory. We have nothing to do with the expenditure of 1853. I wish we had. I believe that by vigilance and by firmness the House of Commons may produce an impression upon the expenditure. But I am not so sanguine as to believe that they can next year go back to the expenditure of 1853. I advance with considerable confidence the opinion that the real wants of the public service are much more likely to increase than they are to diminish in the year 1858, as compared with the year 1857. And now, Sir, I will give the House some reasons for that opinion. In the present year the charge for the militia stands at £400,000. That is much below the average charge. I believe it is considerably below the probable charge in future years. I find no fault with the Government for the lowness of that charge. As the militia was embodied during the period of the war, I think it perfectly rational that the charge for it in the year

succeeding a peace should be light; but I wish to point out to the House the probability that that charge may require to be increased in future years. My right hon. Friend has taken the charge for the Persian war at £265,000 or £270,000. We know pretty well of what value those figures are likely to be. You have an expedition of considerable magnitude already gone to the Persian Gulf; you have a further expedition preparing to start from India; if I am rightly informed you are already engaged in sending expensive stores from this country; and you have likewise a separate and distinct expedition from India into Afghanistan. I remember very well the first Estimate for the Chinese war. It was about £160,000. The cost of that war—I know it was recovered from the Chinese, but I do not apprehend that this is to be recovered from the Persians—the cost of that war, which was of an infinitely less serious character than that in which we are now engaged, was several millions. Then there is the Chinese war, of which up to the present moment we have heard nothing. We hear of troops going from India to China; we know that destructive service is going on; but not one farthing of provision have we made. The right hon. Gentleman told us that he was in the military departments pressed with war contracts; that there were certain war contracts which had not yet expired. On the other hand, let me ask how stand his stores and materials? He knows very well that every depository is bursting—that you have an immensity of stores standing over from the war; but of course as these stores deteriorate by time—as we get more remote from war, your expenditure upon stores and materials must necessarily be expected to increase. There is also the item for the coast-guard. The figures are not very clear; but, so far as I am able to understand them, there is a small increase of something like £60,000 or £80,000 in the probable expense of the coast-guard for the present year. But when the Coast-Guard Bill was before the House of Commons, my right hon. Friend the First Lord of the Admiralty (Sir C. Wood) stated that it would come only very gradually into operation; that the cost would, in the first instance, be very light, but that at last a very considerable increase of expenditure would be incurred. There is another source of increase in our

expenditure. My right hon. Friend the Chancellor of the Exchequer again in this Estimate of income for future years—which he can form, although he can form none of expenditure—has taken the miscellaneous receipts at an amount extraordinarily high. The average of those receipts for the five years ending with 1854 was £796,000. My right hon. Friend takes them at nearly £1,200,000, for the present year, and at £1,400,000 for the year following. How that is to happen I know not. I rather fear that we must expect a decline of the miscellaneous receipts as estimated for this year. Then, Sir, you have to keep in view this fact, that your Miscellaneous Estimates are in constant and rapid growth, that, allowing for all that you have transferred from the Consolidated Fund to the Votes of the House, the Miscellaneous Estimates have, within the memory of many who sit here, increased from £2,000,000 to £6,000,000; that they have, at any rate, since 1853, independently of the transfer of services, increased by £1,750,000. What probability does that raise for future years? This increase is not owing to casual circumstances; it is necessary. It is partly due, I am afraid, to our carelessness and extravagance; but still in a very considerable degree it is the answer of the Government to the increasing and expanding wants of society, and you must in the main, I am assured, look for a growing and steady augmentation in these demands. Therefore, I say, that if we are to deal seriously—I will add, honestly—with this matter, if we are, as prudent men, and even as honest men, to consider ourselves bound to bring our receipts and expenditure into due relation with each other, we must reckon that our charges—that is, the real wants of the public service, as distinguished from those unnecessary expenses resulting from wastefulness and extravagance, of which I hope we shall get rid—are in future years much more likely to increase than to diminish in amount. I grant, upon the other hand, that there are small items upon which you will gain. I dare say that the cost of the non-effective departments of the military service will by lapse of time undergo some diminution, quite irrespective of any vigorous attempts at retrenchment. I do not at all dispute that we may upon the whole hope to see a disposition towards an increase of the revenue. But at the same time I must observe that, though our revenue has hereto-

fore increased largely, it has increased under the influence of that kind of legislation upon which my right hon. Friend (the Chancellor of the Exchequer) throws—what shall I say?—I will not say throws contempt, but of which he has certainly spoken in a manner as far as possible from flattering. Apart from wise legislation, we have no right to anticipate great or rapid growth of the revenue of this country. Well, Sir, what I now come to is this. You are going to vote away four millions and a half of money from the service of the year 1859, which you are going to retain for the service of the years 1857–58. Is that a legitimate proceeding? Are you authorized to take that step upon the simple plea that you have nothing to do with future years? If you vote that sum away from 1859, why do you not vote it away from 1857–58? You keep it for 1857–58 because you want it. You are going to take it away from 1859. If you take it away from that year without satisfying yourselves that there will then be a just balance between revenue and charges, you are creating a deficiency for that year. For one, I will not be responsible for creating that deficiency. It fills me with astonishment that Her Majesty's Ministers, who have in former years been associated with many beneficial measures with respect to our finances, now show so much indifference to what I, for one, must venture to call the very first principles of duty in regard to the finances of the country.

I hope the House will not think I am taking an undue liberty with them; but, as my right hon. Friend has at one time seemed to make a comparison for future years, and then, when pressed with its consequences, has shrunk from abiding by it, I must shortly lay before the House the prospects which are before us. I take as my standard the income and expenditure of the present year. That is the fair principle. That is the rule by which I had to abide in 1853. I was not allowed to make arbitrary assumptions, going back to some forgotten period, which was merely a means of deluding the people. I take the income and expenditure of the present year, and I say that the rational course for the House to pursue is to consider what are our prospects, as they are founded upon that basis. Now, Sir, in 1858-9, if you start with an expenditure of £63,250,000 and a revenue as now of £66,365,000, you have in the first place to provide for

the paying off of £3,500,000 of debt. I must say that I listened with astonishment to the speech of my right hon. Friend on that subject. Two years ago my right hon. Friend, in rather a solemn way and under the pressure of the war, proposed to Parliament to establish a sinking fund. Many Members of this House—I think the right hon. Gentleman opposite (Mr. Disraeli) was one, I was one myself, and many of those who sit near me concurred with me—many Members of this House objected to that proposal. We said—“When peace comes you will find that there will be people who will not like this sinking fund, who will begin to tamper with it, who will make suggestions that after all you are not bound to abide by it exactly, that you can relax the terms a little, and who will find one mode or another to evade it.” My right hon. Friend treated that prophecy with great indifference, and he induced the House to give him his sinking fund. I was fully persuaded that people of that kind would appear, but I confess I did not expect that they would appear with my right hon. Friend as their standard-bearer. But my right hon. Friend himself, the creator of the sinking fund, he who compelled us to adopt it, he who would not listen to our prayers, he who despised our warnings and ridiculed our prophecies, has not only seen them fulfilled, but fulfils them in his own person. He says with regard to this sinking fund—I think that, after all, it will be a very legitimate operation if you throw it over an increased number of years.

THE CHANCELLOR OF THE EXCHEQUER: What I said was—if you postpone the commencement of it for three years.

MR. GLADSTONE: I feel anything rather than dissatisfied, so far as my argument is concerned, with the explanation of my right hon. Friend. I thought he really did propose to pay something, but now it appears, from what he says, that he proposes to pay nothing, but to leave it to the Gentleman who may be Chancellor of the Exchequer three years hence to come down to this House and make a proposal. I think I know what that proposal will be. He will naturally come down and say:—“In 1857 there was a most patriotic and upright Government—the Government which had proposed the sinking fund—but, notwithstanding that, they would not undertake it, but proposed its postponement. We did not propose it, and never recog-

nized its principle. We propose that it shall be adjourned for another three years.” My right hon. Friend’s explanation does not affect the argument. When we postpone our obligations for three years it is pretty easy to tell what will become of them. My right hon. Friend then, according to his own plans as they stand by law, will have to pay in 1858-9 £66,724,000. His revenue is now £66,365,000; but in 1858-9 he is going to lose £4,600,000 by income tax, and a further sum of £700,000 by a fall in the duties upon tea and sugar; therefore his loss in 1858-9 will be £5,300,000. Upon his own figures he will have a revenue of £61,065,000 to meet charges which, according to legal arrangements, he has himself stated at £66,724,000. It is quite true, Sir, that we may have unexpected prosperity; but we may have unexpected adversity. The results of the Persian and Chinese wars may be favourable, but they may be, in a financial view, unfavourable; and we have no right to expect that any change so serious will take place as to favourably affect the deficiency which must result from the scheme contained in the Budget of my right hon. Friend.

I must now, Sir, go into the future, because my right hon. Friend does not abandon the principle of the termination of the income tax in 1860. On the contrary, he claims credit, not only from those who wish to see the end of that tax—and I am not afraid to confess that I most earnestly desire to see it no longer than 1860 a permanent part of our financial system—but also from those who, without wishing to commit themselves to such a declaration, nevertheless consider it wise to endeavour to bring about such a system of revenue and expenditure as to enable the Chancellor of the Exchequer to dispense with the income tax as part of our permanent system of finance. My right hon. Friend says that it is quite a mistake to suppose that his proposal would render the cessation of the income tax less certain than it would be under the arrangement of 1853. He has, it is true, added to the tax; but, by some extraordinary effort of his own mind, he has come to the conclusion, and wishes the House to come to the same conclusion, that that increase adds to the probability of its termination. Now, what are the facts as regards this tax? From 1842 to 1853 the income tax was retained at a uniform rate of 7*d.* in the pound, and the country at last became convinced

that the scale of 7*d.* was a rate of perpetuity. My right hon. Friend, now the First Lord of the Admiralty, in the year 1848 announced that the sevenpenny scale must be perpetual. [Sir CHARLES WOOD intimated dissent.] I beg pardon. My right hon. Friend gave utterance to that observation, not, I admit, as a matter of prophecy, but as a matter of opinion; and my right hon. Friend always expresses himself so clearly that I could hardly have mistaken his meaning. Well, Sir, in the year 1853 what did the Government, of which I had the honour of being a Member, do? We wanted to give the country an assurance that the income tax should terminate, and in order to give the best encouragement for that belief which we could give, how did we act? Why, Sir, we proceeded upon the principle that while the tax was levied at a uniform rate, it could not be regarded other than as a part of our permanent system of finance. We did not alter the mode of levying the tax, but we asked Parliament to make the tax a temporary tax, and to fix its termination; and in order to give an assurance to the country that it should only be a temporary tax, we proposed that the rate of it should fall from 7*d.* to 6*d.*, and then from 6*d.* to 5*d.*, and that it should altogether cease in the year 1860. It was not our intention to fetter the judgment of Parliament; but what we had in view and what we hoped to accomplish was to bring about such a relation between income and expenditure as to enable the Parliament, if it pleased, at the period which we named to put an end to the income tax. Now, Sir, what has my right hon. Friend done? He has cancelled, so to speak, the scheme which was proposed in 1853, and which was accepted by this House and by the country, and by making the rate uniform, has done all that in him lies to mark this tax as a permanent impost. And while my right hon. Friend does so, he makes no proposal for the reconstruction of the mode of levying this tax so as to put it in a form more acceptable to the country. It is true, that in 1853 we did not attempt to reconstruct the mode of levying it; but then we did all we could to mark it as a temporary tax, while my right hon. Friend has done all he can do to mark it as a permanent one. Well, Sir, my right hon. Friend has shown us what he thinks will be the state of things when the income tax expires, as by the

Act of 1853 it ought to expire, in 1861. In the year 1853 the Government of that day laid before Parliament conclusions, based not upon vague and arbitrary assumptions of probable income and expenditure, but proceeding from the actual income and expenditure of the country. They calculated what the charges proposed would produce, both of profit and loss, and laid before Parliament the state of things which, as far as could be calculated, would exist in 1861 when the income tax would have entirely ceased. The result of that calculation was, that as far as could be ascertained there would be as nearly as possible—at all events within £200,000—a balance of income and expenditure. But now, as my right hon. Friend says, he is doing nothing to prejudice or prejudice the question with respect to the relation of income and expenditure, so as to prevent us from giving it up, let us see how, under his calculations, the case stands. It appears that in 1857–58 the loss to the revenue from diminished income tax and from the tea and sugar duties, subject, perhaps, to a slight diminution from increased consumption, will be £5,300,000. In 1858–9 the loss upon tea and sugar will be £600,000. In 1859–60 the loss on the income tax will be £3,500,000, and on tea and sugar £500,000; altogether £4,000,000. So that in the three years the total loss will be £9,900,000. Now, what have we, on the other side of the account, to set against this? In the first place, there will be £1,000,000 less Exchequer bonds to pay off; then the increase from succession duties I estimate at £400,000; and thirdly, the annuities to fall in will amount to £2,146,000, making altogether £3,546,000; so that on the face of this calculation there appears a deficiency for the year 1860–61 of £6,454,000. This is a matter well worthy the consideration of this House; but I do not end here. I have already shown the House that at the commencement of the year 1860–61 there will be a deficiency of £6,454,000. Now let us see whether that deficiency will be increased or diminished in the year 1861–62. In the year 1861 there will be a gain upon Exchequer-bonds of £1,000,000, but there will be a loss of £3,500,000 upon the income tax, so that the total deficiency in 1861–62 will amount to £8,654,000, or very nearly what is now called the “war ninepence.” Now, Sir, it appears to me

that the real questions for the House to consider are—whether, in the first place, all the pledges which were given in 1853 and all the expectations which were then held out are now to be cast to the winds by the same persons who gave those pledges and who raised those expectations; and, in the second place, whether by an improvident expenditure and a reckless system of finance we are to charge the country with a great and growing deficiency. It appears to me, Sir, that the present state of things imperatively calls upon us to make such arrangements in our system of finance as will be absolutely necessary if we really mean to pay the public creditors.

I much fear that I have trespassed too long upon the indulgence of the House; but there is one other point of great importance about which I should wish to offer a few observations, and it is to me a very painful subject. Some Gentlemen behind the Treasury Bench appear to ridicule that statement. I at no time (although I may give a strong expression to my opinion) wish to offend or annoy any one; but I think that those Gentlemen will presently agree with me that the subject deserves sympathy rather than ridicule. I refer to the subject of indirect taxation. I have endeavoured to show that the statement of my right hon. Friend would convey to the country an untrue impression with regard to the taxes which are to be paid, that it would convey an untrue impression with regard to the deficiency, and now, I am sorry to be obliged to say, that I think it would produce an untrue impression with regard to the important subject of indirect taxation. It is the first time within my recollection that I have heard from the Treasury bench proposals of the nature, spirit, and tendency of those advanced by my right hon. Friend on the subject of indirect taxation. We have seen and heard many Chancellors of the Exchequer. We recollect the time of the late Sir Robert Peel. I will not go further back, although I might easily do so. I revert to the right hon. Gentleman the Member for Portsmouth (Sir F. Baring). We remember him, and we remember Sir Robert Peel. We remember the right hon. Gentleman the First Lord of the Admiralty. We remember, too, the right hon. Gentleman opposite, the Member for Buckinghamshire. Every one of those Gentlemen, representing different parties in the State, and in different political po-

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sitions, gave from that box one and the same account of the effect produced by the remissions of indirect taxation. Sir, this question is not a party one. It was the misfortune of the right hon. Baronet the Member for Portsmouth that he found himself in a position which led him to add to our indirect taxation. I have no doubt that he has long ago repented of that measure. I have no doubt that, though it was an error of judgment on his part, it was still an error to be attributed to necessity, and did not represent the spontaneous action of his deliberate will. Sir Robert Peel came into power supported by an overwhelming majority, and then in the full possession of its confidence. While in the full possession of its confidence, and with its cheerful assent, he applied to the tariff of this country those principles of which succeeding Ministers have only had to extend the application. He destroyed prohibitions; he liberated raw materials; he reduced duties; not being instructed in the philosophy of Arthur Young, he set industry free. My right hon. Friend who followed him in many cases reduced the taxes on articles of consumption. In no instance, as far as I recollect, did he increase them. The right hon. Gentleman the Member for Buckinghamshire, who came into office in the year 1852, and led the House of Commons as the representative of Lord Derby's Government, at a time when that Government, without doubt, possessed during the whole of its career the full confidence, at any rate, of those who sat behind them—that right hon. Gentleman himself bore the largest testimony to the immense advantage which had attended the remission of indirect taxation. I need not go further down in the list—at least I shall pass over the next link in the chain—but I come to the right hon. Gentleman the present Chancellor of the Exchequer. From him, for the first time in fifteen years, I hear a different strain. The idea of the remission of indirect taxation, of the simplification of our commercial laws, of giving to trade all the freedom compatible with the effective maintenance of revenue, has no place in his mind. In his mind there is only room for disparaging estimates of what yet remains to be accomplished in order to perfect the work which I venture to say is destined to fill a bright page in the history that shall record the doings of our times. What has already been the effect produced by your operation? I will not anticipate

the Motion that I intend to make on this subject by now going into details; but within the compass of not more than three or four lines is it possible to submit to the House a statement so remarkable that I am convinced every man who loves truth, or who loves humanity—every man who desires to see his fellow-creatures in possession of such a supply of the bounties of Providence as wise and just legislation can secure, whatever may have been his previous disposition—will not hesitate to yield his judgment and his heart to results so extraordinary. Sir, here are the operations of the British Parliament between the years 1842 and 1853:—From 1842 to 1846, when a Conservative Government was in office, and quite apart from that crisis with respect to a contested question which put an end to the career of that Government—the remissions of indirect taxes were £8,050,000. For the five years extending from 1847 to 1851, while my noble Friend the Member for London was at the head of the Government, the remissions of taxes were £5,310,000. In the three years from 1852 to 1854 the remissions were £4,625,000. The total amount of your remissions, in short, is £21,985,000. But, you will say, concurrently with these measures of relief, there were other taxes imposed. Well, no doubt there were the income tax and some other imposts; but then, while the amount of the taxes remitted was £21,985,000, the amount of those put on and brought into effect within the same period was £7,500,000; so that the operation, taken thus far, represents a gain of £14,485,000. And of what did the great bulk of that gain consist? It was so much addition to the comforts and the resources, so much deduction from the privations and the difficulties, of the great mass of the people. But, Sir, even that statement does not express the whole result of your policy, because, while the revenue in the first of those years—1842—was £46,965,000, in the last year, namely, 1853—I cannot take 1854, seeing that the war taxes were then imposed—in 1853 it was £54,430,000. So that your revenue during the same period, in which you remitted £22,000,000, increased by £7,500,000, being the exact amount of the taxes you simultaneously imposed. In fact, it is no exaggeration to state that your remission of £22,000,000 of taxes did not cost you one farthing. I say that a man may be glad and thankful to be an Englishman, and to have been a Member of the British

House of Commons during those years, bearing his part in so blessed a work. But, if it be a blessed work, what are we to say of him who begins the undoing of it? What is my right hon. Friend about to do? As far as his statement of Friday night is concerned, you would have imagined that this innocent and harmless Budget of his was going to remit, not to impose, taxes on tea and sugar; because there was a figure that crept out which spoke of £700,000 as the loss he would sustain. I ventured, when he had sat down, after estimating this “loss,” to rise and ask at what amount he estimated his gain. That question, Sir, has not yet been answered. But the case stands thus:—the war tax on tea will fall on the 5th of April next from 1s. 9d. to 1s. 3d. per lb. My right hon. Friend proposes to raise it again to 1s. 7d.; and then he takes credit for 2d. of remission. This is his process. He says he remits 2d.; I say he imposes 4d. The difference between us is considerable; and the House, I think, will readily form its judgment as to which of us is right. He intends to introduce Resolutions enabling him to levy on the 6th of April a duty which by law would not be leviable. That I call an increase of taxation. He calls it a reduction. The difference between us is broad—it is one of principle, and radical. The effect of his proposal will be to add during the year 1857-8 £1,054,000 to the tax on tea. Then comes the case of sugar. These cases I wish to discuss more at length on a future occasion. I therefore now state only the amounts. To the duty on sugar he proposes to add 1s. per cwt. I take brown Muscovado as best exemplifying the effect of his plan. The consumption in 1856 was 7,250,000 cwt. One shilling increase upon this will give him £362,000, which, coupled with the £1,054,000 to be put upon tea, makes a total of £1,416,000—the amount which he seeks to add to the indirect taxation of the country such as it will by law be leviable after the 5th of April next. In 1858-9 he further aggravates the case, because the additional duty he then lays, if I recollect rightly, is 5d. instead of 4d. on tea, and 1s. 10d. instead of 1s. on sugar: and in the year 1858-9, therefore, with his deficiency, he will have the pleasure of extracting from the purchasers of tea and sugar throughout the country nearly £2,000,000 over and above what, under the present law, they would be liable to pay. That is the

operation of my right hon. Friend. I really cannot help representing to the House the position in which it is supposed to stand. I believe it has been the boast of the Liberal party in this country to associate itself especially with the remission of indirect taxation. As I said before, it has been a work in which Conservative Governments have largely shared; but the Liberal party appear to me always to have had a peculiar pride in their close identification with it. Sir, if they feel that sentiment of pride, I trust they will have an equal regard for consistency and honour in adhering stedfastly to that work; that they will not allow it to be pulled to pieces. With respect, however, to this House at large, I beg you to observe the position in which the Government now invite you to place yourselves, and to compare it with the position you occupied in 1842. In that year you had a Ministry of the Conservative party with a triumphant majority at its back. And well do I recollect the day when Sir Robert Peel turned round to his supporters, and, having shown the deficiency in the revenue, and stated his intention to propose the remission of £1,400,000 of indirect taxes, then said—

“I make an appeal to the possessors of property—I call on them to come forward and saddle themselves with the burden of an income tax in order to enable them to dispense great and precious boons to the mass of their fellow countrymen.”

That appeal was cheerfully and honourably answered. There were political objections raised to the income tax on other grounds, but that great majority in the Parliament of 1841 to a man stood firm, to a man answered the call, and took upon themselves, the wealthy classes of the country, the burden of the income tax, in order to supply the deficiency, and to repeal £1,400,000 of indirect taxes. Can any man fail to be struck with the precise correspondence in particulars, with the complete inversion in spirit and principle, of that arrangement and of this? Then you were called upon to remit £1,400,000 of indirect taxes, now you are called on to impose indirect taxes to that amount; then you were called on to fill up a deficiency at your own cost, now you are called on to create a deficiency at the cost of others; you were then called upon to take a burden on yourselves to relieve the great mass of your fellow-countrymen, now you are called upon to take a burden off the shoulders of the wealthier classes in order

that you may impose indirect taxes upon the tea and sugar which are consumed by every labouring family in the country. I can only say that, for my own part, I entertain on this subject a most decided opinion, and nothing shall induce me to refrain from giving every constitutional opposition in my power to such a proposition. Before the Speaker leaves the chair, if health and strength be spared me, I shall invite the House to declare that, whatever taxes we remove, we will not impose more duties upon the tea and sugar of the working man. When we are in Committee there will be other opportunities of renewing this protest. These things, if they are to be done, shall, at least, not be done in a corner. The light of day shall be let in upon them, and their meaning and consequences shall be well understood.

Sir, I come now—and it is the last point upon which I shall touch, for I feel that I have trespassed too long upon the House, and cannot be too thankful for its indulgence—to the bearing of those opinions upon the Motion now before the House. To say that we will have no additional taxes upon tea and sugar would be to increase the present deficiency. There is an enormous deficiency created by the proposal of the Government, and that we are asked to supply by a most objectionable mode of raising money, and to which I hope nothing will induce this House deliberately to resort. That increases my obligation to vote for the Motion before the House. I frankly own, that Motion appears to me in complete conformity with the declaration which I, in common with the rest of the House, heard from the lips of the right hon. Gentleman on the first night of the Session, and it offers, I think, the most practical mode of doing good to the public. The right hon. Gentleman invites us to affirm that we will have no deficiency. The proposal of the Government shows a glaring, gross, and increasing deficiency—a deficiency unparalleled by anything that I can recollect during an experience of some twenty-five years. The first duty of the House of Commons is to say, that it will have no deficiency; and when we have once said that our course will be clear, because if we are to have no deficiency we must square our accounts, either by keeping on existing taxes, or by laying on new taxes, or by reducing expenditure. On a former evening I ventured to comment on the extraordinary in-

difference of the public mind on the subject of expenditure, and I expressed my opinion of the dangerous enlargement which our expenditure was assuming. Already, Sir, I see very plainly, that if the Motion of the right hon. Gentleman be lost, I shall be driven to make a Motion on the subject of expenditure, which I am quite convinced, if it stands alone, I shall not carry. I am afraid, if it comes to a question of expenditure, however rash it may be, and deficiency, the deficiency will be preferred, because the deficiency is prospective; it is still a little distant; it is not immediate—and something or other may happen in the interval to avert it. I despair of inducing the House to grapple with this question, unless it is under cover of the principle of the right hon. Gentleman's Motion; and if that principle is once established, the House will have no choice but to set honestly about its duty, to consider what taxes shall be kept, what proposed, and what abandoned, and what shall be our expenditure.

That is one great motive which I have for giving my support to the Motion of the right hon. Gentleman. But I have other motives on which I regard this Motion as being entirely in conformity with the pledges to which I hold myself bound, and to which I thought that most of those who sit on the Treasury Bench were likewise bound in common with me. They, however, are the best judges of their obligations. I feel myself bound, and I shall do all in my power to redeem those pledges. Let it not be said that this is an impracticable proposition. I believe that it is perfectly practicable by a wise economy, by a fair appeal to the good sense of the Commons of England, both to grant relief from taxation and to make a reduction in the expenditure which will enable you to maintain a surplus income, and thus to look forward with confidence to that large and satisfactory relief in 1860 which, so far as was in our power, we promised in 1853. I feel strongly upon this subject, and I dare say I have expressed myself in strong language. I hope it has not been stronger than the occasion demands. I confess I do feel strongly the nature of these propositions. I will conceal nothing. I may be wrong and my judgment may err like that of other men, but this is the first time—I will not say that I have heard a deficiency recommended and sanctioned by the Government, for, unfortunately, I have heard that, and in principle it was quite as

bad as this proposition, though in degree it was entirely different—but, certainly, that I have heard propounded from the Treasury Bench by the Chancellor of the Exchequer, a plan which seems to threaten to throw the land into financial confusion. I felt that it was our duty to strip the veil from a statement which was certainly calculated to convey false impressions to the country, and from the discharge of that duty I could not shrink. Every year that a man lives he learns to estimate more humbly his own powers; he must be content to see remain unaccomplished much that he may earnestly desire; but in this free, happy country, there is one privilege, and one corresponding duty, which remains to man—it is to bear his testimony in open day to the duty and the necessity of maintaining public obligations, and to strip away every veil from every scheme which tends to undermine this principle. That duty, with the indulgence of the House, I have endeavoured to discharge. No consideration upon earth would induce me by voice or by vote to be a party to a financial plan with regard to which I feel that it undermines the policy which has guided the course of every great and patriotic Minister in this country, and which is intimately associated not only with the credit and the honour, but even with the safety, of this country.

MR. WILSON said, he was sure that he should not appeal to the House in vain for its indulgence while he attempted—not to follow his right hon. Friend who had just sat down through all the arguments on which he had touched—but to place before the House, in as clear and succinct a manner as he could, what he thought to be the errors into which his right hon. Friend had fallen. After the relations which had previously existed between his right hon. Friend and himself, nothing was more painful to him than to find himself in antagonism to him, either upon that or any other occasion; and the statements which he was about to make in refutation of some of his arguments, and the attempt which he should make to rectify some of his misconceptions, should be made with the sole desire of eliciting truth and of placing the subject fairly before the House. There were at least some topics on which his right hon. Friend and the Chancellor of the Exchequer, and the great majority of the Members of the House, were agreed. His right hon. Friend told them, that they should endeavour, at all hazards and by all

means, to carry out, if possible, the implied compact which had been come to in 1853. In that view he (Mr. Wilson) perfectly concurred, and as to the means of doing it he should offer some observations hereafter. His right hon. Friend also urged them not willingly to incur a deficiency of income as compared with expenditure, and in that likewise he (Mr. Wilson) concurred. When his right hon. Friend, however, spoke of the advantages of repealing indirect taxation, he might remind him of the condition of the sugar duties when Lord John Russell came into office, when the lowest duty upon colonial sugar was 14s. per cwt. above the highest duty at the present moment, and when the lowest duty which then existed upon foreign sugar was 23s. 8d. per cwt. He was sure that his right hon. Friend did not mean to insinuate that the Chancellor of the Exchequer wished to revert either to excessive or to protective duties of import, because his right hon. Friend must be aware that the Chancellor of the Exchequer had quoted from Arthur Young merely to justify the proposition which he had made, that the additional taxation necessary for the war was fairly to be levied over all classes of taxes, whether direct or indirect. Was that a new principle? They were now dealing, though in time of peace, with the obligations which had been left them in time of war, and how did they meet the expenditure of the war? By the very principle by which the Chancellor of the Exchequer now proposed to pay the remaining obligations of the war. In 1854, when his right hon. Friend (Mr. Gladstone), who was then the Chancellor of the Exchequer, doubled the income tax, did he think it necessary to supply all the means for carrying on the war from direct taxation? On the contrary, did he not find it essential, in justice to all classes of the community, to impose some indirect as well as direct taxes? That was the principle which was initiated by his right hon. Friend in the first war budget, for the first thing which was done in 1854, when the first war taxes were laid on, was to increase the sugar duties and subsequently to suspend the fall of the tea duties. His right hon. Friend then said—

“It was clear to us, that it was impossible to ask the Committee to make any sacrifice of revenue, under present circumstances, upon the sugar duties; but if we lowered the sugar duties upon a certain class, and that produced a less revenue, it followed that we should be driven to raise the duties on other classes of sugar, and, in

point of fact, in some form or other, there must be at least a partial increase of the sugar duties. There is another consideration which has induced Her Majesty's Government to make a proposal on the subject of the sugar duties, and it is this. This is an article on which we can ask you to increase the means of the Treasury without adding to the price paid by the consumer—I mean now at present paid by the consumer. I do not mean the price he would have to pay, supposing the alterations which have been provided for by the present law should take effect. It is withholding a boon not yet enjoyed, not withdrawing a boon, the actual enjoyment of which he has already attained.”—[3 *Hansard*, cxxx., 1455.]

That was precisely what the Chancellor of the Exchequer was doing now. In point of fact, he was not now entirely suspending, but he was practically reducing the duties. In the following November his right hon. Friend, knowing that the tea duties would fall to 1s. 3d. in the ensuing April, suspended that decline and maintained them at 1s. 6d. [An hon. MEMBER: That was during the war.] True, that was a time of war, but what were they talking about now but of war obligations? At the same time, his right hon. Friend (Mr. Gladstone) issued £2,000,000 of bonds avowedly in anticipation of the payment of taxes. In the same year he issued an additional £4,000,000, and those £6,000,000 of bonds had now to be provided for. Therefore, although we were now at peace, we had still incumbent upon us the obligations of war, and it was to discharge these obligations that these additions to the taxation were to be continued. He would now call the attention of the House to the real question before them. There had been a paper circulated among Members which showed the obligations which had been incurred during the war, and which were payable in successive years after peace. That paper showed that there would have to be repaid in the present year £3,671,000; in the following year £4,824,000; and in the third year £4,707,000. Did not that expenditure belong as much to the war as any expenditure which had been defrayed during the war? Had the money which we had now to repay been expended for war purposes, or had it not? Had those bonds been issued in anticipation of taxes or had they not? If they had, were not those taxes justly applicable to the payment of those bonds in the same manner as they were to the payment of the war expenditure? Looking at the financial position of this present year, there was according to law an income tax of 16d. in the pound, which

would have yielded £16,000,000; and they would have lost £3,000,000, upon tea and sugar at the commencement of the year. The Chancellor of the Exchequer had justly explained the other night that it never was the intention of the Government to take advantage of the technicality by which they might have continued the income tax for another year; but surely it became the Government to consider in what way the expenditure remaining from the war could be met. Suppose that the Government had adhered to their strictly legal position, they would have had a surplus arising from the sixteenpenny income tax of £5,000,000, which would not have been required for the expenditure of the year; but that surplus could not have been made available for the payment of the debts of following years. The deficiency, therefore, must be made up by taxes of some kind or other. The Government did not suspend the fall of the taxes on tea and sugar, but only mitigated the force of the fall for the next two years; and that was the best course to pursue both with regard to the interests of the consumer and the state of the finances. His right hon. Friend said that the Government did not relinquish £9,000,000 of the income tax. The Chancellor of the Exchequer had never said they did. He stated that 9*d.* of the income tax would be given up from the 1st of April, but that as the current half year would be collected he would only lose half that amount. But his right hon. Friend said that because the Chancellor of the Exchequer relinquished the income tax in the present year he gave up his income tax for 1858-9 and created a deficiency. But his right hon. Friend was here in error. He had stated to the House that the Chancellor of the Exchequer had taken the income of the two years 1858-9, and that he had been satisfied to balance that income by taking the income of 1853-4. But he had done nothing of the kind. The Chancellor of the Exchequer had stated the probable income of 1858-9 at £62,300,000. The expenditure of 1853-4, even adding the cost of collection, was only £55,860,000; so that there was left a margin over the expenditure of 1853-4 of no less than £7,000,000 or £8,000,000. Then his right hon. Friend asked whether the Chancellor of the Exchequer meant to tell the House that he intended to bring down the expenditure of 1858-9 to the level of 1853-4, and then he referred to the

charges upon the civil service estimates as being beyond the control of the Government. This was true. The estimated income of 1858-9 was £62,300,000, and that was taking matters in their most limited view, and making no allowance for the expansion of trade and the relief to industry given by the reduction of the income tax. The expenditure of 1853-4— which the Chancellor of the Exchequer did not take as the standard of expenditure, but as the expenditure of the last and highest year of peace, and the only year with which the year 1858-9 could be compared—in that year the expenditure was £55,840,000, to which must be added certain sums for increase in miscellaneous estimates—this would leave a balance of about £4,000,000 over-estimated expenditure. Then, no doubt, that year would have to be charged with the payment of the first issue of bonds £2,000,000, and the sinking fund of £1,500,000; but still there would be left a surplus of £500,000. The Chancellor of the Exchequer said he could not hazard an opinion as to the estimated expenditure of next year; and who would pretend to be able to do so? Could his right hon. Friend (Mr. Gladstone) have dreamt, when he made his eloquent speech in May, 1853, that the whole fabric that he reared would so soon have fallen to the ground? He then proposed a reduction of the income tax, within two years, to 6*d.*, and within two years more to 5*d.*, but within twelve months his right hon. Friend had to raise it twice in the same year, and was moreover compelled to raise large additional taxes upon articles of consumption. The estimated income of 1859-60 was £62,265,000. The expenditure, including the increase in the civil service estimates, was £58,276,000, leaving a margin of nearly £4,000,000. But his right hon. Friend had insisted—and there was the fallacy which ran through his whole speech—on fastening the Chancellor of the Exchequer with the expenditure of the present year as the basis of the expenditure of the years to come. But we were now in the first year of peace, and no one had contended that it was in the power of the great departments to reduce their expenditure during the first or second year of peace to the lowest scale at which the establishments could be kept. His right hon. Friend had referred to buildings and constructions as matters upon which no reduction could be expected; but those were the very things in which

the largest reduction would be made, since when the buildings were constructed the expense did not require to be renewed. He must say that his right hon. Friend had not treated the Chancellor of the Exchequer with that fairness which was characteristic of all his proceedings, when he insisted upon accepting the present estimate of expenditure as the only estimate which the House might be expected to see for all time to come. He had listened with the greatest attention to the speech of his right hon. Friend, but he hoped he might be allowed to say without offence, that to that moment he did not exactly understand what was the real vice and fault that he found with the Budget. Was it that he found fault with the repeal of the war income tax next year? Was it that the Chancellor of the Exchequer repealed too many taxes, or too few? Was it that he was going to leave a financial deficit or to burden the people with taxation? These questions were on the threshold of the present inquiry. That House was not a debating club, talking theoretically, but was supposed to be practically at work to raise the means and square the income, so as to meet the expenditure of the country. Hon. Members first pressed the Chancellor of the Exchequer to produce his Budget before they had decided upon the expenditure; and then they blamed him for asking for more money than was necessary, because they thought the expenditure too large. That was not treating the Chancellor of the Exchequer quite fairly. It appeared that his right hon. Friend concurred with the Chancellor of the Exchequer in repealing the 9*d.* war income tax. Every one agreed that this ought to be done. What else had he done? He had added 2*d.* more to the income tax in the following years, and had postponed the drop on the tea and sugar duties. Everything the Chancellor of the Exchequer had done was not to produce a deficit, but to prevent one. What would those hon. Members wish the Chancellor of the Exchequer to do who said that he ought to have provided for the possible expenditure two years after the Budget? Was his right hon. Friend to propose increased taxation now in order to meet an imaginary deficit three years hence? He could not help thinking that, even if the House of Commons had been informed that there would be a probable deficiency two years hence, they would still have been indisposed to listen to any

Mr. Wilson

proposal made at the present moment for increased taxation to meet it. He contended that nothing his right hon. Friend had done was calculated in the slightest degree to impede the settlement of 1853, so far as that settlement was left possible by other circumstances. The war had interfered with the immediate operation of the measures of 1853, and its effects had continued to be felt in all their financial arrangements, and would continue to be felt until all our obligations incurred during the war were paid off. Therefore it was not fair to say that his right hon. Friend the Chancellor of the Exchequer had done anything to make more remote or less possible the repeal of the income tax in 1860; but it was the misfortune of his right hon. Friend, that he had to provide in time of peace for obligations which the war had created. His right hon. Friend (Mr. Gladstone) had spoken, in language that must have come to the minds of all, of the effects produced by the reduction of indirect taxation in this country. Nobody could call in question the good effects that had resulted from that reduction; but, at the same time, it was impossible to deny that the consequences which flowed from such a policy must depend very much on the state of the market at the time a reduction took place. Indirect taxes might be reduced at a time when no benefit would flow either to the revenue or to the consumer—at a time when stocks were so low that the reduction of duty would only go to swell the profits of the importers. Therefore, however wise and beneficent such measures might be generally, care should be taken not to let the revenue suffer when it was obvious that no benefit would accrue to the consumer. His right hon. Friend (the Chancellor of the Exchequer) had been well advised on this subject. He had taken pains to ascertain the condition of those markets that would be affected by a change of the duties to which reference had been made, and had found that the effect would not be to injure the consumers, while the revenue would be increased. But, while his right hon. Friend suspended for a short time the decline of the duties on tea and sugar, he took care to provide for the ultimate and not very remote accomplishment of their reduction to the lowest possible point. Therefore he was not open to the accusation that he was not sufficiently alive to the great advantage of those principles of which he had been the earnest and consistent advocate for so many years.

He (Mr. Wilson) believed the effect of the Budget to be that it would provide effectually the income necessary for the expenditure of the year; that, while it did so, there was nothing in it to impair the prospects of future years, but that, on the contrary, it would do a great deal to enable future Chancellors of the Exchequer to meet their obligations by modifying the difficulties that might be in their way. He contended, then, that the two points laid down in the Resolution of the right hon. Gentleman the Member for Bucks ought to be negated by the House. The Resolution maintained that they should so arrange their expenditure in the present year as to preserve them from a deficit in the following years. Was the House prepared to impose taxes in 1857-58 to meet the services of 1858-59 and 1859-60? It was all very well to propose plans for the gradual decline of the income tax, but after so many disappointments it would be futile to come to any solemn declaration that the tax would cease in a given year. In 1845 the prospect was held out of its abolition in three years; but there came in the first year the Irish famine, which was in the next year greatly aggravated, and in that following there was much commercial distress, so that instead of diminishing, the Government had to ask for an addition to the income tax. Did that hold out encouragement to them to make any solemn declaration on the subject? His right hon. Friend (Mr. Gladstone) must admit that with regard to one or two very essential points of his plan of 1853 he had been doomed to disappointment. First came the war which destroyed all his calculations; and next came a deficiency in one of his most carefully elaborated schemes. The right hon. Gentleman calculated that the first year of the succession duty would produce £500,000, and that during the present year it would amount to £2,000,000. But the result was that it now produced exactly what was expected from it in the first year—namely, £500,000. From that source alone there was a deficiency now of £1,500,000. This showed how undesirable it was to found too certain expectations on what would happen in future years with regard to income. All they could do was to avoid, if possible, every course which, in the meantime, would render necessary increased taxation, or endanger settlements which the House had in its wisdom carefully and deliberately resolved

upon. He was aware that he had addressed them, labouring under severe illness, very inefficiently; but he could at least claim the credit of having been influenced in the statement he had made by no other motive than an earnest desire to bring the facts of the case fairly before the House.

MR. LAING said, he thought he could offer in a few words a satisfactory reply to the statement of the hon. Gentleman who had just sat down, that it was difficult to understand what could be the object which the supporters of the Resolution of the right hon. Gentleman the Member for Buckinghamshire wished to effect from it. Their object was the same with that which was attained in 1848, when the Minister of the day, having brought in a Budget containing estimates that were considered to be excessive, had to take that Budget back again, subject the Estimates to a complete revision, and bring forward new Estimates framed with a greater regard to economy, thus saving the public upwards of £3,000,000 of money. He begged to call the attention of the House to the fact stated by the right hon. Gentleman (Mr. Gladstone), that from 1842 to 1853 the expenditure of the country remained stationary, while from 1853 to 1857 the ordinary permanent expenditure showed an increase of £6,000,000. It was high time, then, for every one who called himself a reformer to insist on a reduction of expenditure. Either the Estimates that had been just proposed were necessary or they were extravagant. If they were necessary Estimates, then the inference was irresistible that next year would find them with a deficiency. It would be found that their resources failed them. And if next year the expenditure was framed on the same scale as now, the effect would be that with an expenditure of £65,474,000 they would have an income of only £62,300,000. That was a result from which they could not escape. They might try, to be sure, to diminish the deficiency by postponing the operation of the sinking fund intended to pay off the obligations incurred during the war; but the deficit would be too large to get quit of in that way. But if the Estimates were extravagant, and there was a probable way of escaping the deficiency by reducing the Estimates, then he asked why they could not do in 1857 what was done in 1848? He had examined the Estimates mainly with a view of seeing how far they would bear out the assertion that the large ex-

penditure for which they provided was caused by the war, and the more he had examined them the less encouragement could he find for thinking if they were allowed to pass this year any large or material reduction would be made in them next year. The Estimates for the naval and military establishments—excluding the coast-guard and other expenses, which could not fairly enter into the comparison—exceeded by about £3,000,000 the Estimates of 1853-4. The causes of that excess were partly the amount of the naval and military forces, but principally the large scale upon which it was proposed to maintain the dockyards and the expenditure it was proposed to make upon bricks and mortar. Without troubling the House upon the present occasion with any details, he would simply state in round numbers the results at which he had arrived, from a careful analysis of the Estimates, and a comparison between them and the Estimates of 1853-4. The total amount voted for manufacturing establishments, including steam factories and works for the manufacture of arms, in 1853-4 was £2,700,000, while in the current year the same item amounted to no less than £3,800,000, the increase being £1,100,000. What possible effect could the war have produced upon these establishments? He should have thought that it would have had the effect of diminishing the expenditure upon them, and, as they were amply supplied with magazines and stores, that they would only have to spend £10,000,000 where they had once spent £50,000,000. They had a most magnificent steam fleet, comprising vessels of all kinds—from the *Duke of Wellington* to a gunboat—two-thirds of which might not be used for years, and yet they proposed to increase by £1,100,000 the sum they had devoted to ship-building purposes in 1853-4. Then the amount proposed to be expended upon new erections, upon pulling to pieces and putting up again, was £1,506,000—also a considerable increase as compared with 1853. These figures filled him with alarm, and they related to matters to which the attention of the Committee of 1848 was mainly directed. The result of the inquiry of that Committee was that an economy of £3,000,000 was effected in the Estimates, and the amount voted was expended with greater efficiency. Was there any reason for this increased expenditure? We were at peace with the great nations of Europe; we now felt no

apprehension as to what might be done by a Russian fleet; and we were cordially allied to France. He had made these remarks because, in his opinion, the question of the Estimates was the whole question. It would be impossible either for hon. Gentlemen opposite, who were opposed to the income tax, or for hon. Gentlemen around him, who were opposed to indirect taxation, to carry out their views unless the Estimates were reduced. Until there was a diminution of expenditure not only could there be no remission of the income tax, but they would have to submit to a reimposition of those indirect taxes from which the industry of the country had been released by recent legislation. The moment they took that course, the moment they replaced indirect taxation, they would reverse the beneficial process which had taken place upon its remission, they would find that two and two did not always make four in financial arithmetic, and that they might double the amount of indirect taxation without doubling the revenue derived from it. For these reasons, and entertaining a strong opinion of the absolute necessity of imposing some check upon what threatened to be an extravagant expenditure, he had made up his mind to vote in support of the Resolution before the House. He hoped that if the Budget were remitted to the Ministry the result would be the same as in 1848—namely, that a better Budget would be produced.

MR. JAMES MACGREGOR moved that the debate be now adjourned.

Debate *adjourned* till Monday next.

REFORMATORY SCHOOLS BILL—

SECOND READING.

Order for second reading read.

SIR STAFFORD NORTHCOTE said, he did not rise to oppose the Motion, although he could see that several objections might be made to the Bill. Some persons complained of the permissive power of taxation with which it would invest the magistrates; other persons were apprehensive that in reformatories supported by rates it would be found no easy task to deal with the religious difficulty which would naturally arise, and which would not be experienced in establishments supported by voluntary contributions. He was not prepared, however, to resist the Motion for the second reading of the Bill; but he wished it to be understood that although he assented to the Motion, he should not

thereby be precluded from opposing the measure in any of its future stages.

MR. ESTCOURT said, he also wished to state that he was not disposed to oppose the Motion, although he could not help fearing that if those reformatory schools were supported by rates, they would in a great measure lose their present efficiency.

MR. MILES said, that considering the number of juvenile convictions, either at quarter sessions or before the magistrates, it was quite impossible that the voluntary system could prove efficacious, and he therefore objected to a permissive Bill of this character. He hoped that in future vagrant children would not be incarcerated in prison, but be sent to these institutions.

MR. MONCKTON MILNES said, that it was quite evident the voluntary system had failed. In the great and wealthy West Riding of Yorkshire they had not been able to raise more than one little reformatory for about a dozen boys. Believing, however, that they were still in the infancy of the matter, and that hereafter a gradual improvement would take place, he could not but consider the measure before the House a step in the right direction, and he was therefore glad that the Government had brought it in.

MR. LIDDELL said, he thought it would be extremely unjust that the burden of supporting reformatory schools should be borne entirely by benevolent persons. He, however, strongly objected to giving magistrates the power to tax the people without their having a voice in the matter. If he assented to the second reading, he must, on the part of the rate-payers, beg that sufficient time be given for them to discuss the subject.

SIR JOHN DUCKWORTH said, he dissented entirely from the view that small schools, containing twenty or thirty children, would be ineffective. He thought the only mode of attaining success in this matter would be by introducing the family system into the reformatories, which could not be done if they had large establishments. He anticipated that, as in the case of the Police Bills, permissive rating would only be a step to a compulsory rating.

MR. MICHELL said, he thought the tendency of the measure was objectionable inasmuch as it took taxation out of the hands of the people. He objected to giving magistrates any more power to levy rates, there being at present no controlling power

over them. He should oppose the rating powers in the Bill, but not the erection of the schools.

MR. GRANVILLE VERNON said, he concurred in hoping that the Government would give ample time for persons in the country fully to know what they were about to do. He was not quite sure himself that the present system of reformatories established by voluntary contributions and aided by the Government was not preferable to the plan of permissive rating. Permissive rating would ultimately lapse into compulsory rating, and the difficulty of religious teaching would necessarily follow.

COLONEL BUCK said, he should oppose the Bill, on the ground that one class of people would have the power to rate another class without their having any voice in it. He did not object to the introduction of the system in the case of boroughs, where town councils, who were elected by almost universal suffrage, were the persons to put the Act into operation; but the case of counties was quite different. The police and county rates were very heavy, and he was no friend to the giving a greater power of taxation to magistrates.

SIR EDWARD KERRISON said, he thought that the Government ought not to have introduced the measure until the existing reformatory institutions had been further tested; but as it had been introduced he was not disposed to offer any opposition to it.

Bill read 2^d, and committed for Friday, 13th of March.

The House adjourned at Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, February 23, 1857.

MINUTES.] *Sat First in Parliament.*—The Lord Carew, after the Death of his Father.

PUBLIC BILLS.—2^a Probates and Letters of Administration; Chief Constables.

DIVORCE AND MATRIMONIAL CAUSES BILL—OBSERVATIONS.

LORD LYNDHURST expressed a wish that his noble and learned Friend on the woolsack would postpone the second reading of this Bill, which was fixed for Thursday next, until some day in the following week. He made that request because neither he himself, nor a right rev. Prelate, who took a great interest in the subject, could attend the House on Thursday.

LORD CAMPBELL said, he was prepared to give his best support to the Bill as it had been originally framed upon the Report of a Committee over which he had the honour to preside; but he strongly disapproved of a change which had subsequently been introduced into it, by which all married persons, tired of being together, might obtain divorces without the intervention of any legal tribunal. He could not be in his place in the House next week on the day for which the second reading was appointed; but as he believed that the provision to which he had just referred was calculated to destroy the morality and the domestic happiness of the people of this country, he should feel it his duty to come to town from circuit for the purpose of moving its omission, on the occasion of the third reading, in case it should not have been previously expunged by their Lordships.

THE LORD CHANCELLOR agreed that the second reading should be postponed.

Second Reading *put off to Tuesday, the 3rd of March* next.

THE KURIA MURIA ISLANDS—

ADDRESS FOR PAPERS.

LORD POLWARTH moved, that an humble Address be presented to Her Majesty for any Papers or Correspondence relative to the Cession of the Islands of Haski Jibleea and Ghurzoad by the Imaum of Muscat to Her Majesty, and their erection into a Colony; and also to call the attention of the House to a Licence granted on the 20th of February, 1856, by the Commissioners of Emigration to John Ord and others, giving them the sole and exclusive Right to raise and take away Guano from these Islands during five years. The noble Lord made some remarks, which were imperfectly heard, upon the great importance of guano to the agriculture of the United Kingdom, and to urge that the Government should encourage, as far as they could, the opening up of new sources from which an increased supply of guano could be obtained—and, consequently, deprecated any arrangement which, by giving a monopoly to private parties, should deprive this country of the benefit of the reduced price which enlarged supplies of this description of manure would otherwise secure. Not only in his opinion was this grant to Messrs. Ord liable to this objection, but he could not avoid expressing his surprise at finding that the

Emigration Commissioners had the power of granting exclusive licences without giving notice to Parliament.

THE EARL OF CLARENDON said, that there could be no objection to give the papers asked for by the noble Lord, for the Government were desirous of laying before Parliament and the public the fullest information on the subject of any islands supposed to contain guano, and had the same feelings as animated the agricultural bodies with respect to the importance of taking measures to increase the supply. He had, at the request of the Agricultural Society and other bodies, directed a circular to be sent to our consuls in countries where either guano or nitrates useful for agricultural purposes were likely to be found, requesting them to give the earliest possible information if any supplies should be discovered. With respect to the particular islands referred to by the noble Lord, their history was this. Some time ago a Mr. Bell, of Edinburgh, informed him that Captain Ord had discovered in the course of one of his voyages some guano islands, the precise locality of which, of course, he wished to keep secret in order that no person should anticipate him in obtaining the advantage of the discovery. A good deal of correspondence took place on the subject; and at length Captain Ord having informed the Government where the islands were, it was arranged that he should accompany Captain Peel, who was then going out to that quarter, in order to point out the islands, to discover to whom they belonged, with the view of obtaining if possible their cession. Captain Peel accordingly, on his arrival out, communicated with our consul at the Court of the Imaum of Muscat, Mr. Freemantle, who was of opinion that they belonged to the Imaum. As the Imaum was then absent, Captain Peel went to the islands; the weather only permitted his landing on one, where he found no guano, but discovered some inhabitants, who told him they were the subjects of the Imaum of Muscat. He then returned and saw the Imaum, who expressed no doubt as to the islands being his, and said that he should have great pleasure in ceding them to Her Majesty. Captain Peel then again returned to the islands, which he inspected; and he reported that the quantity of guano was small in quantity and inferior in quality—in fact, that as guano islands they were valueless. He thought, however, that one

of the islands was important as a coaling station, and it was offered to the East India Company for that purpose. They did not, however, think proper to accept the offer, and the islands then passed under the Colonial Office, and it was supposed that the question of obtaining guano from them had been set at rest. However, at the end of the year 1855, Mr. Ord said that he found that the guano, although not so good as Peruvian, was yet sufficiently good to make it worth getting, and he said that he was willing to undergo the expense and trouble of ascertaining the fact if the Government would grant him a lease for five years of the island. Well, considering that he was the original discoverer, that the report on the islands was not favourable, and that there was a great chance that no guano would be discovered, the lease was granted. However, the Government in doing so, expressed an opinion to Captain Ord that no monopoly ought to be created of so valuable an article; whereupon Captain Ord had written to him an undertaking that every cargo of guano obtained on those islands should, as it arrived at Liverpool, be sold by public auction in the open market in lots, suitable to all purchasers. That letter was written in 1855, and lately the Colonial Secretary, in communicating with the firm at Liverpool, who were acting for Captain Ord, and had applied for protection for him in his labours, had informed them that the Government considered the pledge as binding. He had also that morning received a letter from that firm informing him that Captain Ord was willing to allow any ships whatever to resort to the islands for the purpose of loading guano, provided he received a royalty of £2 per ton.

THE DUKE OF MONTROSE said, he considered a royalty of £2 a ton would be too much to give to Captain Ord and his party, and that it would have the effect of keeping up a high price to the consumer.

LORD BERNERS also thought the royalty too high, and objected that the arrangement made with Messrs. Ord and Co. was an infraction of the principle that colonial lands were public property. It was, he thought, somewhat contradictory that while the Government were endeavouring to put an end to the monopoly in regard to Peruvian guano, they should be actually encouraging monopoly in regard to the supply of the same article from

another part of the world. He had understood that on one of these islands, when a thin crust had been cut through, there would be found underneath a deposit of guano amounting to from 1,000,000 to 2,000,000 tons.

THE EARL OF HARDWICKE said, that as it appeared that Captain Ord and the gentlemen associated with him were at present applying for the protection of an armed force to enable them to conduct their operations, the Government would be perfectly justified in taking advantage of that application, with a view to make a better bargain for the public. The price of Peruvian guano in this country was at present £15 per ton, and those gentlemen would now find themselves placed in a better position in the English market than they could have expected at the time the grant of the licence had been made to them.

LORD POLWARTH and the Earl of CLARENDON said a few words in reply to these observations, which were inaudible.

Motion agreed to.

PROBATES AND LETTERS OF ADMINISTRATION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, on rising to move the second reading of the Probate and Letters of Administration Bill, said, that he knew no duty which must be more disagreeable to a Member of their Lordships' House than to have to direct their attention to a subject of a dry and technical character, and more especially when that subject was one which had been under discussion more or less for the last twenty years, and had occupied some portion of their Lordships' time in almost every Session during that period. Their Lordships were aware that the object of this Bill was to remedy evils which had long been the subject of complaint, arising from the existence of numerous petty jurisdictions throughout the country, which, though in some few instances they were of a secular character, were for the most part ecclesiastical, with reference to the granting of probates of wills and letters of administration. They were aware that there existed about 100 different courts that exercised that jurisdiction. There was also a supreme court in each of the provinces of Canterbury and York, which had a jurisdiction in cases in which none was vested

in the inferior courts. For instance, if a person died within a district subject to an inferior court, having property beyond that district, that court had not the right of granting probate, and resort must be had to the superior court of the province. Then again, those superior courts were themselves liable to a similar limitation in respect of their own provinces. There were, therefore, two Courts of Prerogative jurisdiction, and there were the local jurisdictions themselves. Now, one great evil which had existed from time immemorial in consequence of this state of things was, that the local court had only jurisdiction if a person dying within the jurisdiction had no goods anywhere else. In that case the local court could grant probates and letters of administration; but these would be altogether null and void if it turned out that the deceased had *bona notabilia* out of its jurisdiction. That was a state of things altogether anomalous and inconvenient, and was, in fact, a blot on our judicial system, which successive Parliaments had endeavoured to find some way of remedying. There was another grievous evil in the constitution of those courts. They had all of them what was called a contentious jurisdiction—that was to say, if in any diocese a dispute arose as to whether a will was a genuine or valid one or not, this question was to be decided by the diocesan or local courts—courts which whatever might be their other merits (and it was no reflection upon them to say this) were scarcely competent to deal with matters which even the Courts of Westminster had always considered most delicate and difficult—namely, as to the sanity of a testator and his capacity for making a will. The local courts had to deal with these questions; but practically he did not think that a very great grievance, because where difficult questions arose, such cases might be at once transferred to the Court which sat in Doctors' Commons, where they might be disposed of through the instrumentality of persons well skilled in dealing with such subjects. There existed, however, this evil—that the procedure of the Prerogative Court was of a most cumbrous, inconvenient, and unjustifiable character—unjustifiable, he meant, according to modern and improved notions of what the course of judicature ought to be. All the extremely difficult and delicate questions to which he had alluded were decided in that Court, not by examining, *ore tenus*, those persons who knew the facts, and whose evidence might

lead a judge and jury to a satisfactory conclusion on the subject, but by written depositions, by a mass of papers which were flung down before the Judge, and through which he had to wade as he could. Now that was a most unsatisfactory mode of arriving at a conclusion on any point; but, if he had to select from the whole range of questions submitted for judicial decision those which were least likely to be satisfactorily decided upon written evidence, he should select the class of cases which usually came before the Prerogative Court for decision. He had been told that there were continually fifty depositions produced in that court in a single case, describing the testator as a person of sound mind, and fifty others on the opposite side describing him as totally incapable of making a will or of understanding anything about it. It was, indeed, a difficult matter at all times to arrive at the truth in such instances, even if witnesses cognisant of the facts were before the Court; but how much more difficult was it when the Court had no means of putting questions which might occur to it, and had to form a judgment upon conflicting depositions any one of which, perhaps, looked on paper as good as the other. There were a great number of other smaller matters which required remedying; but he would content himself for the present with those two which he had mentioned, and which he thought it most necessary to deal with; namely, the multiplication of small courts throughout the country, and the inconvenient practice adopted in the larger court at London. The object he had in view was to get rid of this mass of incompetent small courts and to improve the practice of superior courts in London. No one could doubt that this was a legitimate and a proper object, and the only question was, how far he had dealt satisfactorily with the matter in this Bill. In the course of the observations which had fallen from him in calling the attention of their Lordships a few nights ago to the subject of Ecclesiastical Courts generally, he had had the misfortune to be met with remarks which had not given him much encouragement; but at the same time he trusted he should satisfy their Lordships that the present Bill had much to recommend it—more, in fact, than any other Bill which had yet been submitted to Parliament. In the first place, he proposed, (and to this he imagined there could be no objection) to abolish all the existing courts. Even sup-

posing that the Prerogative Court were as perfect as its most ardent admirers could desire, he thought it was the universal opinion now that the constitution of such a court should rest with Her Majesty or Her Majesty's advisers, and not with any ecclesiastical functionaries, however high in position. The establishment of a Queen's Court of Probate had been recommended by a Commission as well as by Committees, and the propriety of this course he thought could not be disputed. He proposed, therefore, to abolish all the local jurisdictions, and to constitute one Queen's Court of Probate. Now, he was aware that the point on which he had the misfortune to differ from his noble and learned Friends, and on which he still had the misfortune to differ from them (though, if their Lordships should be of a contrary opinion, the measure might easily be altered in this particular) was as to who should be the Judge of this new court. On this point he would say nothing until he had gone through the other provisions of the Bill, because he believed there were delusions prevalent in respect to it which a close examination of the subject would be calculated to dispel. In constituting this new Court of Probate, he thought he should not be acting wrongly if he tried to make as little practical change as possible, and to preserve (where he could do it without damage) the existing rules and practice. He proposed, therefore, that subject to the exceptions as to the taking of evidence, which he had just indicated, the present practice of the Prerogative Court should be adhered to by the Probate Court. He proposed to give to the Judge of the new court the power to make rules from time to time, and to alter the existing practice to such extent, as should, upon consideration, seem expedient; but it would, he thought, be much better to start with that system, which from previous experience would be intelligible to the functionaries. Then in order to exclude the notion that there was any desire to create patronage, and to damage existing interests, he proposed that the Gentlemen who constituted the present staff of registrars and other officers in the Prerogative Court should continue to discharge their various duties in the new court except in the cases of those persons who should be found incompetent from age or other causes to perform the services that would be required at their hands. The present rules of practice would prevail until altered by the Judge of the Court, who would, to

some extent, feel his way on the subject. He would now advert to what he considered the greatest change proposed by the Bill—namely, that instead of having disputed questions of fact tried in the imperfect mode which he had just pointed out, they would in future be decided by oral evidence taken before the Judge in open court. Those acquainted with the practice of the Court of Chancery knew that it would be hard not to allow parties occasionally to fortify some point by affidavit, and this privilege would be conceded, but its abuse would be guarded against, and it would be competent to the opposite party to require the oral examination of those who made an affidavit. With regard to the great questions, which would come before the Court, he proposed that they should be dealt with in the well-known constitutional mode in ordinary use for the trial of disputed facts,—namely, by an issue sent down to be tried before the Judges on circuit in whatever county the case arose. In a Bill which had passed through their Lordships' House for the further amendment of common law procedure there was a clause enabling parties, if they thought fit, to have disputed facts in a court of common law tried not by a jury, but by the Judge. To that proposal he had no objection whatever. He was not one of those who were absolutely and blindly enamoured of trial by jury; but he must say that an experience of some duration in courts of law and of equity had led him to the conclusion that there was no really satisfactory mode, or, at all events, no such satisfactory mode, of arriving at the truth as by a trial by jury. Undoubtedly, there would be great injustice often done if a jury were not very much guided by the Judge, and he was persuaded that unless the Judge felt it to be part of his duty to make a summing up, as it was called, of all the material facts detailed in evidence, pointing out to the jury their bearing upon each other, there would be no satisfactory security for the due investigation of the truth. It was not the mere fact that the trial was by jury, but the union of Judge and Jury, which afforded the greatest security for arriving at a just conclusion upon the case. For this reason he proposed that either party might always insist on the trial of a disputed fact by a jury, and not even by oral evidence before a Judge. As, however, it would be unjust to compel both parties, against their will, to embark in further litigation, and to go before a

jury, he proposed that, where both parties agreed, disputed facts should be settled by the Judge alone—and as the clause was drawn that would be the effect. Questions, however, as to whether the testator was of sound mind, or as to whether he was at the time of executing the will under undue influence, or whether the will was executed with the due formalities, might properly be referred to a jury. The next enactment which he proposed was—and he begged to say that all these enactments were in the Bill when he introduced it the other evening—that unless a new trial were ordered the verdict of the jury should be taken as conclusive as to the question of sanity or the other questions referred to it, and also that all the common law rules of evidence should guide the Court in trying the issue which might be raised. That was the way in which he proposed that all great questions should be decided; but there were also a number of smaller questions which arose, not indeed *de die in diem*, but from week to week, in which the practice of the Court at present was to refer the matter to the decision of the Judge—questions such as the effect of an erasure or of mutilation of the document, or referring to matters of that kind. These were the two great branches of business conducted by the Prerogative Court; and with regard to the latter branch, he believed—and that belief was founded upon the evidence which had been given upon the inquiries which had taken place into this subject—that it had been most satisfactorily conducted at Doctors' Commons. He proposed, therefore, that all that branch of business which he would call the noncontentious business should be left where it was at present, and that it should be left in the hands of the proctors and advocates of Doctors' Commons, who should have the privilege of exclusive practice in all such matters. He was aware that the question had from time to time been much controverted as to whether an exclusive privilege should be reserved to any particular class of practitioners, and in the Bill of last year that course had not been proposed. There was some advantage, no doubt, in having nothing of the nature of a monopoly, and it had been proposed last year that the proctors should be abolished, but with a compensation. He had himself assented to that proposal; but he was bound to own that further consideration and reflection

had satisfied him that that would not be the wisest course to adopt. He believed that the compensation then proposed might have been arranged, and that it need not have entailed any charge upon the Consolidated Fund; but there would have been great difficulty in sustaining such an arrangement, because a new set of persons would come into existence, and would say, why should we compensate persons who formerly charged exorbitant fees? His noble and learned Friend near him (Lord Lyndhurst) had had the advantage of being able to effect great improvements in the practice of the Court of Chancery, and in doing so it had been necessary to compensate various officials, and, although the sums which had been paid were of a very large amount, he believed that, on the whole, those alterations had been the cause of diminished expenditure. He did not, however, think, when the matter came to be fully examined, that a proposal to compensate a whole profession could be sustained, and he therefore considered it to be his duty to consider what evil might result from the continuance of the present system. Now the sole evil was, that proctors had the power of charging an unreasonable fee; but surely that evil might be met by giving to some proper authority the power of diminishing those fees. On the other hand, both from the evidence taken before the Commission and from conversations he had held with persons well acquainted with the subject, he believed that the proctors operated as a useful intermediate check between the public and the Court, and that if they were done away with it would be necessary to appoint some official persons to sift the matter before it came before the Court, for the evil which might in many cases arise from hastily granting probate could not be exaggerated. The proctors were a small body, not exceeding 120 in all, of whom probably not more than 60 were in practice, all of whom were well known to the officers of the Court, and there was consequently a greater security afforded for the proper conduct of the matter at stake than there would be if 5,000 or 6,000 practitioners were admitted to practise in those Courts. For these reasons, he deemed it desirable, in the smaller and noncontentious business, to continue to them that monopoly which they now enjoyed, subject, however, to the provision for revision, and reduction of their fees. With regard, however, to the contentious busi-

ness, he could see no ground for maintaining a monopoly. It was well known, as regarded the proctors, that they did not look to large cases for remuneration, but to the multiplication of small cases; and it was only fair that in important cases the public should have a larger choice of advocates than was at present afforded to them by Doctors' Commons. He therefore, as regarded contentious business, proposed to throw open the practice to the whole profession. Having said thus much with regard to the practitioners, he would next state that, having abolished all the diocesan and district Courts, he was fully alive to the inconvenience which would result to the public if persons were compelled to come to London in all cases. He was aware that some persons held the opinion that under the improved system of communication that inconvenience would not be very considerable; but he did not wish to render himself in any way obnoxious to the charge of promoting a system of centralisation. What he proposed, therefore, was, to retain thirty-six district offices, solely for the registration and proof of uncontested wills, and he believed that that would be found quite sufficient for convenience of distribution. In these district Courts—as in the Prerogative Court—it was his intention to preserve as much as possible the persons who were at present engaged in them; and he mentioned this because he was not sure whether his intentions in this respect were clearly expressed in the Bill. He proposed that the district Courts should have no jurisdiction whatever in contentious cases, but that they should simply register wills and give probate where there was no dispute about them. Cases in which there was any contention must be brought up to be argued in the Court of Probate. He proposed that the original wills should be filed in the districts where they were made. This was a matter of dispute, he knew, and it had been urged that all original wills should be filed in London, and that copies only should be kept in the country. He thought, however, that this would be distasteful to people in the country, and he proposed, therefore, that the originals should be kept there, but that documents should be sent up every fortnight, giving in a popular form a list of all the wills proved, so that it might be known what wills were proved in the country, and that facilities might be given for examining them if necessary. He thought, however, that it would be de-

sirable in extremely small cases that there should be some means of allowing contentious cases to be tried in the country; and he proposed, therefore, in cases where the personal estate was sworn under £200, and where there was real estate, when such real estate was under the value of £300, that the County Court Judges should decide the question. He now came to a part of the subject on which he had no doubt there might be some difference of opinion. Probates of wills, as their Lordships were aware, related exclusively to personal estate. In the recommendations of the last Commission it was proposed that the distinction which existed at present should be removed, and that probate should be granted both for real and for personal estate. That was a subject on which he had heard great differences of opinion; but the conclusion at which he had arrived was, that to insist upon probate in the former case would be to impose an unnecessary burden upon the devisees of real estate, who did not, like the legatees of personal estate, take what was devised to them through the instrumentality of an executor. In the case of a personal estate it was absolutely essential that there should be some person in the character of an executor to realize all the property, to discharge the obligations of the testator, and to account for the surplus; but if a man died seized of one or two real estates, and left them to John Smith and James Jones, there was no reason why those persons should not at once go in and take possession, and there was no necessity, for any intermediate person between him who died and those who succeeded to the property. He did not therefore propose, as a general rule, that real estate should require any probate. But there were two matters in which he did propose legislation on the subject of real estate. When this matter was discussed three years ago in their Lordships' House the anomaly was pointed out, that, inasmuch as probate did not extend to real estate, this strange and hardly creditable state of things might, and sometimes did, exist—namely, that a Judge who had jurisdiction over the personality might be satisfied of the sanity of the testator and grant probate of a will, whereas a jury trying the question of the real estate might decide that at the time of making the will he was of unsound mind, or *vice versâ*; so that the same instrument might be decided by two different tribunals, having jurisdiction

over two classes of property, to be the production of a sane man and of an insane man. He did not think that this was a grievance of a very practical nature, because it was one of rare occurrence. Two cases had happened since Lord Hardwicke's time, and another was now pending before their Lordships' House in the shape of an appeal relating to a large property, which was heard at their Lordships' bar in July last, and in which no judgment had yet been given. That case was as follows:—A Gentleman, named Colclough, who had been formerly Member for the county of Wexford, died in the year 1842, having left a will by which he made his wife his sole executor and residuary legatee and devisee. His widow obtained possession of personal property under the will to the amount of nearly £150,000. Afterwards, the heir-at-law having contested her right to the real estate on the ground that the testator was of unsound mind, the jury decided at the Wexford Assizes in 1852 that the deceased was of unsound mind; and the case was now under appeal in the House of Lords. In order to meet such cases he proposed, where the question of sanity was legitimately raised upon a will affecting real estate, that the heir-at-law and other parties interested shall be cited and permitted to become a party, or to intervene for their respective interests, and that the question shall then be decided once for all. He proposed, further, for the convenience of the public generally, that in order to prove the passing of real estate, it should not be necessary to produce the original will from Doctors' Commons, but that the probate should be received as *prima facie* evidence. He proposed, further, to give to the new Court the power, which, in truth, he thought they had now, although it was rarely exercised, of granting administration *pendente lite*, and of appointing an administration of real estate affected by the will, and of directing remuneration to such administrator or receiver. He also proposed to provide a place of safe custody where living persons might deposit their wills for safe custody. He proposed also that in case where a person had been appointed an executor and renounced, or where two persons had been appointed executors and one of them had renounced, that the rights of the renouncing executor should cease as though he had not been named in the will. He now came to a point upon which he believed there was

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considerable difference of opinion—namely, the appointment of the Judge of this new Court. He proposed that that Judge should be one of the Vice Chancellors. He was quite aware that that proposal would raise a great storm of opposition, because nothing was so unpopular, whether deservedly or not, as the name of the Court of Chancery. But, supposing that to be a well-founded objection, he did not transfer the business of the Probate Court to the Court of Chancery; he simply said that one of the present Judges of the latter Court should exercise the functions of Judge of the Probate Court, just as, till the establishment of the Lords Justices, one of the Vice Chancellors was, by Act of Parliament, constituted the Judge of the Court of Review. He should have had a much easier task if he had thought fit to propose the appointment of a new Judge or the continuance of an old one with a large salary and a staff of officers. He had originally so framed the Bill, but he found, when he inquired what the duties of the proposed Judge would be, that he could not honestly ask their Lordships to pass such a Bill on the faith of his statement that a new Judge was necessary. The Judge of the Prerogative Court sat now upon non-contentious business about twenty-four times in the year, or, farthest, thirty. The number of hours on each of these days did not average more than two. During the rest of the time the Judge was occupied in hearing and trying those great contested questions of sanity or insanity and the like which the Bill proposed to sweep away, leaving the Judge nothing, or little else, to do than to dispose of those minor matters which might be brought before him almost *in foro domestico*, and to direct the trial of issues as to the validity of wills by the courts of common law. His only other duty would be to direct a new trial in the event of a verdict being unsatisfactory. Now, without considering the subject of a new trial, had he or had he not made out a case for saying that there ought not to be a new Judge, if a Judge could be got who was discharging judicial functions now in some other court, and who had time to spare for the performance of additional duties? He thought he had, for he was persuaded that the business which occupied only thirty days in the year and about two hours each day would not be considered a duty that would warrant any Minister of the Crown in proposing the establishment

of a new or even the continuance of an old Judge. Where, then, could he find a Judge fulfilling all these conditions, except in the person of one of the Vice Chancellors, or—as had been suggested by a society which had made some very useful recommendations as to the amendment of the law—in one or more of the common law Judges? Now, he believed that, whatever other difference might exist between a common law Judge and a Vice Chancellor, there could not be the least doubt as to the superiority of the latter in all that respected the convenience of the public. The common law Judges were obliged twice every year to go circuit, while the Vice Chancellors were, comparatively speaking, always on the spot. He had heard it suggested, and the suggestion would probably be adopted by the Commissioners or the common law Judges, that there should be three circuits, which, of course, would increase the duties of the common law Judges. Moreover, the functions ordinarily exercised by a Vice Chancellor were infinitely more in analogy with those of the Judge of the new Probate Court than were the functions exercised by a common law Judge. He had no sort of antipathy to the common law Judges; on the contrary, he entertained the highest respect for them, it being his pride to recollect that, for eleven years, he had been one of their number; but he did not think that their habits or their practice would enable them to give the same satisfaction in non-contentious business as might be expected from a Vice Chancellor, who had been accustomed to deal with business similar to that which would come before him in the Probate Court. But it was said that his proposal to take away a Vice Chancellor would throw the proper business of Chancery into arrear. Upon that point he would refer to a return of the number of proceedings instituted in the Court of Chancery during the last six years. Their Lordships were aware that Lord Truro issued a Commission to inquire into the practice of the Court of Chancery, with a view to its amendment. The Commissioners made a Report, and a Bill, founded upon that Report, for simplifying and shortening proceedings in Chancery, was a few years ago passed into an Act. All those who wished well to the judicial establishments of the country would be glad to learn that the result of the change then introduced had been of the most beneficial

description. He had before him a return of the number of proceedings instituted in the Court of Chancery during the last six years. Last year the number was 2,792, the year before it was 2,815, in 1854 it was 2,832. During the whole six years the number ranged from 2,500 to 3,000, the variation being so small that it might be accounted the result of accident. But what was the state of the Courts in the same period? Their Lordships must not imagine that he intended to attribute any merit to himself. His duty was not that of discharging the original business of the Court. That business was discharged entirely by the Master of the Rolls and the three Vice Chancellors, and he should be doing injustice to those very learned and able public officers if he did not mention the fact which he was now going to state to their Lordships. The state of the Courts was this:—Whereas, at the end of Hilary Term 1856, the causes which remained for hearing and disposal numbered 519, at the end of Hilary Term, 1857, they numbered only 245. Indeed, he should not be surprised if he were to find before Easter some one or more of the Courts having nothing to do. That was actually the case before Christmas, when, had it not been for the power vested in the Lord Chancellor to transfer causes from one Court to another, the whole business before one of the Courts would have been disposed of. He could not doubt, therefore, that there was ample time for one of the Vice Chancellors to take the work of the new Probate Court in addition to that which he now discharged. He did not propose to give any additional privilege or salary, and he was certain that if the Vice Chancellor to be appointed to the Probate Court should at any time be in want of assistance, the other Vice Chancellors would gladly relieve him of a portion of his other business. This brought him to the last point with which he would trouble their Lordships. He proposed that when a trial had taken place, if the verdict was unsatisfactory to the Judge of the Probate Court, it should rest with him to direct a new trial. Such was now the case with regard to all wills of real estate when an issue was directed to be tried in the Court of Chancery; and although, if the question were whether or not there had been any misdirection of the Judge, a court of common law would be the better tribunal for deciding that point, yet

the question whether or not there should be a new trial in cases of this sort did not ordinarily depend upon whether there had been a misdirection in point of law, but whether the verdict was satisfactory or the reverse. He appealed to his noble and learned Friend whether there had ever been any one function of the Court of Chancery more carefully or more satisfactorily discharged than that which related to such questions. He did not therefore see that there was any anomaly in trusting that discretion to the Vice Chancellor. He had now gone through the main portions of the Bill, and, although he had no right to ask their Lordships to look at it, as it were, *ad misericordiam*, he thought he was entitled to ask them to proceed with a friendly disposition towards the Bill, if he satisfied their Lordships that, whatever its demerits, it was far better calculated to the wants of the year 1857 than any measure which had preceded it. In 1842 or 1843 a Bill of Dr. Nichols on this subject was introduced, but that Bill fell to the ground. In 1844 his noble and learned Friend (Lord Lyndhurst) introduced another Bill, which proposed twenty-seven Diocesan Courts with contentious jurisdiction, although there were no practitioners, and two Archbishopial Courts—the Diocesan Courts having power to send these causes to be disposed of in the Prerogative Courts. The Diocesan Courts in the province of York might send causes to York, and if the Prerogative Court of York did not like them, that Court might send them to the Prerogative Court of Canterbury. He thought the simple mode proposed by this Bill infinitely preferable to that of his noble and learned Friend. His noble and learned Friend made no provision for taking of evidence *viva voce*. It was true he did provide that the Judge, if he thought fit, might, after the Commissions were returned, direct a witness to be summoned and examined, but he left the procedure as to evidence just as it was before. There was a power to direct trial of an issue; but his noble and learned Friend left the decision of the question whether the verdict was satisfactory, or whether there should be a new trial, to the Judge of the Court which directed the issue, who might be the Diocesan Judge, or the Judge of the Prerogative Court of York, or, the very good authority, the Judge of the Prerogative Court in London. The last thing he should ever wish to do was to attempt to raise the merit of his Bill by depreciating

that of another. All he desired was, to satisfy their Lordships that this was a better measure than any which had preceded it. In the following year Lord Cottenham introduced a Bill, and Lord Cottenham's Bill was much more like the Bill he had now introduced. It constituted in the same way a Queen's Court of Probate; but he thought it gave to that tribunal unnecessary force and solemnity. He had not accurately examined what took place between that time and the time when he had the honour of receiving the Great Seal. He (the Lord Chancellor) introduced a Bill in 1854 which passed this House, but that Bill differed materially from the present, inasmuch as it did not constitute a Court of Probate at all, but gave the jurisdiction to the Court of Chancery, to be exercised by the Chancellor directing from time to time which Judge should dispose of it. Although it was an observation against the present Bill, he believed in theory that was the most correct course. But their Lordships knew that they could not always attempt the best course—only the best course within their reach. He believed all multiplication of Courts, by giving them particular jurisdiction, to be wrong in principle. He believed the theory insisted on by jurists, that there should be a sufficient number of Courts which should have jurisdiction over all questions and in all parts of the empire, to be unimpeachable, and he thought it would have been better if that plan had in this instance been adopted. He had explained why he had receded from it. Although the Judge was the Vice Chancellor, it was not in his character as Vice Chancellor, but because he had sufficient time to discharge the duties of the Probate Court. The Bill of 1854 failed in the House of Commons. Since that time two Bills had been introduced. A Bill was introduced in the last Session with his full sanction, by which a new Court was constituted; but, as it was felt there would not be work enough, it was proposed to give to the new tribunal some of the functions of the Court of Chancery, such as the power of administering estates. That Bill also provided for compensation of the proctors. He did not know that they would not have been justified in constituting a new Court with a new Judge, if they could not have found a Judge to discharge the duties of the office; but since the introduction of that Bill the business of the

Court of Chancery had sensibly and gradually diminished. Therefore, assuming that it was perfectly right to make such a proposal in the last Session, it was not right to propose it now. He therefore proposed, as he had already stated, that a new Court of Probate should be constituted, that one of the Vice Chancellors should be the Judge of it, that functionaries exercising duties in the Prerogative Court should be retained, and also functionaries in the country, as far as possible; that it should exercise contentious jurisdiction in all cases, except very small cases, which would be disposed of in the County Courts; that there should be thirty-six district Courts—whether there should be more or less was a matter of detail; that all non-contentious business should be there disposed of; that the original will should be deposited in the district Court if proved in the district, or in London if proved in London; and that there should be registers in London of all wills, and also in the districts, so as to give every facility of reference. With these explanations he begged to move that the Bill be read a second time.

Moved, That the Bill be now read 2^a.

LORD ST. LEONARDS said, they were necessarily embarrassed by the constant changes in the whole form of proceedings which distinguished Bills on this subject; and the present Bill differed in very material respects from those formerly introduced by the noble and learned Lord himself. In the first Bill which his noble and learned Friend introduced, the whole jurisdiction over the Court of Probate was given to the Court of Chancery. He (Lord St. Leonards) at the time endeavoured to persuade their Lordships to confine the jurisdiction to a particular Judge, and was supported by his noble and learned Friend (Lord Lyndhurst), but he was entirely opposed by the noble and learned Lord on the woolsack, though now he had adopted it. In the next Bill, introduced with the approbation of his noble and learned Friend, Chancery had nothing to do with the matter. There was to be a new Judge, with a large salary, who was to have general superintendence of the law as regarded probates and wills. The noble and learned Lord then proposed, for the first time in this country, to subject real estate to probate. He (Lord St. Leonards) opposed the proposition, and with success, in a Select Committee upstairs, and he was glad to find that that idea was now abandoned. The

next measure of the noble and learned Lord, creating a new Court of Probate with a new Judge, gave to that Court a general jurisdiction, and enabled it to assist in the administration of the laws relating to divorce and marriage. The present scheme, however, as he understood it, reverted to the first plan of his noble and learned Friend, and was to give to the Court of Chancery the whole administration of business relating to wills. It also adopted a suggestion which had been rejected, when he (Lord St. Leonards) proposed it, to give that particular duty to a single Judge. He was not very favourable to throwing that business into the Court of Chancery, although he was not a man to speak against that court. He knew that much abuse was levelled at that court by those who did not understand its working, but he believed in his conscience that it worked admirably and for the benefit of the public at large. He knew of no Judges who addressed themselves to their duties with more energy and ability than the learned Judges who now occupied seats upon the benches of the Court of Chancery. At the same time he was not inclined to increase the jurisdiction of the Court, and he entirely objected to casting any merely formal business upon a Judge of the court in addition to his present duties. If the figures quoted by his noble and learned Friend were correct, and there was not sufficient business to occupy all those learned Judges, the remedy was to abolish one of them. It was only in 1852 that the Master of the Rolls and the Vice Chancellors were called to perform chamber practice, the object being to abolish the Masters and to bring the Judges and their chief clerks into continual contact, so that instead of references to and reports from the Master, which involved delay and expense, the constant communication between the Judge and his chief clerk might allow the business to be disposed of at a far less cost than before. That system was found to work very well, and he hoped would not be disturbed, and especially that there would not be cast upon the Vice Chancellors additional duties, of a nature which, they were told, did not require any great powers of mind. To throw such business upon a Vice Chancellor, would be to impair his efficiency and unfit him for the discharge of the higher functions of his office. He believed there could not be a greater error committed than to throw upon the Vice Chancellor additional business of that description. His

noble and learned Friend professed not to transfer the probate jurisdiction to the Court of Chancery; but if the particular Vice Chancellor to whom that business was delegated happened to be absent, as he must sometimes be, having the business of his own Court to attend to, then, under the direction of the Lord Chancellor, the probate business could be sent to be disposed of by the Master of the Rolls or one of the other Vice Chancellors. Surely that was nothing else than giving the business to the Court of Chancery under the directions of the Lord Chancellor? Then, again, appeals either of law or fact were to be made to the Court of Chancery, and thence to that House. It did certainly appear to him (Lord St. Leonards) that this was a Bill to hand over this particular jurisdiction to the Court of Chancery. Then, again, as to the Judge who was to be appointed, what was the course proposed? At present there was a Judge of the Prerogative Court thoroughly competent to decide upon any question that came before him, but who by the Bill would be relieved from much of the business which he now performed to the satisfaction of the public. If that were done, the Judge must be compensated or allowed to retain his present salary. A portion of the burden was wilfully and needlessly thrown on another person, and that person was the Vice Chancellor. This was, in his opinion, one of the most unnecessary changes ever attempted to be made in the law within his recollection. Why, he asked, should the people of England be called on to pay a Judge for doing nothing at a time when he was fully competent to discharge his duties? And why, being so competent, should those duties be transferred to other hands not so competent? Then there was another great difficulty in the Bill of his noble and learned Friend as regarded real estate. For the first time, and without any necessity, his noble and learned Friend proposed to take from every heir-at-law to an estate in this country the right—the established right, maintained at all times in Courts of Equity—of having the validity of a will adverse to his interests as heir-at-law tried by an issue. That was a right vested in every person in England, without distinction, whenever circumstances arose in which he might desire to exercise it, and he (Lord St. Leonards) trusted it might never be taken away. At present every heir-at-law was empowered to say, when his title was called in ques-

Lord St. Leonards

tion, that he would not give up his right until a jury decided against him. [The LORD CHANCELLOR was understood to dissent from the view of the operation of the Bill.] He (Lord St. Leonards) had read the Bill carefully, and that was the construction which he put upon it. Again, if his noble and learned Friend wished to have a probate on real estate, he (Lord St. Leonards) had no doubt that the Chancellor of the Exchequer, in addition to the succession tax, would soon find it a sufficient reason for raising additional revenue by means of a probate duty in addition to the succession duty, notwithstanding that already real estate bore a greater amount of burden than personal estate. He certainly should have expected that the House would have been informed as to the amount of compensation to be paid to those who were displaced, and the amount of salaries of the new officers appointed under this Bill. How could their Lordships judge of the propriety of the measure unless they knew what the expense of it would be? It appeared that thirty-six Courts were to be established; those who presided over them having no contentious jurisdiction, but were simply to register wills in respect to which there was no dispute. Now, it constantly happened that instruments came before proctors which, though not contested, were, as their experience taught them, involved in some suspicion or of doubtful validity. In such cases—and they arose daily and hourly—they were obliged to submit the wills to the Judge, and take his opinion as to whether they should or should not be admitted to probate. It was precisely such points that were to come before the non-contentious Courts, and were, he supposed, to be decided by those Courts. Now, he wished to know whether the persons at the head of the new courts would be men of learning and experience, competent to deal with these questions, or whether they would be mere clerks or registers; and it was for this reason that he should be glad to hear what their salaries were to be. The professional character of these persons was of the utmost importance, because in the country they would stand in the place both of proctors and Judge, and upon them, therefore, would solely devolve the task to which he had alluded. In his opinion, the more these kinds of courts were multiplied throughout the country, the greater would be the confusion; and, so far as he could see, the expense. He was unwilling to

detain their Lordships by any further observations at this stage of the Bill. When it came into Committee, he should propose those alterations which he thought would make the measure more likely to succeed than it was at present. At the same time, though he felt it impossible to agree with his noble and learned Friend as to the particular provisions of this measure, he should be ready in Committee to do everything in his power to render it effective.

LORD LYNTHURST said, he did not rise to oppose the second reading of this Bill. It had been his intention, however, to make a few observations respecting some of its provisions, but on looking around the House just now he had made a calculation that there was just one-third of a Peer to each bench; and, as he did not care to address empty benches, he should postpone his observations to a future stage of the Bill. He hoped their Lordships would think that he was justified at this moment in not replying to the observations of his noble and learned Friend on the woolsack.

LORD CAMPBELL said, that like his noble and learned Friend, he was indisposed to address empty benches; but, as this would be his last appearance in the House before going circuit, he thought it necessary to say just a few words on the subject of this Bill. There could be no doubt at all as to the necessity of change, and his noble and learned Friend might have saved himself a great deal of labour on this point. All mankind were agreed here, and it was discreditable to the Legislature of this country that now, in the middle of the 19th century, there should exist all these Ecclesiastical Courts with separate jurisdictions, and with this doctrine of *bona notabilia*, nobody knowing whether a probate was good or bad. That a remedy was required no one disputed; the only question was, as to the manner of proceeding. Now, he had formerly opposed the Bill on this subject brought forward by his noble and learned Friend who had just addressed the House, and he confessed he was not at all satisfied with what his noble and learned Friend on the woolsack now called upon their Lordships to agree to. The sum and substance of his proposal was this—that wherever there was a contested probate, then to all intents and purposes it should become a Chancery suit. He disapproved of his noble and learned Friend's plan for directing an issue. When a case came before the Vice Chancellor in the new

Court of Probate, he must always see if there were ground upon which he ought to direct an issue to be tried. Should such ground exist he would direct an issue, just as in a Chancery suit. The case would then come before a jury, would go back to him, and he would have to say whether he were satisfied or not with the verdict. From his decision there will be an appeal to the Lord Chancellor or the Lords Justices, just as there now was with regard to a Chancery case, and afterwards there might be an appeal to this House. Now, were their Lordships of opinion that such a machinery would effect any advantageous change if substituted for the present mode of proceeding before a very learned Judge in the Prerogative Court, with an appeal to the Judicial Committee of the Privy Council, whose judgment was final in the matter? He could not conceive why questions of sanity of the testator or undue influence exercised over him should go before the Court of Chancery. This Bill would arm death with a new terror, every man who has made a will having the prospect before him of his family being involved in a Chancery suit. His noble Friend on the woolsack, having ceased to be a common law Judge, and having become the head of Equity appeared to belong to that sect of persons who wished to see everything else absorbed by Chancery, who admitted that the Courts of Common Law might decide in a case of assault, or in a case of a cask of beer sold and delivered, but they should not be allowed any jurisdiction respecting the execution of a will or the construction of a deed. Now, he had a very high respect for the Court of Chancery and for those who presided in it, but he had no desire to be absorbed by it. His noble and learned Friend should remember that all persons did not regard the Court of Chancery with the same favourable eye as he did himself, and that, in point of fact, a great deal of jealousy existed in the Lower House of Parliament of this absorbing power of the Court of Chancery. In his opinion, the new court ought to be a Queen's Court of Probate, guided by common law procedure, and presided over by a common law Judge. Having entered his protest against this jurisdiction being added to that of the Court of Chancery, he would, upon the present occasion, confine himself to expressing the hope that the Bill might be referred to a Select Committee, which he hoped would include his noble and learned Friend on the cross

bench (Lord Wensleydale), and that it might come from that Committee in a form which would accomplish those objects which all had in view.

LORD WYNFORD said, that although in this Bill the Lord Chancellor had got rid of many objections which had been urged against previous measures, there would be great difficulty in getting over the jealousy with which the House of Commons regarded the constant and silent encroachments of the Court of Chancery. In order to render a Bill of this sort advantageous, it was absolutely necessary that the rock of Chancery should be avoided. He was sure that the other House would require that any new Court of Probate should be a common law court, governed by common law procedure.

LORD WENSLEYDALE said, that although there might be some doubt of the propriety of referring probates to the Vice Chancellors, there were many of the details of the Bill which deserve consideration, especially that which made the appeal to the Court of Chancery. He saw no symptom of the Court of Chancery swamping the business of the common law courts by the operation of the Bill, nor could he see any cause for alarm in its provisions. The machinery in the country would be virtually the same, but in the thirty-six district courts the same persons would be appointed as were now in the register courts.

THE LORD CHANCELLOR thought it right to make one or two observations in reply to his noble and learned Friend (Lord St. Leonards), who had not accurately represented the provisions of the Bill. Unless he (the Lord Chancellor) did not understand his own clauses, heirs-at-law would not be disinherited under this Bill without trial by jury. Objections had been made to the appeal provided by the Bill. Now the reason why the appeal lay to their Lordships instead of to the Judicial Committee of the Privy Council, was because real estate as well as personalty might be involved; and it had always hitherto been the habit on questions of real estate for the appeal to come before their Lordships, and he doubted whether questions relating to freeholds should be transferred to the Privy Council. All these things, however, were matters of detail which could be considered in Committee. Even the great question of who was to be the Judge could be there decided. The reason why he had not thought it right to propose a salaried Judge was that he was convinced that all the business of

the Court might be done by the present Judges in Westminster Hall. He could not see the same objections as the noble and learned Lord (Lord Campbell), to the transaction of the business by the Court of Chancery; the Court of Chancery was no way concerned in the matter, except that one of the Judges of the Courts of Chancery was to exercise the functions of Judge of the new court, and as to the swamping of the common law courts, he saw no symptoms to justify the observation. Things had been laid to the account of the working of the Bill which in his wildest dreams he had never thought of.

Motion agreed to.

Bill read 2^a. accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 23, 1857.

MINUTES.] NEW MEMBER SWORN.—For Kent (Western Division), Charles Wykeham Martin, esq.

NEW WRIT.—For Glasgow, *v.* John MacGregor, esq., Manor of Northstead.

PUBLIC BILLS.—2^o Lighting of Towns (Ireland) Act Amendment.

3^o Ionian Subjects' Commissions; Public Health Supplemental (1857).

TESTAMENTARY COURTS (IRELAND).

QUESTION.

MR. DEASY said, he would beg to ask the right hon. and learned Attorney General for Ireland, whether it was his intention to introduce during the present Session any measure for the reform of the Testamentary Courts in Ireland?

MR. J. D. FITZGERALD said, it was the intention of the Government to introduce, and if possible to carry, such a measure in the present Session.

ARMY REGULATIONS—QUESTION.

COLONEL SOMERSET said, he wished to inquire of the hon. Under Secretary for War, whether by the warrant of the 6th day of October, 1854, a lieutenant-colonel in command of a regiment, being absent with leave from his command for a period less than one month, loses that time towards the three years of actual command necessary to entitle him to the rank of Colonel?

MR. FREDERICK FEEL said, that the attainment of the rank of Colonel was regulated by a warrant dated October,

1854, by which a lieutenant colonel was required to serve three years in command of a regiment, in order to qualify himself for the rank of colonel. The Horse Guards, to which belonged, rather than to the War Department, the regulation of matters relating to the discipline of the army with regard to leave of absence, had allowed a relaxation of the rule, and permitted an officer to be absent from the command of his regiment for one month in a year without losing his time of service, and consequently if an officer had served three years in command of a regiment, and his absence did not exceed three months altogether, he would attain the rank of colonel; but if his absences were beyond that time, he must remain in command of the regiment for the period of the excess previous to his obtaining the rank of colonel.

THE KURIA MURIA ISLANDS— QUESTION.

MR. SCOTT said, he would beg to inquire of Her Majesty's Government the date of the treaty whereby the Imaum of Muscat ceded to Her Majesty the group of Kuria Muria Islands, valuable for their deposit of guano, and whether there was any objection to lay the treaty on the table of the House? The amount of guano on the islands in question had been estimated at no less than from 1,000,000 to 2,000,000 tons, which at the present price would be of the value of £24,000,000 sterling. The question was, therefore, one of the highest possible importance to all persons connected with agriculture, the more especially as it had been stated that the lease of the island, with the sole privilege of trading in guano had been given by the Government to Captain Ord and other private persons; he wished to know whether that statement was true, and also whether there had not been a collision with the natives of those islands, and that Captain Ord and his party had been driven off.

LORD NAAS said, that he had also given notice of a question upon the subject. He wished to ask the Secretary of State for the Colonies, under what authority the Emigration Commissioners had granted to Captain Ord and others the exclusive right of raising and exporting guano from the islands of the Kuria Muria group; and, whether the opinion of the law officers of the Crown had been taken as to the power of the Commissioners to grant such a licence?

MR. LABOUCHERE said, in answer to the question of the hon. Member for Berwickshire, he had to state that there was no treaty with the Imaum of Muscat, but that there had been an instrument of cession with reference to the Kuria Muria Islands, which was dated the 14th of July, 1854, and which he had no objection to lay upon the table of the House. In answer to the question put by the noble Lord (Lord Naas), he had to state that the Emigration Commissioners had only acted as the agents of the Colonial Office. Two of those Commissioners were lawyers of distinction and eminence, and it had always been the habit of the Colonial Office to employ them as its agents. It was undoubtedly true that the Colonial Office had given a licence of exclusive trading with the islands, and exclusive property in the guano, for a limited period of years, to certain individuals, and had not thought it necessary to consult the law officers of the Crown in reference to its power in the matter, because they apprehended that it rested upon the ancient and undoubted prerogative of the Crown. As a proof of the propriety of the proceedings, he might also state that the noble Lord and his friends, when in office, acted upon precisely the same principles with regard to certain islands supposed to contain guano, on the coast of Australia, and proposed to give certain individuals an exclusive licence for a period of six years to export from them; that proceeding, however, did not come to a conclusion. The hon. Gentleman (Mr. Scott) had referred to the apprehensions which existed, if certain parties should have a monopoly of guano from these islands, and that if there should be a very large quantity guano, the public would not benefit to the extent which they had a right to expect. He thought any apprehensions on that score might easily be dispelled, because, in the first place, when the persons in question applied to Lord Clarendon for an exclusive licence, they offered voluntarily to submit to a condition that the whole of the guano should be publicly sold in open market by a broker at Liverpool, either in large quantities or in small lots to suit the convenience of purchasers, so as to provide against any monopoly. That circumstance, coupled with the short period of the lease, would assuredly secure to the public that the guano should be imported in large quantities. But in addition to that, a letter had been received from the persons holding the licence in

which they had offered to allow any others to resort to the islands in question, to obtain guano therefrom on the stipulated payment of a royalty of £2 per ton.

MR. SCOTT said, that the right hon. Gentleman had not stated whether a collision had taken place between the natives of the islands and our people; who, it was alleged, had been beaten off to their ships.

MR. LABOUCHERE said, he answered that question a few nights ago. They were disturbed and driven off, and the hope now is, that protection may be afforded them from Bombay.

CUSTOMS RETURNS—QUESTION.

MR. NEWDEGATE said, he wished to ask the hon. Gentleman the Secretary of the Treasury what were the reasons for an Order issued in August last by the Custom House authorities, enjoining all shippers of goods for exportation to make more accurate entries of goods exported, both as to quantity and value, and warning them that the suppression of such information was illegal; and what had been the result of that Order? On giving notice of the question, he (Mr. Newdegate) had stated that inquiries had been made at Liverpool with respect to the present mode of collecting the entries of goods exported, for the information of Parliament; and it was stated by Mr. Edwards, the Customs officer at that port, that previous to the issue of the order the system was extremely bad; in short, he went so far as to say that not more than three-fourths of the goods exported were entered. Now, when the House considered that at least one-half of the exports of this country passed through Liverpool, they would understand the importance of the question he now begged to put to the hon. Gentleman.

MR. WILSON said, he regretted that the hon. Gentleman had not given him notice of the question which he put upon the subject on Friday night. What he (Mr. Wilson) had said in reply, however, was strictly true, for there had not been any order on the subject proceeding from the Treasury. On making inquiry, however, he found that in the early part of August, 1855 and not in 1856, as the hon. Gentleman imagined, representations were made by the Chamber of Commerce at Hull to the Board of Trade to the effect that they believed there existed great laxity and carelessness in the entries of cotton yarn and cotton goods exported from that port, and asking the Board of Trade to take

steps to correct the evil. The Board of Trade communicated the facts to the Custom House authorities, and the order alluded to was issued to the Custom House at Hull and other out-ports. The only object the Government had in view was, that the statistics of trade should be as accurately collected as possible. So far as the judgment of the head of that Department went, it was the opinion that although some of the details might not be correct, yet they did not affect the ultimate result, what was understated in the entries from carelessness being balanced by what was overstated from the same cause. Of course that was matter of opinion, but he was inclined to think that no material or substantial difference would be found.

THE NEUFCHATEL CONFERENCE.

QUESTION.

MR. KINNAIRD said, he would beg to ask the First Lord of the Treasury when the Conference on the Neufchatel question was to meet; and whether there was any hope of the unhappy differences which had arisen in consequence of the late aggression on Swiss independence being brought to a speedy and satisfactory termination?

VISCOUNT PALMERSTON: Sir, no specific time is yet fixed for the meeting of the Conference on the Neufchatel affair; but I think that all the Powers have expressed their willingness to be represented. With regard to the probable settlement, all I can say is, that the Swiss Government having evinced such a conciliatory spirit of moderation by releasing their prisoners, I think there can be little doubt that the King of Prussia, when the Conference opens, will be animated by the same conciliatory spirit in the conduct of the negotiations, and that the result will be satisfactory.

WAYS AND MEANS—THE BUDGET.

COMMITTEE MOVED. AMENDMENT MOVED.

RESUMED DEBATE (SECOND NIGHT)

Order read, for resuming Adjourned Debate on Amendment proposed to Question [20th February]. "That Mr. Speaker do now leave the Chair;" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words—

"in the opinion of this House, it would be expedient, before sanctioning the financial arrangements for the ensuing year, to adjust the estimated

Income and Expenditure in the manner which shall appear best calculated to secure the Country against the risk of a deficiency in the years 1858-9 and 1859-60, and to provide for such a balance of Revenue and Charge respectively, in the year 1860, as may place it in the power of Parliament at that period, without embarrassment to the Finances, altogether to remit the Income Tax," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. JAMES MACGREGOR said, he would not trespass at any length on the time of the House in endeavouring to place his views on the question now at issue before them. What they had to consider was a financial matter, and not a party one, and therefore no party feeling, or anything of irritating character, should be allowed to find its way into the discussion. They had to consider what the country and the House required of the Chancellor of the Exchequer. If he might presume to give his opinion, he would say that the country required economy and efficiency in the administration of the national finances, and what the House wanted was a good balance sheet and no deficiency. The country had pronounced against the continuance of the income tax after 1860, and the House of Commons, taking its tone from the country, had done the same; and it was now, he thought, as much as it will be when that year arrives, the duty of the Chancellor of the Exchequer to prepare a bed for the income tax to expire upon. If that was admitted, it was, he thought, the duty of the Chancellor of the Exchequer to give the House now some idea of what his Estimates would be during the intervening period. The right hon. Gentleman the Chancellor of the Exchequer got through the year 1857-8 by the help of £4,500,000 war taxation, and he then adjusted his finances by the imposition of a tax upon sugar and tea. He (Mr. MacGregor) had not the good fortune to be in the majority in the division upon the celebrated Resolution of November, 1852. He had always thought that what was called free trade must be its own experiment; he agreed with, and he was bound to recognize the political wisdom of those Gentlemen who removed the duty charged upon petty articles of trade, and supplied its place by taxing the great objects of our commerce; but he thought the terms of the Resolution of November, 1852, somewhat arrogant,

and he was not willing to affirm a Resolution that claimed for that House the merit of blessing our fields with increase, and satisfying our poor with bread. The Resolutions had been carried by an overwhelming majority, but unfortunately the war brought about an expenditure which had not been anticipated; and the country had gallantly met that expenditure by a war income tax, and by various taxes on commodities; and now that the war was over, the Chancellor of the Exchequer proposed to avail himself in peace of a half year's war income tax, and to reverse the policy approved by so large a majority in November, 1852, to give cheap food to the people, by reimposing additional duties on tea and sugar, besides keeping on two pence in the pound of the war income tax. He felt himself wholly in doubt as to the ultimate intentions of the Government with respect to the final abolition of the income tax, but from the statement of the right hon. Gentleman the Chancellor of the Exchequer, he saw strong reasons why the country might distrust the intentions of the Government. The country, however, was so opposed to its continuance, that he believed if it were attempted to be levied beyond the year 1860 it would be found to be worse even than oppressive, unjust, and inquisitorial, and that difficulties, yet unmentioned, would be found to stand in the way of its renewal—that its collection would become impossible. The noble Lord at the head of Her Majesty's Government had during the recess visited Manchester and Liverpool, where he delighted the people by the eloquence of his speech and the charms of his conversation; but he knew there was a day coming when something more would be required of him than an agreeable speech—when he would be required to tell them when the war taxes were to cease. The noble Lord took care to avoid that point, and it was only when the voice of the country began to get louder and louder that an attempt was made by his Ministry, which would gladly have clung for another year to an income tax of sixteen pence in the pound, to patch up a new Budget; and the midnight oil was burned by the gentlemen employed in the different departments of the Government, as was notorious to the whole town, in the preparation of the papers now on the table. He thought those papers landed them in a deficiency after 1858, and while he thought the country, if polled from the Land's End to Johnny Groat's house,

would all vote for economy, and at the same time all for efficiency. He thought efficiency could be found in a more economical Budget than this, and therefore he should vote with the right hon. Gentleman the Member for Bucks. He would not trouble the House with his calculations—the figures were patent enough. He had to learn why the camps of Aldershot, Colchester, and the Curragh of Kildare should be kept up in perpetuity. The Budget had not cut down these sums of large expenditure to the amount they might be fixed at. Then, again, with regard to the navy, he saw no reason why a smaller number of vessels would not be sufficient for all purposes of defence. In approving of the Amendment of the right hon. Gentleman below him, the Member for Bucks (Mr. Disraeli), he was delighted to find that the terms of his Resolution were so plain and so courteous that the Chancellor of the Exchequer could not find any fault with them. The Resolution expressed the wish that the right hon. Gentleman should review his Budget, and should produce another which should show the country that, while they would keep efficient the establishments of the country, the House paid due regard to economy.

LORD JOHN RUSSELL said: Sir, I should have been satisfied with taking but little part in this debate, or even with giving a silent Vote in favour of going into Committee of Ways and Means, had it not been for the speech which we heard on Friday night from my right hon. Friend the Member for the University of Oxford (Mr. Gladstone). I was one of the colleagues of my right hon. Friend (Mr. Gladstone) when he brought forward his Budget of 1853; and I was not only passively acquiescent in, but I was a warm—I may say, an ardent—supporter of the plans which he then proposed. My right hon. Friend has said that the Chancellor of the Exchequer has departed from the principles of that Budget, that he wishes to destroy so far as in him lies the principles upon which that Budget was founded, and to falsify the promise which was then in the most solemn manner held out—that in the year 1860 the income tax should cease. Now, Sir, I cannot but feel that these are grave charges, affecting not only the Chancellor of the Exchequer, but affecting every one of the Members of the Cabinet of which my right hon. Friend (Mr. Gladstone) was then the organ, so far as regarded finance, and I feel that, none of the Members of

that Cabinet now remaining in office having risen to defend the Budget with the knowledge which they have of its details and its purpose, it is incumbent upon me, as one who was a firm supporter of those measures, to disclaim in the strongest possible manner and to disprove, so far as I am able, the charges which my right hon. Friend has made. In saying so I only go so far as this that I think it right to go at once into a Committee of Ways and Means without assenting to the proposition of the right hon. Gentleman opposite (Mr. Disraeli.) I concur generally in the principles upon which the Chancellor of the Exchequer has founded his Budget. Into the details of his propositions I am not bound to enter, still less am I called upon to discuss the particular Votes for Supply, because the question which the Chancellor of the Exchequer has now brought forward, and brought forward, as I believe, in conformity with the wish of the House, is this, that we should first take into consideration the ways and means—that we should endeavour to decide what are the prospects of our revenue and expenditure for the present year, and what are the taxes which we wish to retain or diminish. Now, it appears to me, and I think that the House and the country generally must concur in that opinion, that the Chancellor of the Exchequer for this year had no ordinary difficulties to contend with. There was, in the first place, his obligation to check, so far as he was able, the inclination to extravagant expenditure which, under the name of keeping up “efficient establishments,” is so strongly recommended by the military and naval departments with which he is connected, and on behalf of which he must speak. There was in the next place the general desire of the country, founded on what I think a fair and equitable interpretation of the Acts which were passed at the commencement of the war, that what is called the “war ninepence” should cease, not at the time at which the technical terms of an Act of Parliament had fixed its cessation, but on the 5th of April next after the termination of a year from the actual conclusion of the war. There was also the obligation, as far as possible, to place no obstacles in the way of the total abolition of the income tax in 1860. There was, besides, the obligation which, notwithstanding all that has been said, I believe the Chancellor of the Exchequer was quite willing to fulfil, so far as the situation of the finances would

allow—the obligation not to press hardly upon articles of large consumption, and thus to cramp the industry or fetter the means of the poorer classes of the community. That was the position of the Chancellor of the Exchequer, and, seeing that such was his position, I do not think that he has done ill in proposing that the “war ninepence” should be at once abolished—that, instead of 1s. 4d., 7d. should for a certain period be the limit of the income tax; and that other arrangements should be made for paying off the debts which the country and Parliament have contracted. But what says my right hon. Friend the Member for the University of Oxford (Mr. Gladstone)? I think the Chancellor of the Exchequer was in this situation, that if he had proposed very considerable remission of taxes, such as have been granted in former years, it might have been said, “You are parting with the Ways and Means which furnish the revenue, and you will thereby make it impossible to provide for the cessation of the income tax at the end of three years.” If, on the other hand, he had provided for the supply of the revenue at its present amount for three years by retaining in the hands of the Government the taxes which must furnish it, he would then obviously have been open to the opposite charge—that he had not followed in the track of his predecessors since the year 1842, who had so greatly relieved the trade and industry of the country. But what I should not have expected is, that these two charges, so opposite and so inconsistent, should come from the same person, and be uttered by the same voice and in the same speech in the course of our discussions. Well, Sir, with regard to that first question, which was one of the first charges, though I will not pretend to recite them in the order in which they were made—namely, that there are no great remissions of duties—I think it was obvious that you could hardly make those great remissions consistently with the purpose of keeping up the revenue, with a view to the cessation of the income tax in 1860. It was proclaimed in 1853, after a great deal of discussion had taken place in previous years, that there were two alternatives then open to the Government and to this House—namely, to endeavour to reconstruct the income tax, to make it more equal and more just; or, without pretending to amend a tax which Mr. Pitt and Lord Lansdowne had declared themselves unable

to improve, to consider it a tax for extraordinary emergencies, and to provide for its cessation at a certain fixed period. Of these two alternatives Parliament in 1853, at the request of and entirely concurring with the Government, adopted the latter—namely, that of considering the tax for a time without attempting to amend it. But then, as you have adopted that alternative, you must take care to maintain the revenue, to prevent your resources being so injured that when you arrive at 1860 you will find a matter of positive necessity to keep up this tax. I remember that Sir Robert Peel in 1845 very fairly placed the alternative before us. He said—

“The tax having now lasted three years, you have now the means, if you choose, of allowing it to expire. The half-year’s payment still due will furnish the necessary provision for the requirements of the year. But that is not the course which I should recommend. I propose that you should take off some duties and lower many others which I think prejudicial to the people of this country; but then if you do that you must preserve your income tax.”

In that state of the case this House preferred to maintain the income tax. I think that that is very much the alternative we have now before us. It would be utterly inconsistent in the Chancellor of the Exchequer—he would then expose himself to the accusation of having the insidious intention to break the faith pledged for the abolition of the income tax, if he came forward and said, “Here are duties on tea and sugar that I can part with at once; and there are many other taxes of an injurious kind on which I propose to make great reductions.” That would have been inconsistent with the intention to keep faith with the public on the subject of the income tax. But it is not only alleged that he offers no great and unexpected remissions of taxation: there is another ground also taken, which is, that there is a departure from the policy adopted fifteen years ago, of reducing a vast number of small duties, simplifying the revenue, and collecting that revenue from much fewer articles. Now, I think my right hon. Friend (Mr. Gladstone) gave a very imperfect account of the policy begun in 1842. No doubt that account was more likely to be agreeable to hon. Gentlemen opposite, whose ears my right hon. Friend seemed to be rather anxious to please, than a more accurate description would have been. No doubt there were proposals to simplify the revenue, and either to abolish, or reduce to a very low scale, a

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great number of small duties : but that was not the principal merit of Sir Robert Peel, nor was its chief feature ; and, indeed, some parts of that policy, especially with regard to many small articles, were, I think, even of questionable expediency. But what I and others approved in that Budget—and I include the present Chancellor of the Exchequer among the number, because I know he always subscribed to the principles of the great philosophers who laid down the doctrines of free trade—was the great diminution it made in protective duties—the abolition to a great extent of differential duties, and the consequent throwing open of the road to much larger and more important changes. I remember that at that time many persons interested in the subject came to me from different parts of the country. The ropemakers in particular complained that their protection was taken away from them ; the boot and shoe makers said that their industry was similarly treated ; the manufacturers of straw plait in the midland counties, the fishermen in the north engaged in the herring fishery, and various other classes, all came to me to represent the injury done by these measures. My answer to them—and it was an answer which Sir R. Peel himself in 1847 deemed a just one—was that all these questions hung together ; that if protection was broken in upon in regard to the articles produced by these artisans, other protected interests would soon be forced to yield ; that it might be a national policy in the eyes of many, though I might think it a mistaken one, to protect all interests—the shuttle as well as the loom, the fisherman along with the sugar planter ; but that to apply the principles of free trade to a number of minor branches of industry would pave the way for the final downfall of the whole protective system. I therefore told the dealers in ropes and shoes not to complain that while they could no longer sell their articles at protection prices they had to pay an increased price for their corn, because they might depend upon it the day would soon arrive when, the minor monopolies being swept away, the producers of corn and sugar would be equally subjected to the principle of unrestricted competition. Well, this result came to pass ; and this, I think, was the merit of the policy of 1842, that it firmly dealt with these questions, and led to the ultimate establishment of free trade, the principles of which we all acknowledge, or

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nearly all, for I believe there were still some fifty recalculants at the commencement of the present Parliament. Now, Sir, has my right hon. Friend the Chancellor of the Exchequer departed from these principles ? Having been a free-trader all his life, is he now about to betray them ? Has he in any way inaugurated a new policy ? Far from it. He has done nothing of the kind. I should certainly have been quite willing to have been spared good part of the right hon. Gentleman's speech. I did not concur in his observations with respect to the tax on fire insurance, which appears to me an excessive and oppressive impost. Neither did I agree with his remarks on the paper duty, because I hold that all these excise duties are in themselves most injurious. They stop, embarrass, and prevent manufactures ; they also enhance price ; and, it is no consolation to be told, when it is proved that the page of Shakspeare or of Milton has a tax upon it, that the wrapping paper enclosing an ounce of tea for some old woman in a cottage is affected, and injuriously affected, by the same impost. With regard, therefore, to insurance and paper, I shall be very glad to see those duties reduced to a very small amount. I quite concur in the policy, and almost the necessity, of not touching now on these large subjects of revenue, when the mind of the House, and I believe of the country, is fixed on the income tax. But I confess that I do not see the use (or, at least, if it is good in a Chancellor of the Exchequer, it is certainly not good in the mouth of any one else) of pronouncing panegyrics on these very odious taxes as though they were in themselves meritorious acts. [Sir C. Wood was here understood to make a remark.] I do not know what my right hon. Friend says, but he was very anxious, I remember, when Chancellor of the Exchequer, to get rid of the tax on imported wool, and also to abolish the duty on bricks—and no doubt any Government would be very glad to get rid of all such duties—and as a Member of the present Government he will rejoice, I have no doubt, when the state of the revenue enables us to make further remissions of the same kind ; but this is not immediately to the purpose, neither was it worth while for the Chancellor of the Exchequer to disinter the opinion of Arthur Young on direct and indirect taxation very pertinent to this discussion. I greatly agree with the observation of the right hon. Gentleman the

Member for Buckinghamshire, who said that we need not employ ourselves in disquisitions upon direct and indirect taxation, because, unhappily, both to a great extent, must still be imposed upon and paid by the people of this country. But my right hon. Friend (Mr. Gladstone) made another charge, not, as I have said, consistent with the former part of his accusation. He says the Chancellor of the Exchequer is really endeavouring to defeat what I will not call a compact, but the understanding come to in 1853, that in 1860 we should see the end of the income tax. Sir, I hold it to be a great point of public policy to adhere to the expectation we encouraged the country to cherish in 1853. I recollect how many Gentlemen there were who thought it would be possible to make a distinction between permanent and precarious incomes. I recollect how many more objected to the succession duty as an addition to the income tax, and I think, unless some overpowering necessity should require it, that the Chancellor of the Exchequer in 1860 would not be justified in interfering with the operation of the Act of Parliament which ordains that this tax shall cease at the end of that year. I agree in thinking that it is the most powerful financial weapon which we can possess for a time of war—the experience of the last war has shown us that as strongly as that of the French war. You collect by means of it an immense revenue. True, it is a species of confiscation, because you take from each man a portion of that which he possesses at the moment, without inquiring from what source he derives it, or how long he is likely to continue to enjoy it. You take it as a means of maintaining the national security, and in time of peril and war, and we are then justified in using that means; but when peace returns, I must say that it would be right either to abandon the tax, after taking advantage of it for a certain limited time, or else to attempt its reconstruction, so as to effect a distinction between precarious and permanent incomes, which I do not believe any financial abilities would enable a Chancellor of the Exchequer to accomplish. I am, therefore, most desirous that the tax should come to an end in 1860. I cannot see, I confess, that the Chancellor of the Exchequer has interposed any obstacle in the way of that consummation. Not only has he not done so, but I should say that his proposed addition to the income tax of 2d. in the pound in the present and the

two succeeding years, and his proposal that some further sums beyond those imposed by the Act of Parliament should be levied on the articles of tea and sugar, instead of being opposed to the Budget of 1853, are specially intended to carry it into effect. We have not had many figures laid before us, and I am sorry for it, because, after the Chancellor of the Exchequer has made his statement, it is the most convenient course to lay the figures before us, as has been done on some former occasions; but from returns which have been laid before us, showing the liabilities which we have incurred on account of the war, I find that during the years 1857–8–9 the Chancellor of the Exchequer, according to the arrangement of the right hon. Gentleman the Member for the University of Oxford, will have to pay off no less than £6,000,000 of Exchequer bonds. The course which my right hon. Friend took in making this arrangement was by no means unusual, and was quite justifiable under the circumstances, and the Chancellor of the Exchequer is following it up, because when we went into Committee of Supply the other night we agreed unanimously to a Vote of £2,000,000 for the payment of Exchequer bonds to that amount, which fall due in the present year. Besides these Exchequer bonds, we have in these three years to provide £9,250,000 for the payment of the principal of the debt which has been incurred in this war, and with the charge in each year for additional funded and unfunded debt we have altogether to pay in these three years no less a sum than £13,202,000. If we are to do this—and, I think, certainly we ought to do it—what means could the Chancellor of the Exchequer resort to except to keeping up the taxation somewhat higher than the Act of Parliament under which it is now levied provides? He will then obtain the means of doing that which has never yet been done, and which my right hon. Friend the Member for the University of Oxford more particularly insists upon; he will be paying off a considerable portion of the debt incurred on account of the war within a short time after its termination. I maintain, therefore, that the policy of the Chancellor of the Exchequer, far from being in opposition to the plan of my right hon. Friend the Member for the University of Oxford, is in direct conformity with it. A heavy part of the charge made against the Chancellor of the Exchequer was, that he showed an indifference upon this subject—

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that he was taxing those great articles of consumption of the poorer classes without necessity. I totally deny that; there was nothing said by the Chancellor of the Exchequer which at all tended to show such an indication on his part. It was said, besides, that the Chancellor of the Exchequer had really mis-stated the whole case, and that what he did retain he seemed to retain as a right which belonged to the Treasury, while the taxes which he remitted he represented as being the free gift—amounting to about £11,000,000—of the Government to the people. It is obvious that the only fair manner in which the Chancellor of the Exchequer can proceed is to lay before the Committees of Ways and Means and Supply the state of the country, to show what will be the operation of the Acts of Parliament bearing on the finances, and to propose to us the scheme which he thinks best. It is not for him to say, “I grant a remission of taxation amounting to £11,000,000.” But was there anything of that kind of boasting in my right hon. Friend’s statement the other night? You may make objections to that statement, you may say that it leads to a deficiency, you may dissent from its policy, but I defy any man to say that it contained anything like boasting or undue assumption. I come next to those duties which the Chancellor of the Exchequer proposes to keep up in regard to tea and sugar, and I must say, I think, he proposes to keep these duties up to much too large an amount. I find by the representations which have been made to me by persons largely interested in the tea trade, whose petition I presented the other night, that the right hon. Gentleman, according to his proposition, would obtain more than £1,000,000 in the present year of duty on that article beyond that which the present Act of Parliament gives him. I have been furnished with the exact figures, and I find that, if the proposed increase in the tea duty take place, the Chancellor of the Exchequer will obtain in the first year £5,066,000, while the Act of Parliament would only give him £4,000,000; in 1853–9, he would obtain £4,500,000, while the Act of Parliament would only give him £3,200,000; and, in the whole three years, instead of £10,400,000, which the Act of Parliament gives him, he would take £13,616,000, being an increase in the tea duty of no less than £3,216,000 in the three years. Without objecting to the principle, which

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I think is a fair one, that the expenses of the war, and of the increased establishments rendered necessary by the war, should be defrayed, so far as regards these three years, not entirely by persons having incomes of more than £100, but partly by articles of general consumption, consumed as well by persons of lower incomes than £100 as by persons of income beyond that sum, it is obvious that, assuming this principle to be a fair one, it is too much to press upon an article of consumption so generally used as tea, such a large amount in the course of three years. I should be glad, therefore, if, either by adopting the plan of those persons engaged in that trade—that 1s. 4d. should be the duty for each of the three years, or by some similar scale, my right hon. Friend would consent somewhat to mitigate the pressure of his proposal. Upon this subject a statement has gone forth, apparently with the sanction of the Chancellor of the Exchequer, and the Secretary for the Treasury, which is altogether erroneous. The Chancellor of the Exchequer was supposed to have stated that the stock of sugar was exceedingly low, and that the same was the fact as regarded tea.

THE CHANCELLOR OF THE EXCHEQUER: I did not say that the stock of tea was low. What I said was, that owing to the late events at Canton the supply must be expected to fall short.

LORD JOHN RUSSELL: There was an ambiguity in the expression which has led to the mistake; but, however, Sir, I do believe that the difficulties at Canton are quite in the hands of the Government, and need not last long; and this is certain, that there is an immense stock of tea just at present, amounting to about 87,000,000lb., of which about 10,000,000 lb. will pay duty, probably in the first month after the 5th of April next. Such being the case, the assumption that the consumer would not derive any great benefit from a reduction of duty is not true with regard to tea. I believe that consumers would gain a great benefit from such a reduction as is contemplated by the Act of Parliament. I do not believe that the reduction of 2d.—from 1s. 9d. to 1s. 7d. proposed by the Chancellor of the Exchequer could be much of a benefit to the consumer; the retail dealer, probably, would get the whole of it, and though I do not go the whole length of my right hon. Friend the Member for the University of Oxford in desiring that the Act of Parliament should take its

course exactly as it is, I do hope that when the Chancellor of the Exchequer comes to this part of his Budget he will endeavour to make it more palatable and more beneficial. I do not think my right hon. Friend the Member for the University of Oxford was at all justified in his allegation that the Chancellor of the Exchequer was treating the Members of the House of Commons like children. That part of my right hon. Friend's speech made me think that he was somewhat like an anxious mother who, having a favourite child in the cradle, has a vision in the night that it is falling over a precipice, and wakes screaming with fright, to find her babe safe in its bed. There was really so much pathos in my right hon. Friend's statement, that nothing but a feeling of that kind—some not maternal but paternal feeling as to his Budget of 1853—could have induced him to take what I conceive to be so discoloured and passionate a view of the financial project. But, Sir, as that mother, rising from her bed, and finding her child in the cradle safe and well, would go back to her rest reassured, so I trust that, after the division on this subject, even if it should be in opposition to his views, my right hon. Friend will awake from his delusion, and will find that his child is safe and has been in no danger. Having dealt with the allegations of my right hon. Friend, I now come to a very serious part of this question, upon which I do not think we can decide according to the proposition of the right hon. Gentleman opposite, by our vote to-night, but with regard to which I confess I feel considerable apprehension and look to the future with much anxiety. I refer, not to the Committee of Ways and Means, but to the Committee of Supply, and the Votes to be taken in that Committee. I think that we cannot now ask the Chancellor of the Exchequer to produce an Estimate of the expenditure for 1858 and 1859. It would be most unreasonable to make such a demand; but at the same time a question was asked by the right hon. Member for Buckinghamshire, which I think was justified by the statement of the Chancellor of the Exchequer. The right hon. Gentleman (the Chancellor of the Exchequer), in introducing the Budget, told us what he proposed, and what would be the consequence of adopting those propositions with regard to the present year. We were to have about £65,000,000 of expenditure and £66,000,000 of revenue, leaving a surplus

of about £900,000. But when my right hon. Friend came down on a subsequent day he told us, "Your income will be very much less in future years. It will be £62,300,000 next year, and £62,265,000 in the succeeding year. I will not give any Estimate of expenditure for those years, but if you will make a comparison with the Estimates and expenditure of 1853, I think you will see that we can provide for the public services after the rate of 1853, and we shall then have a probable margin of £3,000,000." "But," says the right hon. Member for Buckinghamshire, "if the establishments of 1853 were sufficient to provide for the honour and security of the country, how is it that we are not to imitate them till 1858? Why should we be careless—perhaps lavish—in 1857, and say that in 1858 we mean to be so wise, so frugal, and so economical as to balance our income and expenditure?" I will not revert to the Estimates for 1853, but I cannot help mentioning my own extravagant Estimates for 1848, which were referred to by the right hon. Member for Buckinghamshire. Those Estimates were very loudly objected to in this House, and several hon. Gentlemen—some of them high in office—complained of their extravagance. I at that time proposed an Estimate of £7,726,000 for the navy, £7,162,000 for the army, and £2,924,000 for the ordnance, making a total of £17,812,000. I also proposed £150,000 for the militia, making altogether £17,962,441. Taking the whole Estimates, including the debt, the Military and Naval Estimates, and the civil contingencies, the total amount was £53,496,541. If I add to that amount the expenditure for the collection of the revenue and superannuation fund, which did not then come into the financial Estimates of the year, and which would be about £4,710,000, the total expenditure would be £58,206,541. I find, however, that those extravagant Estimates, which I was obliged to abandon, in consequence of the general feeling of the House, were £5,018,000 below the Estimates of the present year. If this be the case, I cannot help thinking there may be some reduction in the Estimates of the present year. I do not blame the Chancellor of the Exchequer. I know what trouble every Chancellor of the Exchequer must have in enforcing economy upon other departments. ["Hear, hear!"] My right hon. Friend near me (Sir Francis Baring)

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most naturally cheers that observation; but I cannot help thinking, that when we come to consider the Estimates in Committee of Supply, it will be our duty to look most carefully and vigilantly into the charges for the several public establishments. The Ministers of the various departments may have better reasons to assign for those Estimates than those which have been given by the Chancellor of the Exchequer. We may find, on going into detail, that there are good grounds for some Estimates which at present seem unjustifiable. I trust, however, that this is a period of peace. I trust that we shall speedily conclude a peace with Persia, and that the foolish hostilities in China will not be continued. If that be the case—seeing that we have an alliance with France, which, when I produced my Estimates in 1848, was a matter of considerable difficulty and uncertainty—seeing that we have made peace with that great Power which was lately our enemy, and that we have accomplished all the objects of the war, I think we are entitled to ask for peace Estimates, and that those Estimates should form the foundation of our expenditure in future years. Ever since it was known that conditions of peace were under discussion at the Paris Conferences, it has been admitted on all sides that a considerable time—at least a year—was not too long a time to allow the Government for the reduction of the war establishments. As, however, the war is over, I do not see why arrangements, which will be good in 1858 and 1859, should not be adapted to 1857, and why we should not now come to a resolution as to what our peace Estimates shall be. I shall listen with great attention to the statements that may be made by the Ministers of the Crown with regard to the Estimates they propose. I believe, as those Estimates now stand, there is no doubt, as an arithmetical consequence, although some £200,000 or £300,000 may be in dispute, that if they were to be followed for the next two years, the calculation of the right hon. Member for Buckinghamshire would prove substantially correct, and that we should have a deficiency of nearly £5,000,000 in those years. I do not think it is a reasonable thing to ask the Chancellor of the Exchequer for the Estimates for the next two years, and I do not think the right hon. Gentleman is bound to give them. If, indeed, that right hon. Gentleman had been

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disposed to pursue an ambiguous and somewhat dishonest course upon this question, he might have said, "I mean to effect a reduction of £2,000,000 in the army, of £2,000,000 in the navy, and of £1,000,000 in the civil service Estimates. That will give you the balance-sheet for 1858." Everybody would know that such an Estimate was not worth the paper on which it was written. There can be no doubt that, in ignorance of what may be the circumstances of the years 1858 and 1859—in ignorance of what may be our foreign relations or our domestic exigencies—it is impossible for any Minister of Finance to make anything like an exact prospective Estimate. I conceive, however, that before we go into a consideration of the Estimates, it is our duty to require from the Ministers of the Crown a statement of the position of the country with regard both to foreign and domestic affairs. Parliament has a right to know in what relation the country is placed with respect to those Powers with whom we are now engaged in hostilities before it consents to vote away the money of the people, and to assent to increased Estimates. I cannot accept altogether the explanation given by the Chancellor of the Exchequer with regard to those local burdens that have been placed upon the Estimates during late years, because by far the larger portion of those sums was placed upon the Estimates previously to 1853. I have, therefore, only to say, with regard to the question immediately before the House, that I shall be ready to go into the Committee of Ways and Means with the Chancellor of the Exchequer, and to admit that, keeping in view the policy of justice and good faith, and looking forward to the cessation of the income tax in 1860, I should not require any large concessions with respect to duties of customs, excise, or other taxes, in the year 1857. But I do not, therefore, give up the prospects of the future. When, in the course of the last century, some eminent scientific men were sent from Paris on an exploring expedition to Lapland, they reached an inhospitable sea, where they erected a stone with the inscription—"Sistimus hic tandem nobis ubi definit orbis." That, Sir, is not, and cannot be our position. I trust that the extension of commerce and the adoption of right principles of finance will make continual progress. I trust, that although the Chancellor of the Exchequer may be forced to confine his wishes for the moment

to his present Budget, yet that the country will see that a policy which has already been productive of such glorious fruits, may in future years produce still more glorious results. I rejoice to hear from him—and I think that hon. Gentlemen, to whatever party they belong, must all rejoice to hear—such prosperous accounts of our trade, such prosperous accounts especially of British shipping at the present time. I trust that further measures of the same wise and liberal kind—measures founded on no selfish advantage, upon no restrictive policy, upon no envious jealousy of foreign nations, but upon a policy which, beginning in wisdom for yourselves, ends with liberality, justice, and bounty to all mankind—I trust that that policy which my right hon. Friend said was inaugurated fifteen years ago—I care not about the date, although I should have put it further back, and think we ought not to forget the illustrious names of Huskisson and Poulett Thomson—I trust that that policy, thus inaugurated, has still greater triumphs to achieve, and will induce the nations of the world to follow our example, and thus unite us all in bonds of peace, commerce, and amity.

MR. BENTINCK said, it struck him there were some singular omissions in the speech of the right hon. Gentleman (Mr. Gladstone). That right hon. Gentleman had been Finance Minister of the Government which allowed the country to drift into war, and a party to the war; when thus embarked in it he and his colleagues had so starved the war as to render necessary an expenditure of millions where thousands would otherwise have sufficed. They were thus the chief causes of the financial difficulty that the House had now to deal with. There were two objects which the House had in view—the repeal or reduction of the income tax—a tax he had always considered as the most onerous, most unpopular, and most mischievous of direct taxes, and no man would more heartily hail its extinction than himself; and secondly, to vote the Estimates with the utmost economy consistent with the honour and interests of the country. Having these two principles in view, he could neither support the Resolution of the Chancellor of the Exchequer nor the Resolution of his right hon. Friend (Mr. Disraeli). As to the right hon. Gentleman opposite (Mr. Gladstone) he was entirely consistent with himself, for he suggested a thousand difficulties without

suggesting a single remedy. The House were asked to vote the money of the people before they were told to what objects it was to be devoted, and what sum was required by the necessities of the country. It appeared to him that the course now pursued was not only at variance with custom but with reason. There had been, until now, no departure for centuries from the practice of deciding upon the Estimates to be voted before they went into Committee of Ways and Means. The noble Lord (Lord John Russell) had talked of a reduction of £5,000,000 in the Estimates, but how could the House decide upon the amount to be extracted from the pockets of the people if they did not know within £5,000,000 what the Estimates ought to be? If they began first by considering the Estimates, they would be enabled to cut them down at their pleasure. He would support any economy that was consistent with the honour and interests of the country, but he would not lend himself to an unreasoning desire to cut down the Estimates and endanger the honour and safety of the country. The only mode of escape for the House was to revert to the usual course of proceeding. He should therefore move that the debate be now adjourned, with the ulterior object of moving at the proper period that the debate be adjourned until the House had agreed to the Report of the Committee of Supply on the Army, Navy, and Ordnance Estimates.

Motion made, and Question proposed,
“That the Debate be now adjourned.”

MR. MONCKTON MILNES said, he hoped the hon. Gentleman opposite (Mr. Bentinck) would not consider that he was guilty of any disrespect towards him if he addressed himself to the general question before the House rather than to the Motion which he had just made. He must say that during the long and able speech of the right hon. Gentleman the Member for the University of Oxford, the other evening, there was one very predominant feeling in the House—namely, a strong desire that he should favour them with the alternative which he thought they should adopt in the event of their rejecting the proposition of the Chancellor of the Exchequer. He knew from historical experience in that House, that the right hon. Gentleman might say he ought not to be asked to advise till he was regularly and legitimately called on for that purpose, but that excuse was taken from him by the fact that the difficulties of the Chan-

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cellor of the Exchequer onward to 1860 were difficulties imposed on him by the right hon. Gentleman himself in his Budget of 1853. Those difficulties showed the impropriety of prospective Budgets, and taught us that, in doing his best for the country, the Chancellor of the Exchequer should confine himself very much to the time immediately before him. But, even supposing prospective Budgets were in themselves desirable, there had occurred since 1853 so many disturbing events, our expectations had been so completely baffled by the mysterious designs of Providence, and we had learnt such a lesson of humility, that the Chancellor of the Exchequer would have been justified in saying he could not regard any part of the arrangement of 1853 as final; and he was sure that even the right hon. Gentleman (Mr. Gladstone) himself, had he in 1853 foreseen the circumstances that had since occurred, would at once have said that he only meant his arrangement to be carried out in accordance with the ordinary current of events. He would not enter into any analysis of our financial system, but would take the liberty to remark, that he saw with regret the change of opinion that had been manifested both in the House and the country with regard to the question of direct taxation. There was a time when the cry of direct taxation was the shibboleth of the Liberal party in this country, and when the advocacy of that question was regarded as a proof that a man belonged to a school of advanced politics. He regretted, however, to find that a change had taken place in some quarters, and certainly he did not think that that change had been made either wisely or advisedly. He had not been without his fears that the extravagant expenditure which characterized the Government during the war would have been continued by them in time of peace, but he had now reason to believe that the present feeling of the Government rather was to carry out reductions with vigour and energy. Indeed, he was afraid there was a tendency to abandon some of those improvements which had originated during the war. He regretted to hear that many measures for the comfort and improvement of private soldiers were likely to be arrested in their progress by the economy of Her Majesty's Government. In order to insure the real efficiency of the army and navy, a liberal expenditure would at first be necessary, for transitions were always expensive; but

afterwards it would tend to greater economy in the administration of those services. He had observed with regret the attempt made by the right hon. Gentleman (Mr. Gladstone) to cast a slur on the good faith of the Chancellor of the Exchequer. It hardly became him, who was the sole author of the scheme of 1853, to find fault with his right hon. Friend, not for having, as he might legitimately have done, ignored that arrangement altogether, but for having done his very best to carry it out. He for one, would never forget the Budget of the right hon. Gentleman in 1853. The scheme of the succession duty he regarded as an especially wise measure, and it had the rare merit of being taken up in time. Indeed, there was no part of the plan of 1853 to which he would object as a plan to be carried out in connection with ordinary events; but considering what had occurred, he thought the right hon. Gentleman had done the Chancellor of the Exchequer injustice when he blamed him for departing unnecessarily from that arrangement. If the remission of the taxes on tea and sugar should in some degree be postponed, the people would recognize that this postponement arose not from deficiency of goodwill or ability, but solely from the occurrence of those awful circumstances through which the country had so gloriously passed within the last few years, humbly submitting to the decrees of Providence, and thankful that they had at last obtained a satisfactory peace.

SIR JOHN TYRELL said: Sir, I can assure the House that it is not without considerable pain that I venture to address to it a few observations, scarcely wishing to content myself with a silent vote upon such an occasion. Because, now, for almost the first time in my Parliamentary life, I have the misfortune to differ from many hon. Gentlemen who sit upon this side of the House; and I can declare with sincerity, that since I have had the honour of a seat in this House—that is since 1830—I have never witnessed such a strange state of things as regards Parliamentary combinations in this House. At this moment I behold the extraordinary spectacle presented to the country of right hon. Gentlemen sitting upon the same benches holding the most opposite opinions; while those who are occupying opposite benches hold opinions in common. I see the noble Lord the Member for the City of London perched up behind the noble Lord the leader of the

House. I see right hon. and learned Gentlemen sitting below the gangway who are great and powerful for their eloquence and official experience—I see others, too, on this side of the House—I behold the brilliant talents of the right hon. Gentleman the Member for Bucks—and the perseverance, the assiduity, and the determination of hon. Gentlemen sitting below the gangway—I see them all taking a common ground, all ready, seemingly, to pounce down upon the noble Lord at the head of the Government the very first moment they think he has made a mistake. Now, Sir, I, for one, have the misfortune—misfortune that is as regards hon. Gentlemen sitting on this side of the House—to think that hitherto the noble Lord has not made any mistake. I will endeavour to show why I have come to this conclusion. Give me leave, Sir, to say that the right hon. Gentleman the Member for the University of Oxford entered the House this Session in a most gladiatorial spirit; for he hardly permitted you, Sir, to take the chair, before he showed that by his great powers of eloquence he could make the worse appear the better cause. The right hon. Gentleman was panting to come in contact with the Chancellor of the Exchequer. I am one of those, Sir, who think that a gigantic fraud, in a Parliamentary sense, has been attempted upon many of the hon. Gentlemen who sit upon this side of the House. May I be permitted to observe, that it was with some surprise—and I certainly disagree with nearly every word of it—that I perused the Conservative article in the *Quarterly Review*, headed the “Prospects of the Country.” That publication was delayed for a month, I suppose, to suit circumstances; but it has certain features which render its parentage unmistakable. Right hon. Gentlemen opposite, below the gangway, are lauded for their financial capacity; they are mentioned by name, and we are told they form a very powerful section by reason of their ability in this House. Fortunately, however—although, perhaps, unfortunately for themselves—the right hon. Gentlemen have no following in the country. The right hon. Gentleman the Member for the University of Oxford has been hugging and embracing his pet Budget of 1853. But, although the right hon. Gentleman addressed us at great length, and although many have addressed us who may be considered eminent in public affairs, I believe of all who have spoken the noble Lord the

Member for the City of London has most fairly dissected the proposal before us. To return, however, to the right hon. Gentleman the Member for the University of Oxford. Although I cannot declare with any confidence that he is the author of that article in the *Quarterly Review* to which I have referred, nevertheless I must say it bears strong marks of his handwriting. Probably the right hon. Gentleman will favour us with his sentiments upon the point a little later; at all events, it falls in very remarkably with the tactics of the right hon. Gentleman. There was upon the first night of the debate such a strong coincidence of opinion between the writer in the *Review*, the right hon. Gentleman, the Peace Society, and the right hon. Gentlemen below me, that I confess I, as a Conservative, felt extremely alarmed. Now, the noble Lord the Member for Tiverton has been accused by many able Gentlemen of being too fond of war, and of getting the country into many scrapes. I am surprised, however, that when the noble Lord went down to Manchester, the whole Peace Society, not excepting the Member for the borough himself, disappeared from the scene. I trust, that in the course of the debate, we shall hear from their own lips the reasons which prevented those hon. Gentlemen from taking any part in the glorification of the noble Lord the Member for Tiverton, who, in my opinion, Sir, deserves the gratitude of the country, I think the sentiments which the then hon. Member for Salford (the late Mr. Brotherton), and whose loss we all so much deplore—the sentiments which he expressed with reference to the noble Lord are not unworthy of this discussion. The noble Lord the Member for Tiverton had been deserted by hon. and right hon. Gentlemen who are now dispersed throughout the House. Nevertheless, he boldly faced the dangers which confronted him; and I believe there is scarcely an Englishman out of the House who did not share the sentiments expressed by the gallant General opposite, the defender of Kars, on his first return to this country, with reference to the noble Lord. I confess, therefore, I am not the man to stand by and lend my hand to the displacement of the noble Lord, after the services which he has rendered, and by a combination such as I have described. But let me read the sentiments of the late Member for Salford, upon the occasion of the noble Lord’s visit to Manchester. He said—

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"I am well aware that there have been various attacks upon your Lordship with regard to your foreign policy, and I have heard people insinuate that you had a sort of desire to bring the country into conflict with other nations, and, in a word, that you were no friend of peace. But let me remind persons who would make such insinuations that as long as you held the seals of the Foreign Office you did preserve the peace of Europe, and that since you have had to assume the reins of Government under difficult circumstances in the responsible office of Prime Minister, you have, by the wisdom of your administration, brought to an honourable and satisfactory termination the war in existence."

The last remark which I wish to make is this. It is well known to the colleagues of the noble Lord and to the House, that the noble Lord has been deserted at a most critical moment by many who ought to have stood by him. The Duke of Wellington, in the midst of one of his great battles, when told that he had been deserted by some one who had quailed in the presence of danger, said, "Oh, do not talk to me of running away, men will run away at times; many of them, too, never to return." Now, it appears to me that there are many right hon. and hon. Gentlemen who, having run away, desire, on the contrary, to return to the noble Lord. I believe not only their appetite for debate, but also for the good things of office, is waxing warm at this moment. I confess, however, I for one should wish to see my way a little more clearly than I do, for the incomprehensible speech of the right hon. Gentleman the Member for the University of Oxford has left me in a very incomprehensible position. I confess that, *pro hac vice*, my leader, as regards the question before us, ought to be the noble Lord the Member for the City of London. It may, perhaps, be owing to the dark clouds of electioneering electricity that are gathering over the House, but certainly the noble Lord has been the only one that has as yet fully explained my sentiments. In the presence, then, of such difficulties, although he may be left in a small minority, it is my intention to vote for the Amendment of my hon. Friend the Member for West Norfolk (Mr. Bentinck).

Mr. WILKINSON said, that as the hon. Member for Norfolk had proposed to adjourn the debate until after the Estimates had been voted, which was, perhaps, after all the proper course, it would be worth while to consider how it was that they had got into this anticipatory discussion. The House would remember that, just before the meeting of Parliament, rumours had got abroad that Ministers intended to take

advantage of a technical reading of the Act of Parliament to keep up the war part of the income tax. The agitation upon the subject was extreme and was scarcely to be allayed by reason or argument. Here was too good an opportunity to be lost by those who were in opposition to the Government, and accordingly, two right hon. Gentlemen from opposite sides of the House prepared themselves to take advantage of the popular outcry to make an onslaught on the Government. Ministers, however, perhaps, as it was likewise rumoured, foreseeing the coming storm, had taken the wind out of the sails of their adversaries by declaring their intention to abandon the whole of the war ninepence. Now this was sufficiently mortifying to the attacking parties, and accounted for their anger and alliance in the joint attack now made upon other grounds. He (Mr. Wilkinson) must say that this alliance seemed to him something like the alliance of the French and English armies before Sebastopol—where each was glad to avail itself of the assistance of the other—not without some little jealousy as to the part which each should take. There was, however, some difference between the two parties on this occasion; and he could not help thinking that the attack of the right hon. Gentleman the Member for Buckinghamshire was by far the most legitimate. That right hon. Gentleman had been driven from office by a vote of that House, and it was not to be expected that other Chancellors of the Exchequer who had supported that vote, should find favour in his eyes. But with respect to the other right hon. Gentleman, the Member for the University of Oxford, the case was different, and he (Mr. Wilkinson) had hoped that he would mistake the dignified course taken, the other day, by the right hon. Baronet, the Member for Carlisle, who, when attacked, had declared that the place he occupied was of his own choosing, and that nobody had a right to impugn his motives in taking it: indeed, he (Mr. Wilkinson) could not imagine a more proper and dignified position for a statesman who had chosen, for his own reasons, to retire from office, and should continue to watch the proceedings of Parliament and offer his advice from time to time, to the Minister of the day, or to the House of Commons. But instead of this the right hon. Gentleman, the Member for the University of Oxford, had indulged in an attack, the drift of which it was difficult to understand, but the object of which was plain. He had fastened

upon the Estimates, which the hon. Member for Wick had called the knot of the question. Now, he (Mr. Wilkinson) did not consider that the Estimates were before them. This was not the fault of the Ministers, but of those who had insisted upon having the financial statement before the Estimates could be voted. The right hon. Gentleman found fault with the Estimates for the present year as being excessive; and then he insisted upon keeping these Estimates in their excessive state for the following years, in order to land the Chancellor of the Exchequer in the "enormous deficiency" which he the right hon. Gentleman had prepared for him. But these Estimates, which were not now before them, had been framed upon the responsibility of Ministers, and it would be for the House to consider whether it should pass them or not. If not, and the Ministers should still think them necessary for the service of the country, it would be for them to consider whether they still possessed so much of the confidence of the House and the country as to pretend to carry on the Government. But if the House should think that these Estimates were necessary for the requirements of the country, and whether our possible income should be £65,000,000 or £75,000,000, we had no right to spend a shilling more of the public money than was absolutely necessary; then if the House should pass these Estimates—as we had reason to presume it would, until it had refused to do so—we had a right to call upon the right hon. Gentleman to tell us how he proposed to meet the expenditure of the country. The right hon. Gentleman was opposed to the continuance of the income tax—he thought it was a tax only fit for an emergency—and that it should cease with the emergency for which it was created. In that, he (Mr. Wilkinson) entirely concurred with the right hon. Gentleman. He (Mr. Wilkinson) thought it was an odious tax, and although it might afford the means of lightening the pressure of taxation upon the labouring classes, he must admit that the tax-payers had a right to determine in what way they would be taxed, and they had pronounced unmistakably against the income tax. But then the Right hon. Gentleman the Member for the University of Oxford had introduced, with a solemnity which he (Mr. Wilkinson) was sure the House had not forgotten, his protest against indirect taxation. The solemnity of this invocation was so great that

it was an inexpressible relief to him (Mr. Wilkinson) when he found that the right hon. Gentleman was not about to accuse some of Her Majesty's Ministers of fraud, or misdemeanour. The right hon. Gentleman, however, contented himself on that "painful subject," with denouncing the proposed postponement of the reduction of the duties upon tea and sugar. Well, in his dislike to heavy duties upon articles of general consumption, he (Mr. Wilkinson) was of opinion that we were bound in matters of taxation, as in all others, more particularly to look after the interests of the great consuming classes, namely, the working-classes, because they were not represented in that House; and with that view, if he could have had his own way, he did not know but that he would rather have kept another penny upon the income tax in order to lighten the taxes upon articles of general consumption: at the same time he could not contest the right of the tax-paying class, who were represented, to determine that matter for themselves, and, as he had said, they had determined otherwise. But then, if they were to have no direct taxation, and no indirect taxation, or no postponement of relief from one or the other, what were we to do? The right hon. Gentleman had quoted preceding Chancellors of the Exchequer who had all preferred to avoid indirect taxation, except the right hon. Baronet the Member for Portsmouth, who, as the right hon. Gentleman said, had been constrained to resort to indirect taxes. But would not the right hon. Gentleman allow to the present Chancellor of the Exchequer the same excuse, namely, that "his poverty and not his will"—consented. He (Mr. Wilkinson) was sorry, in common with the noble Lord the Member for the City of London, to hear the Chancellor of the Exchequer speak so lightly of the taxes upon paper, and fire insurance, and he agreed with what had fallen from the noble Lord upon the subject of the tea duties; indeed there was one point of that subject upon which the noble Lord had not touched, namely,—the desirableness of a uniform duty, instead of one varying from year to year, which occasioned certain jerks in the trade which were extremely prejudicial to the interests of the dealers, and which ought to be identical with those of the consumers. However, taking all things together, and with the exceptions to which he had alluded he did not think there was much fault to be found with the

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financial scheme of the Chancellor of the Exchequer, who he thought had been made the subject of much unfair objugation.

MR. LIDDELL said, he trusted that, after the remarkable rhapsody which had been delivered by the hon. Baronet sitting on that side of the House, and which had been received with so much pleasure on the Ministerial benches, he might be allowed to make a few observations upon a question of such general interest. He had listened on Friday night with much pleasure to the able and temperate address of the right hon. Gentleman the Member for Bucks; but there was a moment in that speech when he thought he detected a falter in the tone of the right hon. Gentleman. It appeared to him that the right hon. Gentleman felt he was treading upon rather delicate ground when, turning to hon. Gentlemen on that side of the House, he told them they seemed to tremble at the word reduction; for, listening as he always did to the addresses of the right hon. Gentleman with the greatest possible respect, he would, at the same time, confess that he did regard with feelings of much apprehension the prospects of reduction, unless he clearly understood the operation by which it was to be effected. However, further on, he would advert to the subject of reduction, as before doing so he wished to refer to the speech of the right hon. Gentleman the Member for the University of Oxford. Great and unequalled as that speech was for its eloquence, he must say that nevertheless the right hon. Gentleman had failed to convey to him (Mr. Liddell) his meaning. The right hon. Gentleman had pointed out the danger of a deficit in 1858-9; now let him point out an inconvenience arising from the arrangement made by the right hon. Gentleman himself in 1853, an inconvenience springing from the mode in which Chancellors of the Exchequer were in the habit of framing their Budgets. Merchants had been induced by the arrangements made in 1853 to send out extensive orders for tea, but it now appeared that circumstances prevented the Chancellor of the Exchequer of the day from fulfilling the prospective arrangement of 1853, and disappointment and failure were the result. The right hon. Gentleman the Member for the University of Oxford, at the same time that he denounced the threatening deficit, deprecated in equally strong terms the retention of the duty upon tea and sugar.

Mr. Wilkinson

In the strongest language which he (Mr. Liddell) had ever heard, the right hon. Gentleman had described the evil which would result to the poorer classes from retaining taxes which pressed upon articles of general consumption. That appeal had been responded to in many a far-off home, and there would be found great difficulty in removing the effects which it had produced. If, however, they were to lower the duties on these articles, how were they to raise their revenue? Could they increase the tax on spirits? Why, the war duty on spirits had never been lowered, and it would be dangerous to attempt to increase it further. Could they impose additional duties on malt? Why, under the existing arrangements, there would be a loss to the revenue of £2,000,000 this year from malt, and no one could dream of reimposing the war duty on that article. Again, the revenue derived from tobacco last year was upwards of £5,000,000, and it would be unsafe to tamper with so fertile a tax—so that no great increase of revenue could be looked for from taxes on articles of general consumption. Were they, then, to find relief in direct taxation? His belief was, that as the country would be relieved of £9,000,000 of income tax next year, they might fairly anticipate that trade would spring as a “giant refreshed” into fresh operations, and that our increase of the revenue might in consequence be looked for. He apprehended that it was to a reduction of the Estimates that the right hon. Gentleman the Member for the University of Oxford looked for a prevention of the deficit. The right hon. Gentleman had told them a great deal about the Estimates for 1853-4. Now he (Mr. Liddell) was very unwilling to rake up feelings which it was hoped were beginning to soften down, but there was a connection between the Budget of 1853-4 and the misfortunes and disasters of the late war which it was impossible to overlook. They would find that it was in consequence of that Budget that their army had gone forth without supplies, and that they had been subsequently compelled to as reckless an extravagance as ever a nation had witnessed in order to meet the deficiency. He would protest solemnly, then, against the Estimates of the year being framed on the basis of those for 1853-4. He did not mean to say that the circumstances of the country at present were such as they were then; there was now, happily, no Russian army.

on the Pruth, and Prince Menchikoff was not at Constantinople; but then they had the expedition in the Persian Gulf and were at war with China. And, moreover, in Northern Asia Russia was advancing with stealthy steps, and with a success that formed a remarkable contrast between her progress in war and her progress in peace. He would venture to say that the state of things in that quarter rendered their liability to war anything but uncertain. The present, therefore, was not a time when they could safely reduce their Estimates. On the contrary, the present was the moment to remove the defects which the war had shown to exist throughout the length and breadth of our departments. They wanted an army thoroughly armed and equipped in every way, an artillery and engineer corps as perfect as education and science and modern appliances could make them. No doubt they had a fine navy, still they could not say that they had amongst all their vessels anything comparable to that prodigy of perfection, the American frigate the *Merrimac*, which had visited their shores only the other day; and was England to allow anything to sail on the sea superior to her own vessels in speed, lightness of draft, or power of armament? With regard to a reserve force, it certainly behoved them to maintain the militia in full efficiency, and to provide proper store-houses for the purpose. As regarded a reserve force for the navy, he felt that his humble tribute of respect was due to the Government for the plan now in operation for the organization of the coast-guard. By that plan, eventually no less than 12,000 able seamen would be available for the navy at any moment of sudden emergency; and yet a sufficient force remain at home for the preventive service and defence of the coast. He thought that the Government deserved the thanks of the country for the arrangements they had made in that department, and he should certainly give his humble support to them when they brought forward these Estimates. But those arrangements would require money to carry them out, and the question was where that money was to come from? The present was the time to consider judicious measures of reform in the various departments, and not to wait until another war broke out, when it would be too late to effect the necessary improvements. In accepting, therefore, the resolution of the right hon. Gentleman the Member for Buckingham, he accepted it

upon the faith of the right hon. Gentleman's own words, and upon the clear understanding which they conveyed. Those words were, "I am for wise, but not wild, reductions." Those words he thought furnished a good reason for its acceptance also by the Chancellor of the Exchequer. The great object in view was to provide against a deficit, and to enable the Government, if the circumstances of the time allowed, to repeal the income tax in 1860. An event which he did not, however, contemplate with much certainty. If the Chancellor of the Exchequer be sincere in his calculations, and in those proposals which he founded upon those calculations, it was evident that he aimed precisely at the same object as that of the right hon. Gentleman. If, on the contrary, after a careful examination and consideration of the whole case, the Chancellor of the Exchequer should have reason to believe that his calculations were erroneous, he (Mr. Liddell) apprehended that the effect of the Resolution would be to induce him to reconsider his Budget, and to propose new arrangements to the House. Taking that view of the subject, he felt that no danger could either accrue to the finances of the country or to the stability of the Government by the acceptance of the Resolution of the right hon. Gentleman the Member for Buckinghamshire.

MR. J. G. PHILLIMORE said, that he had observed that the right hon. Gentleman the Member for Buckinghamshire in a speech of great ability had complained of the Budget of the Chancellor of the Exchequer because it was not so formed as to avoid the prospect of a possible future deficit. He (Mr. Phillimore) confessed, however, that the means by which the right hon. Gentleman proposed to remedy those defects were quite beyond his understanding. The right hon. Gentleman surely knew that the surplus of any year was to be applied to the reduction of the national debt. He thought that if a Chancellor of the Exchequer presented them with a Budget which was satisfactory for the current year, he did quite as much as they had any reason to expect, and much more than several Chancellors of the Exchequer had been able to accomplish. He could not therefore vote for the proposition of the right hon. Gentleman. He had listened with much attention to the speech of the right hon. Gentleman the Member for the University of Oxford which

lasted four hours and suggested a long array of objections and difficulties, but at the close of that speech he had not been able to discover what it was which the right hon. Gentleman desired. He had listened to objection after objection, to difficulty after difficulty; but for the solution of those difficulties he had listened in vain. Surely that speech had been intended to lead to some practical conclusion—to enlighten the Senate of so great a nation! But it had ascribed to the Chancellor of the Exchequer an intention to reverse the free-trade policy. He would appeal to the right hon. Gentleman himself whether he really thought in his conscience, to which he was so fond of appealing, there was any ground for such a charge. Did he not believe exactly the reverse to be the case? If he did not he was the only man in that House who entertained such a belief. He would venture to say it was impossible to urge a charge more contrary to the opinions, to the policy, to the general conduct, and to the bearings of the Budget itself of the Chancellor of the Exchequer. The right hon. Gentleman was also extremely angry because the Chancellor of the Exchequer had laid before the House a rough outline of future revenue, but had declined to enter into details of future expenditure. It was impossible that any one could calculate upon the thousand accidents which might happen to render such a calculation futile. But, said the right hon. Gentleman, “we did pretend in 1853 to calculate future expenditure.” And what had been the result? Why that in less than a year those calculations had been entirely overthrown, and he was obliged to present a new Budget before the termination of the Session. The right hon. Gentleman had argued that the Chancellor of the Exchequer was bound by a measure of a Cabinet of which he was not a member, because the noble Lord now at the head of the Government had held office in that Cabinet. That was an extraordinary argument to come from the right hon. Gentleman, who was a Member of the Cabinet that got the country into a war, but who afterwards endeavoured to throw the responsibility upon another Government, and used his utmost energies to dishearten his countrymen, and make England bow down to a barbarous enemy. It was a curious argument to come from a man who voted as the right hon. Gentleman had done upon the question of the Turk-

Mr. J. G. Phillimore

ish Contingent. The right hon. Gentleman had appealed to humanity in relation to reducing the duty on tea and sugar. He (Mr. Phillimore) had listened with some astonishment to that appeal, because he recollected that in 1841 the right hon. Gentleman had appealed to humanity to retain the duty on slave-grown sugar. The right hon. Gentleman had re-considered his opinion on that point. He had, in fact, re-considered his opinion on most subjects. He (Mr. Phillimore) was therefore not without hope that if the right hon. Gentleman established the coalition to which he appeared to be aspiring, he would do the very thing for which he was now attacking the Chancellor of the Exchequer. The right hon. Gentleman had said he would speak with frankness. Whatever he might think of the equivocal character of the right hon. Gentleman's expressions, he was quite ready to admit the clearness of his purpose—he had endeavoured by every means in his power to scare the House into a panic which should induce them to fling themselves into his arms and those of his new confederates. But he thought the panic would be violent indeed which would induce the House to take such a resolution. He would venture to assure the right hon. Gentleman, that tenfold his abilities, tenfold his skill in debate, and his confidence, which was great, and his official experience, would not atone, in the eyes of the sound-judging people of this country, for the obliquity of his political conduct. Let him look around the House; if he looked to one side he would find himself regarded as an uncandid enemy; on the other he was looked upon by those who did not lightly change their opinions as a treacherous friend, and by the majority of his fellow-citizens, in spite of his frequent appeals to his own conscience and to their humanity, he was considered as an unsafe guide and a most unscrupulous partizan.

Mr. WHITESIDE said, that in his opinion, the Budget of the Chancellor of the Exchequer was not so objectionable on the score of finance as it was defective in common honesty. A document had been sent to him (being a copy of one which had been sent to the Treasury), signed by sixty-seven of the most respectable merchants of Belfast, accompanied by a letter, in which occurred this statement:—

“Not merely by a positive law, but by a statement of the Treasury a short time ago, they were

led to believe that the law which prompted them to go on in trade would be let to take its course."

Was it then, he asked, consistent with common honesty for the Government to frame a law with a view of inducing such men to embark their capital in a particular trade, and having entrapped them into the trade suddenly, and without reason, to reverse that policy to the ruin of our merchants? He thought that that was a fatal objection to their Budget. If hon. Members voted in affirmation of such a principle it would be a vote against the principle of common honesty between one man and another. When the right hon. Gentleman the Member for the University of Oxford assailed the policy of the Budget, he argued very elaborately in support of his views, and although the hon. and learned Gentleman who spoke last said he could not understand him, to him (Mr. Whiteside) the argument was perfectly intelligible. That, right hon. Gentleman, on introducing his Budget, when he proposed to lay the income tax on Ireland, distinctly stated that it was originally computed to realize £460,000 per annum—a much greater tax than the interest of the charges Ireland was called upon to pay—that the Government were distinctly pledged to the policy that at a certain time, if Ireland bore its portion of the burden of the income tax, that burden would cease and determine, and that she should be thenceforward exempted from the payment of that tax. Now, he was not one of those who asked for any immunity from taxation for Ireland. He admitted that she ought to pay her fair proportion of taxation. The income tax on Ireland returned not £460,000 a year, but something like £1,200,000 or £1,300,000 a year. He contended that that tax, in its present shape, was vexatious and oppressive to every man from one end of Ireland to the other. He would give his vote in favour of the Resolution of the right hon. Gentleman the Member for Buckinghamshire, because he felt it was carrying out the pledge which was given by the right hon. Gentleman the Member for the University of Oxford when Chancellor of the Exchequer and his Government in reference to Ireland—namely, that the income tax would finally cease in 1860. The proposition of his right hon. Friend was simply one to extract from the Government a pledge that that tax should be got rid of in 1860. The Chancellor of the Ex-

chequer refused to verify that pledge. He said that he would neither affirm or deny what was proposed, but would pass on to another question. The hon. and learned Gentleman the Member for Leominster (Mr. Phillimore) made a severe attack upon the right hon. Gentleman the Member for the University of Oxford. It was not his (Mr. Whiteside's) business to defend that right hon. Gentleman. He must, however, be permitted to say he had compared that right hon. Gentleman's speech the other night with his original statement of 1853, and the propositions he had made on both occasions were precisely similar. Was there any injustice in reference to a particular tax to hold the Government to a solemn pledge that had been given? But the hon. and learned Gentleman complained that the right hon. Gentleman (Mr. Gladstone) had confined himself to the making of objections without proposing other and better measures. He (Mr. Whiteside) never knew that that was the duty of the Opposition. He remembered having heard the late Sir Robert Peel say, after he had made a series of objections to a bungling financier, when asked to point out a remedy, "When the party who makes objections to a measure is called into the Cabinet it will be then time enough for him to point out a remedy." The noble Lord the Member for the City of London, by adopting the figures of his right hon. Friend the Member for Bucks, has given the strongest possible proof of the necessity for such a Motion. The noble Lord the Member for the City of London was the last person who he (Mr. Whiteside) thought would take the dubious course of speaking one way and voting the other. He would adopt the noble Lord's views, but must decline meeting him in the same lobby. When they came to the discussion of the Chinese folly, as the noble Lord mildly characterized it, but which he (Mr. Whiteside) called the Chinese crime; and to the Persian war, upon which the noble Lord severely commented, he hoped that the noble Lord would give him the opportunity of tendering him his warm support. The hon. and learned Member for Leominster said he objected to a statesman because he was not consistent. He hoped then, that the hon. and learned Gentleman was perfectly satisfied with the political character of the noble Lord at the head of the Government, who was everything by turns—at one time the decided Whig, at another the enthusiastic

Tory. He (Mr. Whiteside) thought that the speech of the hon. and learned Gentleman came with a very ill grace from one who found it convenient to give a warm support to that most consistent of Premiers who now ruled the destinies of this country, and who had one policy for England, another for Ireland, and another more dangerous for foreign affairs.

SIR FRANCIS BARING said, that in reference to the remarks which had been made that night on Mr. Gladstone's speech, he suspected the real truth was that the physicians wanted to be called in before they proposed their remedies. The anecdote which had been told by the hon. and learned Gentleman who had just sat down contained the real object of the Motion. Hon. Gentlemen opposite would not of course be at all answerable for the finances until they were called in, and then, no doubt, all difficulties would disappear and the finances of the country would be placed in a much better condition. He should give his cordial support to the proposals of the Chancellor of the Exchequer, and he was anxious to state why he should do so, and why he should not vote for the Resolution of the right hon. Gentleman opposite. There was a singular omission in the right hon. Gentleman's Resolution. He called on the Government to state their Budget, and he laid down the principles upon which that Budget was to be framed; but he had omitted one thing, a matter of no inconsiderable importance, both as to finances and fair dealing. The Resolution entirely omitted to state what he proposed to do with the war income tax. That was a most important point. Did they intend that it should be taken off or not? Unless they told the Chancellor of the Exchequer what was the decision of the House on that question, it would be impossible for him or any man to form his financial arrangements. The omission was the more surprising, because early in the Session, while the right hon. Gentleman was under the impression that the Government did not intend to take it off, he said it was necessary that the thing should be fairly and frankly stated, and that whatever were the rumours of the day, he could not allow that question to remain undecided. Then, how came it that he did not now state what were his intentions upon the matter? He (Sir F. Baring) entirely concurred in the statement that the people of England had borne heavy taxation, not only with patience, but with spirit; it was not fair

that, owing to a misty or unintentional framing of the law, the income tax should be kept in operation longer than was intended. But why was not that opinion expressed in the Resolution? The same remark applied to the speech of the right hon. Gentleman the Member for the University of Oxford. After listening closely to that speech, he could not find that the right hon. Gentleman had anywhere stated whether or not he was prepared to take off the war income tax. On the contrary, his intention at the bottom appeared to be to continue it for at least another year. Well, if that were not also the intention of the right hon. Gentleman opposite (and it was quite clear that it was not) why did he not state it in the Resolution? Was there some little difficulty between the two Gentlemen—the two stools between which the war income tax was to fall to the ground—coming to an understanding in respect to each other's views on that point. Was there some difficulty in getting the assent of the right hon. Gentleman on one side to the proposals of the right hon. Gentleman on the other? If the House did not intend to affirm the Budget of the Chancellor of the Exchequer, at any rate their directions to the Ministers ought to be clear, frank, and explicit: they ought to let the country understand whether they were voting for the war tax to be taken off or not. The Chancellor of the Exchequer surely ought to know whether a duty of £9,000,000 was to be continued or not. Before considering the proposals of the Chancellor of the Exchequer, it was worth while to call to mind what was his real position—in what state the national finances were. There would be a loss this year on malt of £2,200,000; on the war income tax of £9,000,000—for he did not suppose that any Gentleman on the other side would adhere to the technical reading of the Act, because they had said that an attorney making such a proposal would deserve to be struck off the rolls, and he must do something very bad indeed before that happened. £2,000,000 more would be lost by the reduction of the income tax from 7*d.* to 5*d.* On tea the loss would be nearly £1,600,000; on coffee, £135,000; on sugar, £755,000. If the Chancellor of the Exchequer considered himself bound to perform all the promises that had been made by his own and previous Governments, the total loss of revenue would be about £15,500,000. His income last year was about £73,000,000; deducting

£15,500,000 it was brought down to £57,500,000. The expenditure for 1857-58 would be £65,000,000; therefore there was a deficiency staring them in the face of £8,000,000. That was not all; for, next year, supposing the Chancellor of the Exchequer to make no proposition whatever, the deficiency would rise to £9,000,000. This was no common case; and a finance Minister who had these difficulties to meet was entitled to fair consideration. These promises were not all made by the present Chancellor of the Exchequer. The malt tax was not his promise. The war income tax was a matter which was obviously pressed upon him by the general desire of the country. The reduction of 7*d.* to 5*d.* of the income tax was an engagement made before the right hon. Gentleman came into office. The tea duty depended upon an engagement, partly his own and partly made before he came into office. Still, he was told that he must fulfil all these engagements, must take off the war income tax, and not touch tea, but must find money so as to keep up the balance in the Exchequer, and also take off the income tax altogether in 1860. The promises that had been made had vastly increased the difficulty of the finance Minister, but that difficulty he had fairly and manfully met. It was said that in his proposal he had entirely abandoned the principle of free trade; and in a mere rhetorical point of view, certainly Mr. Gladstone had given him a magnificent scolding. But, when they came to figures, was it correct, was it true? Was there any symptom whatever in the Budget that the Chancellor of the Exchequer had abandoned his opinions on free trade? He (Sir F. Baring) might not agree with all the *obiter dicta* of the Chancellor of the Exchequer; but he saw no reason to disapprove what he had done. He had taken off the war income tax, and not even the eloquence of Mr. Gladstone would persuade the people of England to submit to it any longer. He refused to make the reduction from 7*d.* to 5*d.*, but adopted the reductions on malt, coffee, tea, and sugar. So far from showing a love of indirect taxation, he took off the whole of the duty on coffee, and, with regard to tea and sugar, he went as far as the finances of the country would allow him. By 1861 he was prepared to do all that was promised. The whole of the reduction, so far as it was reduction, was in indirect taxation. It was said that the prospect

was entirely sacrificed of getting rid of the income tax in 1860. Whether there was a legal compact to that effect or not, they were bound, from political reasons as well as in good faith, to do their best to remit that tax in 1860-1. The reasons which induced the Government of the day—good and sound reasons—to propose the ultimate extinction of the income tax, because it was not a good tax for peace purposes, not a fair tax, not an equitable tax—were not to be set aside by any disquisitions about compacts. Those reasons ought to tell upon any Minister of Finance; and Parliament was bound upon every ground to do its best to take off that tax after a certain time. If they did not take it off in 1861 he feared there was no chance of its coming off at all. That was one of the difficulties they had to meet. Before pronouncing it to be utterly impossible, let them see how matters would stand in 1861. In 1860 they would have the half income tax. Including some small amount arising from reductions effected by Mr. Goulburn in the interest on the national debt, and also the annuities then falling in, there would be a saving of £2,270,000; he believed he was understating it. [Sir J. GRAHAM: You will only have £2,100,000.] That is the amount in respect to the annuities, but if you add Mr. Goulburn's reductions it will come to what I have stated. [Mr. CARDWELL: We have had that already.] He had taken the calculation from the papers of the Chancellor of the Exchequer. Then in the same year there would cease payments on account of the war, as compared with 1857-8 of about £1,128,000, and as compared with 1858-9, of about £2,500,000, adding those sums together about £4,700,000 in round figures, of charges would not be chargeable in 1861. That sum went a long way towards seven millions, the amount of the income tax to be remitted that year. In addition, there was the anticipated increase in the succession duty, which had not yet reached its maximum; it was calculated that £600,000 or £700,000 would be derived from that. Adding those figures together, the amount might not be equal to the produce of the income tax. But the task to be performed in 1861 was not quite so formidable as had been represented. Besides, the revenue might be increasing from other sources, and the expenditure diminishing; and he was by no means prepared to say that the case was so hopeless as the right

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hon. Gentleman the Member for the University of Oxford would make it appear. If the Government kept the revenue in a fair state and avoided wars, he saw no reason to despair or to doubt that it was in the power of Government to take off the income tax at the period when Parliament had determined that it should expire by a little arrangement of the finances. He quite admitted that if the income tax were reduced as proposed, and if the expenditure of the present year were maintained with the additional charges of the civil service, there would be a deficit in the year after 1860. He did not think it an unfair statement for the Chancellor of the Exchequer to say that they were not yet on a permanent peace establishment, and that he looked forward to some reduction in the expenditure, and comparing the expenditure of the present year with the expenditure of former years in time of peace, he was of opinion it might be diminished. He was a disciple of those great men who held the opinion that it was good policy not to keep up large establishments in time of peace; and that, by this policy, they would be able to carry on war much better and more energetically when war unfortunately occurred. It was, on the whole, the best policy to keep up small but sufficient and efficient establishments in time of peace, and to rely on the spirit and activity of the people in time of war. Looking at the expense of former establishments, there were good grounds for supposing that a considerable reduction could be made in the present expenditure, though he was not prepared to say that the reduction could be effected in a moment. He knew from his own experience that it was a most difficult thing to make immediate reductions. Had they a right to say the Government neglected its duty in this respect? He did not think so. The estimate for the army, navy, and ordnance, in 1847-8, was only less by £1,000,000 than the estimate proposed by the present Government; and considering that they had only just come out of an expensive war, this was not extravagant. Everything could not be done in a day. The Government ought to get credit for the reductions made, and these reductions should be taken as an earnest of further reductions. But it might be said, why not effect these reductions now? He was willing to do so if it was found to be possible, but to ascertain this they should go into the Estimates. Let them act like

Sir Francis Baring

men of business and see what reductions could be made. ["Hear!"] He was happy to hear a cheer from hon. Gentlemen opposite, and he should be happy to carry out every practicable economy, but let the economy be impartially carried out. A large number of men had been discharged from Portsmouth Dockyard, and representations had been made to him in consequence: he had nothing to say against the reduction if it was demanded by the exigencies of the public service, but can it be taken that what was saved with one hand was not unnecessarily spent with the other—if they reduced the Estimates at Portsmouth ought they not to stop on their way at Aldershot? It was a hard thing to turn honest workmen out of employment, but if there was no work for them, the Government had no alternative. But do not stop with the working men. Do not, under the proposed Superannuation Law, increase the salaries of some of the permanent and best-paid officers under the Crown. He was ready to go through, not only the Army and Navy Estimates, but through the Civil and Miscellaneous Estimates, in which reductions, he thought, could also be made. It was extremely difficult for Chancellors of the Exchequer at the same time to meet the benevolent aims or crotchets of individuals and to reduce expenditure. Last year £120,000 was charged on the public revenue on account of the county police. Hon. Gentlemen opposite should recollect these things when they called for a reduction of expenditure. He hoped his right hon. Friend the Chancellor of the Exchequer would prove obstinate in resisting claims of this kind, and that the House would stand by him. The question was between economy and taking off the income tax in 1860 on the one side, and—he would not say extravagance—but misdirected kindness and heavy taxation on the other. His choice was made; he was ready to help the Chancellor of the Exchequer to keep expenditure down, so that he might be able to keep the promises made in 1853 and place the finances of the country in a better situation.

MR. WALPOLE said: Sir, in common with the rest of the House, I have listened with unfeigned pleasure to the right hon. Gentleman who has just sat down, on a subject with which it must be generally admitted he is so conversant as the financial arrangements of this country. I own, that after his speech, and those of three other Gen-

tle men—one of whom is, and two of whom have been, Chancellors of the Exchequer—I should consider myself presumptuous, indeed, did I enter upon a discussion with them of topics which they understand so much better than I do. Therefore, Sir, in the few observations which I shall make to the House I shall confine myself, strictly and properly, to the single proposition before us; and confining myself to that proposition, I am happy to say that I agree with the main object which the noble Lord the Member for the City appears to have in view in reference to this matter. I agree with him in some of the means—in most of the means—by which he proposes to effect that object; and I only differ with him—at least materially differ with him—as to the conclusion at which he has arrived. Agreeing, Sir, with the noble Lord in the main object which we ought to have in view—agreeing with him as to the means by which we ought to accomplish that object, I really find it difficult to imagine the reason which can have induced the noble Lord to arrive at the conclusion he has arrived at—namely, that we ought to go into Committee of Ways and Means, for the purpose proposed by the Chancellor of the Exchequer, before we receive that information which the noble Lord himself thinks essential for a decision on the question before it. The noble Lord agrees that the main object to be achieved is the abolition of the income tax in 1860; and he also takes the view which I do as to the way in which that abolition ought to be secured—namely, by a revision of our expenditure, to see that we shall not require more than the produce of our revenue in the intervening years. The noble Lord likewise wishes to see the object for which we are striving effected by wholesome reductions, but not by a niggardly economy. Under these circumstances I cannot understand how the noble Lord can now propose to go into Committee of Ways and Means, the effect of which would be to reimpose the income tax at 7*d.* in the pound for 1857, 1858, 1859, contrary to the existing law, which would reduce it to 5*d.*, before any of us know what is to be our expenditure in those years. Now, I think, as implied in the Resolution of my right hon. Friend the Member for Buckinghamshire, that to propose taxes to meet the expenditure of future years without knowing what the expenditure will be, is the very reverse of the principles which we in the House of Commons ought to have recourse to. Now, Sir,

the noble Lord said in the commencement of his speech that the mind of the people of this country is fixed on that which we are all anxious to achieve—namely, the remission of the income tax in 1860. Sir, I think that when Parliament met there were three impressions which the people of this country had formed on this subject. The first was that the war part of the income tax should cease with the termination of the war, for the purpose of which it had been imposed. The second was this, that since we are at peace we ought to enjoy the advantages of peace by as large a relief from the expenditure which war had occasioned as the exigencies of the public services would permit. The third expectation, if I may use the term, was this—and it is the one which you will go furthest in disappointing if you do not take strenuous measures to accomplish it this Session—namely, that the remainder of the income tax, after the war part had been done away with, should not be continued on any other way than as fixed by the agreement entered into in 1853, unless you could show an overwhelming necessity for continuing it—unless, in fact, you were prepared to show that you could not do without it. The first of these expectations was realized by the concession of the Government that the war portion of the income tax should not be continued. Whether that concession was made by the spontaneous will of the Chancellor of the Exchequer, or whether it was forced upon him by the strong manifestation of public opinion without, and by the unanimous expression of feeling within this House, I shall not now stop to inquire; but this I now say, that I hope there will neither be an inclination nor a necessity for reimposing that portion of the tax in any year to come. Now, the two other points—namely, a reduction of the expenditure and the ultimate abolition of the income tax, are those to which I shall address myself. Sir, when we find by the Estimates brought forward by the Chancellor of the Exchequer such an increase of the expenditure of this year over the year 1853-4, I must say I think this House would grossly neglect its duty if it did not require a distinct reason for this increased expenditure with a view of seeing whether it is required. I quite agree with the proposition of the Chancellor of the Exchequer that the transition from a state of war to peace leads to considerable difficulties, and possibly to many embarrassments. The reduction of expenditure is never a pleasant

(*Second Night*).

matter. There is, no doubt, a hardship in throwing out of employment those who have served the country faithfully and zealously, and no one would wish to carry out such a step except from a sense of imperative duty. Further, I must add, that there is the risk and danger of reducing establishments too low on the one hand, and of running into the other extreme, which, after the extravagances of war you are greatly tempted to do. Considerations such as these might make the heads of departments hesitate as to the exact point to which a reduction of expenditure ought to be carried; but, at the same time, allow me to remind the Government that nearly a year has passed away since the war terminated; that they have had nearly twelve months' time to consider what the exigencies of the public service required, and to determine and inform the House upon the nature and character of our proposed peace establishment. Besides this, in the month of May last, my right hon. Friend the Member for Buckinghamshire pointed out to the Government that as the excitement of war had passed away, they ought and must look to the means by which a rigid economy in the public expenditure could best be secured. The right hon. Gentleman who has just sat down, and other hon. Gentlemen who have spoken on this debate, have alluded to the fact, that during the last few years the House has not practised the virtue of economy; they said, this House would call strongly on the Government to have recourse to those practices of economy which, last year, could not be carried out. Yet at this moment the House is altogether uninformed as to whether the peace establishment which we shall require for the coming year will involve an expenditure such as that provided by the Estimates of the present year, or whether the Estimates of the years 1853-4 may not be sufficient. We have nothing before us to show us clearly how this is, and I really think we ought to require information on those points before we proceed to the imposition of taxation to meet those Estimates. No doubt many difficulties stand in the way, but they are not insuperable, and should be met. There is one matter that requires to be at once and carefully looked into, unless we mean to grossly neglect our duty, and that is the rapid advances of the Miscellaneous Estimates. As regards our military and naval establishments, I think our object should be to combine efficiency with economy. It

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has been stated out of Parliament, that the want of expenditure in those departments led to the disasters of 1853-4; but if we look to those disasters, I think we shall trace them not to want of men, not to want of material or of money, but rather to a want of foresight in those who planned the campaign, and to that want of experience which must attach to any army, however powerful that army may be, which has been for a long time living in peace. Why, Sir, the facts show this: when our army landed in the Crimea, it was more powerful in men than that of our gallant and faithful Ally; and when it left the seat of war—I speak in presence of one of the gallant and able Generals who was last in command—I believe the British army was in point of numbers, in point of spirit, and in point of efficiency, equal to that great army which was encamped on the plains of Waterloo in June, 1815. These are two remarkable facts. Our army was larger than the French army when it landed in the Crimea. What a proof that your peace establishment was not so immoderately low as is generally supposed. Then the other fact—that relating to the state of our army when it left the Crimea—proves this, that by husbanding your resources in time of peace, you are much better able to enter upon an arduous and long-protracted struggle than are nations which waste their strength on establishments unnecessarily large before the time of action arrives. What I think, therefore, that the country requires, is an efficient but not a superfluous force, as much efficiency with as little extravagance as possible. But, Sir, what is the state of our military establishments now as regards expenditure, compared with that of 1853-4 and the previous years? The increase in these Estimates is upwards of £3,000,000. I do not say that part of this is not necessary at this moment, when you have to get rid of the tail, as it were, of the war establishment; but I very much doubt whether this establishment will be better by the continuation of an expenditure to that amount. After you have provided a sufficient force for home duty, and a sufficient number of men to relieve your soldiers in the Colonies, all expenditure after that is so much waste. But we should not confine our consideration to the expenditure on the military and naval establishments; but have very good reason to turn our particular attention to the expenditure for the civil departments. I shall not go into the details of that ex-

penditure; but when we have before us the fact that for this, the first year of peace, we have an expenditure of upwards of £10,000,000 more than the expenditure of the years previous to the war, it is impossible to deal with this subject unless we look carefully into the cause of this expenditure. I quite concur in the opinion expressed by my right hon. Friend the Member for Buckinghamshire, that this question must be discussed in a financial and not in a political sense; and I am willing to admit, that many of these items of expenditure are a necessary consequence of the war. The winding-up of the war expenses alone is a considerable item. Two millions sterling are for Exchequer bonds—a mode of borrowing which we have always objected to on this side of the House, because they have to be provided for at inconvenient times; and there is also provision for a sinking fund. These items will, perhaps, reduce the expenditure of £10,000,000, the excess over the expenditure of 1853, to between £6,000,000 and £7,000,000. Still with such an excess as this the House will, I am sure, feel that there is great ground for making considerable reductions; and unless we, in the first instance, proceed to make these reductions, we shall be unable to tell whether the re-imposition of the income tax and the additional duties on tea and sugar will or will not be necessary. So much, Sir, for the question of reduction; but the point on which I own I feel the strongest—the point to which I never can consent to the financial arrangements now proposed to us—is the manner in which you propose to deal with the property and income tax, because I am convinced that if you deal with them in the way proposed it will be practically impossible for you to get rid of it in 1860. The noble Lord the Member for the City of London, thinks that it will be possible to abolish the tax in 1860, and has given us his reasons for arriving at that conclusion. I shall advert to those reasons with the permission of the House, before I have finished; but in the mean time, I wish to deal with one portion of the subject which has been often touched upon during this debate, and which I believe to be more important than any other, as far as the honour, faith, and character of Parliament are concerned. We are bound, Sir, to keep our engagement with the people. I regretted to hear my right hon. Friend the Chancellor of the Exchequer tell the House that this en-

agement respecting the income tax was no compact, as if there could be no compact except that description of compact which the right hon. Gentleman the Member for Portsmouth has to-night called a legal compact. The Chancellor of the Exchequer seemed to intimate, at least by implication or by way of illustration, that there could be no compact made with the people short of such a compact as was entered into between England and Scotland at the time of the union between those two countries, or between England and Ireland at the time of the Union. My view of this matter is, that though in this case the compact may not be an actual legal compact, it is to all intents and purposes a virtual and moral compact from which you cannot with honour depart. I am of opinion, Sir, that unless this compact be kept, there is an end of Ministers of the Crown proposing measures of agreement with the people, and of the representatives of the people accepting them. I conceive that there are several ways by which a moral compact of this kind may exist. There may be a compact caused by a Minister of the Crown, in his place in Parliament, making an announcement to this House as the foundation for proposed measures, and this House accepting that announcement in the sense in which it is made, and voting on it afterwards. Then there may be a compact formed on a general arrangement, and by which that arrangement, being taken as a whole, parts of it are consented to, in consequence of the existence of other portions. And there was also a moral, I had almost said a legal compact, when you embody this arrangement specifically in the provisions of an Act of Parliament. Now, every one of those circumstances were in operation in this case. The Chancellor of the Exchequer, in 1853, stated distinctly that he was making his announcement on the part of Her Majesty's Government, when he announced that the income tax would expire in 1860, and bound himself to make provision for that purpose. On that occasion the income tax was extended to Ireland and all over the kingdom to incomes between £100 and £150 a year, and you accompanied this extension with a promise that the tax should be remitted in 1860. The proposition was urged as a whole; it was submitted as a whole; it was accepted as a whole. We are bearing the burden which was then imposed; but not one item of the alleviation has yet been extended to

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us. I recollect, Sir, that when I practised at the Chancery bar, it was a maxim in equity that when an agreement was entered into between two parties, and that one party had fulfilled his part, the arrangement became irrevocable, unchangeable, and that it was impossible for the other party to recede from carrying out the other part of the compact. That is the equity upon which I wish this House to proceed. Talk not to me of legal compacts. No, Sir, here is a moral compact, which I am certain it concerns the honour of the House to see fulfilled. The right hon. Gentleman the Member for Oxford University has not put his case so strongly as he might have done. He has told you that the provisions contained in the Act of 1853 were of two kinds, both of which contemplated the gradual reduction and final extinction of the tax in 1860. The first facilitated the ultimate abolition of the tax by giving a gradually descending scale, and the second enacted the extinction of the tax in plain and express terms. What are the words of the Act? If hon. Gentlemen will have the goodness to refer to the debates in 1816, when this question was so prominently brought before the House, they will find that a great clamour was raised within the walls of Parliament, that very few arguments were listened to, that even Mr. Wilberforce could not obtain a hearing, that Lord (then Mr.) Brougham was overpowered by cries for a division, and that the only words to which the least attention was paid, were words similar to those which I am now going to read from the Act of 1853. The last clause in that Act runs in these words:—

“ This Act shall commence and take effect from and after the 5th day of April, 1853, and, together with the duties therein contained, shall continue in force until the 6th of April, 1860, and no longer.”

These are the words of the Act of Parliament, which bound and compelled you to the compact, and unless you can show an overwhelming necessity for the measure, you ought not to preserve this unequal and odious tax. Observe, this is not merely a pecuniary matter. I think, as I said before, that the honour of Parliament is at stake. I am sure that, if there is one thing that gives weight and stability to our legislation more than to the legislation of some other countries I could mention, it is this—that the people repose confidence in what is done in Parliament; and also, that Parliament itself reposes confidence

in acts of previous legislation. It is that which makes our legislation certain and not fortuitous. Nay, more, it is that which makes you retain some part of your legislation which is even opposed to the wishes of the people. We had the other night an illustration of this. I do not see my hon. Friend the Member for Warwickshire (Mr. Spooner) in his place; but if there was one reason more than another why he cannot, without an equivalent, and probably will not, be able to repeal the Maynooth grant, it is because this House considers that, having embodied that grant in an Act of Parliament, there is something like a compact made with the Roman Catholics of Ireland that ought to be observed. I believe the noble Lord at the head of the Government agrees in that view of the case. But let me ask you, if you preserve a compact so entered into which is against the wishes of the people of Great Britain, will you not endeavour to keep a compact which is thus entered into when the wishes of the people, not only of Great Britain, but of the whole United Kingdom, are in its favour? What is good for one Act of Parliament is equally good for another. But only two answers are given to this; and I think that both of them have been referred to by the noble Lord the Member for London. The one answer is, that let a compact be ever so strong, it may be disturbed by many causes and circumstances over which you have no control. It is further met by the observation of the noble Lord, that the arrangement proposed by the Chancellor of the Exchequer is the best means of facilitating the observance of this compact and getting rid of the tax in 1860. I agree that there are disturbing causes which interfere with this compact. The war was such a disturbing cause, and as long as the war lasted, or if the war had lasted till 1860, then your compact could not have been observed in the letter, because it would have been an impossibility to limit the expenditure. To that extent, therefore, you are perfectly justified in departing from the stipulation which was then entered into. You were justified, for instance—you could not do otherwise—in not remitting the duty down to 6*d.* in the pound in the year 1855, and letting it fall to 5*d.* in the pound in the year 1857. I quite agree, too, that you are even justified in keeping on the extra 2*d.*, over and above what you would be entitled to do this year, according to the strict letter of the engagement, because

there are many expenses which you have to meet with that extra 2*d.* in the pound. But what I want to know, and this is the argument which I press upon the noble Lord and upon those who follow him, is, why are we, in the year 1857, before we know what the expenditure of the country will be in the year 1858, to be called upon to reimpose a tax for that year 1858 which you are bound by Act of Parliament to take off? I do not say that circumstances may not justify you in the reimposition, but then, I say, that you ought to postpone until 1858 the consideration of that question, and that the principal proposition ought now to be to take off the war part of the tax which you proposed to do, and continue the 7*d.* simply for the year 1857-8. The other argument which is urged against us by the noble Lord for the non-observance of what I venture to call a compact is, that by the proposition of the Chancellor of the Exchequer there is a much better chance of facilitating the departure of this tax, and the entire abolition of it, than there is by the Resolution of my right hon. Friend. What is the proposition of the Chancellor of the Exchequer? It is, that during the years 1858, '59, and '60, 7*d.* in the pound shall be levied instead of 5*d.*; in other words, that a tax shall be imposed amounting to £2,000,000 sterling. What do you do with the extra 2*d.*? Do you say it is wanted for the expenditure? If it be so, let us wait until we know and see that that expenditure really is required. Do you say that it is required for the remission of other taxes? I think the noble Lord himself admitted, that until you had fulfilled this engagement you were not justified in taking off other taxes? Do you keep it as a reserve fund in order to facilitate its own ultimate departure? I say you cannot do that better than by not requiring the people to pay it at all during the years 1857, '59, and '60. Take the proposition in whatever way you will, the reimposition of that 2*d.* cannot by possibility facilitate the extinction of the tax. Why can it not? What is the aggregate amount of the tax at 7*d.*, and what at 5*d.*? At 5*d.* £5,000,000; at 7*d.* £7,000,000. Make such a large gap in your revenue as £7,000,000, and is there a man in this House who believes that in the year 1860 you will have the means of filling up that gap? The abolition of the tax by means of the proposition of the Chancellor of the Exchequer is, I

am confident, practically impossible. Then comes the question what, under these circumstances, we ought to do. The noble Lord says, that possibly there may be a deficiency either in the present or the following year. If, Sir, it is likely that there should be a deficiency, then it would be unwarrantable in us to entail on those who come after us the difficulty of meeting that deficiency; but supposing that you go back to the reduced Estimates you had before the war, and there is no deficiency, then I say that you ought to inquire, and carefully inquire, into the extent to which those Estimates may be reduced before you proceed further. But whether you do the one or the other, I contend most confidently, that nothing can be so unwise and nothing so unjust as to reimpose this tax contrary to the engagement you had previously entered into. I see my hon. Friend the Member for Norfolk (Mr. Bentinck) in his place; he has raised a question this evening, by the Amendment he has moved for the adjournment of the debate, which I think ought to be answered before the debate closes. He objects before going into Committee of Supply, to either affirming or denying a proposition like that which has been submitted to the House by my right hon. Friend (Mr. Disraeli) on going into Committee of Ways and Means; and a further objection which I have heard or seen stated, though I do not think it has been repeated in this House, is, what practical good will come from my right hon. Friend's Motion? I will consider these two questions together. I concede to my hon. Friend that, as a general rule and an ordinary practice, it is not only the business of this House, but it is desirable that it should be the business of this House—first, to see what expenditure you will require, and then to provide for that expenditure by going into Committee of Ways and Means. That is unquestionably the general practice; but remember that it has been departed from by some of the highest and best authorities that ever sat within these walls. What are the circumstances under which it has been departed from? and are not similar circumstances now present with us? [Mr. BENTINCK: No!] My hon. Friend says "No" before he has heard my case. The general circumstances under which the rule has been departed from are these:—Where there is something unusual with reference to the expenditure and revenue

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of the country, the House may justly require that the whole state and condition of the national finances should be brought before its notice. In the year 1845, when Sir Robert Peel renewed the income tax, he went into Committee of Ways and Means early in February and before the Estimates were voted. When, in 1848, the noble Lord (Lord J. Russell) proposed a renewal of the tax, and an addition of 5*d.* in the pound, raising the income tax from 3 per cent to 5 per cent, he considered that the whole of the Ways and Means of the country should be submitted to the House before the Supplies were demanded. These are two of the best authorities, not only of our own time, but of any time, for the proper guidance of the House, in matters of this description. I am not ashamed to follow in the wake of such authorities, and I ask the House whether the circumstances in which we now stand are not as peculiar as the circumstances in which we were placed at either of those periods? Observe how you stand. You have just terminated an arduous and expensive war. The Ministry must, I presume, have considered what, under the altered circumstances, ought to be the peace establishment of this country; but we have no information at the present moment as to what are their particular views with reference to that subject; and I contend, that if you go on with the Votes in Supply, and impose additional taxation upon tea and sugar, and upon the income of the people, not merely for this year, but for future years, before you know whether that taxation will be required for the purposes of revenue or not, you are violating the first principles upon which the House has always proceeded. I say it is right that this House should obtain information on these matters, before it actually proceeds to accept or reject the financial arrangements now submitted to us, and the obtaining of that information is the object of the Motion of my right hon. Friend the Member for Buckinghamshire. And as to the practical good that has been done by the Motion of my right hon. Friend, I think I can see great practical good even since this debate has commenced. I can discover a materially altered tone with reference to the Estimates which were originally proposed, and also with reference to the taxation which was about to be placed upon the people. And it does not require any great sagacity to predict, as

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some of the good which is likely to flow from this discussion—first, that the tea duties will not be increased; secondly, that the Estimates will not stand as they are; and thirdly, I hope that the income tax will not be raised to 7*d.* in the pound until you know that the expenditure of the country indispensably requires that the addition should be made. Such is the practical good which I believe has resulted and will result from this discussion. There is something, too, in the mode in which the income tax has, from time to time, been renewed, that especially requires the attention of the House. The tax was first proposed in 1842. It was grounded on the necessity of the case, and the Duke of Wellington, the leader of the Government in the House of Lords, when asked how long it was to continue, said, “as long as it is necessary, and not one moment longer.” At the end of the first triennial period, namely, 1845, the tax was renewed. Sir Robert Peel laid the case before the House of Commons. He said the House was in a condition to do away with the tax if it chose; but that it would also be in a condition to go on with a remission of other taxes if that tax were continued for another triennial period. The House having its eyes thus opened, sanctioned the further imposition of the tax. But an alarming circumstance had occurred in the interval. A letter was written by Sir Robert Peel to the merchants at Elbing, which seemed to imply that the income tax, instead of being temporary, was likely to be permanent, inasmuch as it spoke of a “juster principle of taxation.” Subsequently, however, Sir Robert Peel explained that his meaning was misunderstood, and that when he used the phrase “juster principle of taxation,” he referred to those duties which were either prohibitory or protective duties upon raw materials, and duties upon small articles, which did not pay the cost of collection. Still alarm prevailed in the public mind before the expiration of the second triennial period. The noble Lord opposite (Lord John Russell) was at the head of the Government at the end of that period, and came down to this House and proposed a renewal of the tax, and an addition to its amount. The circumstances of the country were peculiar. There was a great pressure upon trade. A commercial crisis had happened, and the hearths of the people of Ireland had been desolated by a

gigantic famine. What did the House say when that proposal was made? With one voice it declared that it would not have an addition to the tax. The proposal was, therefore, withdrawn; and although the noble Lord asserted that the addition was absolutely necessary, he was enabled to go on without it. But the alarm created in the public mind by the Elbing letter was greatly increased by this attempt to add to the tax, and the House determined upon reviewing the income tax by means of a Committee. The third triennial period expired in 1851, and so strongly convinced was the House of the necessity which existed for either modifying the tax so as to make it more equal, or abolishing it altogether, that you only continued it for one year. At the end of that year my right hon. Friend (Mr. Disraeli) was Chancellor of the Exchequer, and two courses were open before him—one modification, the other abolition. He suggested modification; but the House rejected the Budget, and the Ministry with it. My right hon. Friend (Mr. Gladstone) then succeeded to office. The same alternatives were before him—modification or abolition. He demonstrably showed that you could not make the tax equal by attempting to adjust the difference between precarious and fixed incomes; but that you must deal with the case by comparing net profits with gross receipts. He therefore proposed its renewal; but he accompanied that proposal by the compact or obligation to which I have referred, and from that time to this, or rather until Friday evening last, nobody ever dreamt that there was a chance of that compact not being strictly fulfilled to the letter. I heard then from the Chancellor of the Exchequer for the first time a statement which, if it had fallen from any other person, I should have thought had slipped out of the mouth in the warmth of debate. But there is no man in the House who is more thoughtful in his speeches than my right hon. Friend, and therefore it is that I attribute more weight to his words than I do to those who speak more hastily. He said, and this is the passage to which I desire to call the particular attention of the House, because it seems to intimate an opinion that he could not state whether there was a probability or even a possibility of getting rid of the tax in 1860:—

“All persons must wish that any onerous tax, which the income tax is alleged to be, should, by the increasing prosperity of the country, be found

unnecessary for the public service; but it seems to me that we cannot bind ourselves down to any sort of pledge, or to any formal confession of faith, as to the possibility or probability of Parliament being able to remit the income tax in 1860.”

Now, Sir, these are alarming words. They are so alarming that, if the House required at any time some mode of dispersing that alarm, I think it should take the earliest opportunity of doing so; and I know not how you could so well do it as by adopting the Resolution of my right hon. Friend. What, Sir, doubt entertained even by the Minister of the Crown, contrary to an express engagement to the compact as I have proved it to be—the moral compact—that this tax is to cease in 1860? Are we to be told by the highest authority in the House or the Government that he cannot form an opinion as to the probability, or even possibility, of the fulfilment of that engagement? Depend upon it, that it is for the honour of this House that the engagement which has been entered into should be strictly adhered to. The people of the country expect its fulfilment, and, unless adhered to, I feel sure that the confidence reposed in this House will be materially weakened. It is under these circumstances, and feeling strongly that we want an assurance from the Government with reference to financial arrangements that the compact of 1853 should be preserved, that I cordially support the Resolution of my right hon. Friend. I support that Resolution because it amounts, in fact, to an instruction to the Committee of Ways and Means, that no Budget will be satisfactory to us—that no Budget will be satisfactory to the country—unless it secures, by a proper adjustment of revenue and expenditure, the fulfilment of a pledge solemnly given, and which you cannot depart from without a breach of faith and a violation of all principle.

MR. CARDWELL: I cannot help feeling, Sir, when I listen to the able speeches by which this Resolution is recommended to the House, that the Motion itself rests on two distinct grounds—the advocacy of one of which points to a line of action different from that implied by the advocacy which sustains the other branch of it. When I hear those able statements which point to the bottomless pit of deficiency in which we are told the present financial arrangements will leave the country, I naturally expect to hear the speaker close with a proposal for a higher scale of taxes;

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and when I hear eloquent speeches in favour of a reduction of expenditure, I naturally expect the conclusion to be that we shall go into the Committee of Ways and Means, where, assuming that our expenditure is diminished, we may afford to the people of this country that just remission of taxation on which their whole attention is centred, on which their opinion is made up, and which we, I think, on both sides of the House unanimously believe to be both expedient and just. I am confirmed in that opinion when I hear my right hon. Friend who last sat down, commence his able speech by proclaiming that in every material fact and argument, in every premise which should lead him to a conclusion, he entirely concurred with the noble Lord the Member for the City of London. Is it not strange, Sir, that men of such ability should be agreed on all these statements and all these premises, and be as wide as the poles asunder in the conclusions to which they have come? To me the inference is irresistible—that this Motion is not well devised for expressing on the part of the House of Commons one plain, intelligible, practical result. While we are debating here whether we have a deficiency in prospect or whether we have a surplus, is it not manifest that the solution of that question must depend upon the amount of expenditure you contemplate will be incurred in future years? Apply to future years the expenditure of the present year—namely, Estimates for the army and navy of £21,000,000 and for the civil service of £7,000,000, and no doubt you will find yourself in a deficiency, but apply to the Estimates of future years those calculations to which the Chancellor of the Exchequer has referred us—I mean the last year in which we enjoyed the blessings of peace—and then you have a safe balance sheet. Does not this bring us at once to that which is the real point of controversy? Do we mean retrenchment of expenditure, or do we not? Those who mean retrenchment of expenditure have a right to go into Committee of Ways and Means for the remission of taxes. But those Gentlemen—I know not who they are, nor where they sit, though reference has frequently been made to them in the course of the debate—who do not intend reduction of expenditure, are not entitled to go into Committee of Ways and Means for the purpose of remitting taxes. The right hon. Gentleman (Mr. Walpole) told us that the first object he

had in view was the remission of the war 9d. Then to-night he may have an opportunity of accomplishing that object by assenting to the Motion to go into Committee for the purpose of removing the war 9d. That is the first practical question with the right hon. Gentleman. It is the first practical question with the noble Lord the Member for the City of London. I believe it is the first practical question with all of us and with people out of doors. Therefore, instead of interposing a Motion, the meaning of which is not intelligible to us, we should take the practical step on which we are unanimously agreed, and I venture to submit to the House that those who are, as I am, sincere advocates of retrenchment will have gained a great step. When a Resolution shall have been passed in Committee of Ways and Means, and afterwards adopted by this House, when we have to that extent pledged ourselves to the country, it will be too late to adopt a policy inconsistent with our beginning. Having remitted war taxes, we must vigorously deal with war expenditure. Am I without precedent in this argument? My right hon. Friend who last addressed the House referred with approbation to the precedent of 1816. What was the conduct of this House—what was the conduct of the country gentlemen of England in 1816? As the right hon. Gentleman has told us—to demand the immediate abolition of those taxes which had been imposed for the purposes of war. Was the consequence of these remissions of taxation long in following in the reduction of expenditure? The expenditure which in 1815 was upwards of £60,000,000 had in one year descended to £43,000,000; in another year it went down to £25,000,000; and in another to £17,000,000. That was the result of a policy which intending to remit taxes did not talk about it, but by a Resolution of this House, removing the taxes, rendered a necessary consequence the reduction of expenditure, by which alone a nation, like an individual, can be justified when parting with any portion of its income. We had another example in 1848. The House of Commons was then asked to raise the income tax from 7d. to 1s. in the pound. There was at that time already upon the balance-sheet a deficiency of £2,000,000. It was not a prospective, it was an actual deficiency. Did we concur in that demand? Unanimously we resisted it. Sir Robert Peel, the author of

the income tax, stated in debate that 7*d.* was its maximum in ordinary times of peace. The House of Commons having refused to increase the income tax, what was the effect upon the Estimates? Let any man look at the gradual and not slow descent in their amount. Sir, the question of the balance sheet in future years turns upon this simple question,—Can you or can you not bring down your military Estimates to an amount between £17,000,000 and £18,000,000. I will not trouble the House with minute details, but it is idle to argue about deficiency or surplus, unless by a reference to some general amount we know what is the matter of which we are talking—if you can bring down your Estimates for the military services to between £17,000,000 and £18,000,000, you will have a balance in the Exchequer; if you cannot, you will be in a deficiency. Now, Sir, have we a fair prospect of accomplishing that object? I have examined what has been the expenditure for the military services during the whole time that I have been in public life. There have been five Prime Ministers, who have had to submit Estimates to four different Parliaments. The Ministries of Lord Melbourne and of Lord John Russell, in the last years of their existence, submitted Estimates amounting to £14,500,000. Sir Robert Peel, when our relations with France were critical, and when the Oregon question was the subject of the utmost anxiety, incurred an expenditure of £17,000,000. The Estimates of Lord Derby, adopted, I believe, from his predecessor, but still adopted, amounted to £16,000,000. The expenditure of Lord Aberdeen, in the last year of the peace, swelled already by the anticipation of the coming war, barely exceeded £16,000,000. Is it, then, hopeless that, in years of profound peace, we can reduce our military expenditure to a sum between £17,000,000 and £18,000,000? Let those who think it is—let those who have a faint heart for the work of judicious retrenchment and reduction vote for increased taxes; but for us who are determined to enforce all economy which is consistent with efficiency, I submit that the natural course is that we should not vote for a dilatory Amendment, but should at once go into Committee of Ways and Means, for the purpose of accomplishing the first object of my right hon. Friend (Mr. Walpole) by remitting that portion of the income tax which is generally regarded as having been added

to meet the expenditure of the war. Then, Sir, what should be our second object? I listened with the utmost attention to every syllable which fell from the noble Lord (Lord John Russell) upon the interesting question of those articles of great consumption from which we have recently removed taxes with such infinite advantage to the trade and industry of the country, and with so much benefit to the Exchequer. In the plans of my right hon. Friend the Chancellor of the Exchequer are included certain additions to the taxes upon tea and sugar. Are these increases necessary? If they are, that will no doubt be a great argument with the House in favour of their acceptance. But let me ask this question—a question which was pertinently put by the right hon. Gentleman opposite (Mr. Disraeli), in bringing forward this Amendment, and which has been strongly repeated to-night by the noble Lord the Member for the City of London—Are you justified in assuming that you can in the year 1858-9 return to a certain moderate scale of expenditure, and are you justified in making no attempt at meeting the same requirement in the year whose balance-sheet you are now considering, and whose expenditure you can now control? If you will reduce the latter half of this year only to what you yourselves say is to be the expenditure of the first half of the coming year—that is to say, if you will only anticipate by six months that very economy to which you have invited us to look, you may safely abstain from any retroactive effect upon those articles of general consumption which contribute so large a part of the trade of this country, and which contribute so much to the happiness and welfare of the people. When we get into Committee of Ways and Means, and are invited to consider the question of increasing in a time of peace the duties which the poorer classes of the community are required to pay upon tea and coffee, it will behove the House, before adopting that course, to know that there is some reason why we cannot accomplish in the latter half of 1857 the same economy to which we are invited to look forward in the first half of 1858. I have taken my right hon. Friend (Mr. Walpole) step by step. His first point was that we should remove those taxes which were imposed for the purposes of the war. His second point was that we should vigilantly examine and considerably reduce unnecessary

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expenditure. His third point was that we should maintain inviolate that compact which he tells us was made in 1853 between us and the people of this country. Sir, I sincerely hope that the promises of that magnificent Budget of 1853 may, notwithstanding the misfortune which has happened to us in the interval, finally be realized and fulfilled. But when we talk so highly as my hon. Friend talked of a compact, when we speak of arrangements that are to be made three years hence, we ought to remember humbly that circumstances three years hence are not so completely within our control. This I will say to my right hon. Friend, if we are to keep that compact the best thing that we can do in the interval is to replenish the Exchequer. If, under the shelter of the large sum which in that year falls in from the national debt—a sum exceeding £2,000,000—we are to give the people the benefit of the entire abolition of the income tax, it is necessary that we should take care effectually to replenish the Exchequer during the interval by retrenchment of expenditure, and by omitting to impose upon great articles of consumption those taxes the imposition of which checks trade, fetters industry, and diminishes consumption. Then you may reasonably hope that in the year 1860 you will have a buoyant revenue and a flourishing people. This will be accomplished by providing in each year for the burdens which belong to it, and not, as I understood my right hon. Friend, availing ourselves of the first moment of diminished expenditure to operate upon other taxes, the remission of which would contribute less to the welfare and prosperity of the people. My right hon. Friend the Chancellor of the Exchequer in the speech in which he introduced this debate, quoted to us divers authorities. If I might take the liberty of pointing out to a scholar like my hon. Friend an authority which was worthy of his notice, I would recommend to his notice an epigrammatic maxim of Say, who wrote:—"The best of all plans of finance is to spend little; and the best of all taxes is the smallest." I would venture to recommend to him also the example of our Ally, who, immediately upon the transition from war to peace, has proclaimed to his Chambers that the existing state of his people requires a vigilant supervision and careful retrenchment of his expenditure, the reduction of the military establishments, and the postponement of works not

of pressing necessity. We ourselves learned from the late war that it was not by military establishments only that a nation is made powerful. Russia had large establishments; France had large establishments; we had comparatively small ones; and yet when the crisis of that war arrived Russia was impoverished; France was suffering from pecuniary pressure; England, rising with the occasion, was ready to encounter the increased severities of continued warfare. What moral lesson do we learn from this? To what do we owe it that gratifying circumstance? We owe it to the wisdom which had filled the Exchequer without distressing the nation, which had established trade upon a firm foundation, which had made our people prosperous in their industry, and by a wise economy avoided entailing upon them unnecessary burdens. Believing then, Sir, that by judicious economy we can accomplish the objects which my right hon. Friend (Mr. Walpole) had in view. I object to this Amendment, because it keeps us from that practical stage of our proceedings where we can realize the first of these objects, and lay the foundation for the succeeding ones. I think that the adoption of that Amendment would be a doubtful, would be an impracticable course, and, therefore, I shall vote that you, Sir, leave the chair, and that we go into Committee for the purpose of removing those taxes, from which, as they were imposed in a time of war, the people now, on the return of the blessings of peace, justly and properly demand to be relieved.

MR. MILNER GIBSON said, that like the right hon. Gentleman who had just sat down, he had listened with attention to the speeches which had been delivered since the commencement of this debate, and they had brought to his mind a strong conviction of the importance of the issue on which the House had to decide. He believed also that they had enabled him to form a correct estimate of the meaning and value of the Vote which he should be called upon to give. The noble Lord the Member for the City of London had made a speech in which, so far as the general sentiments were concerned, he (Mr. Gibson) entirely concurred, as that speech must be taken in the light of a friendly communication to Her Majesty's Government to induce them to alter their policy, but the noble Lord concluded by advising the House to vote for their policy. What, in fact, was the question which they were now called upon

to decide? The Chancellor of the Exchequer had made his financial statement, and had invited the House to go into Committee of Ways and Means—to impose 7*d.* in the pound upon income for the next three years, and to increase the duties upon tea and sugar, in order to provide funds to defray the expenditure necessary for the public service of the current year. The right hon. Gentleman opposite (Mr. Disraeli) objected to follow that course, and had submitted a Resolution to the House which hon. Members could read upon the paper; but before they could discuss the merits of the right hon. Gentleman's Resolution they must first give an opinion aye or no; were they favourable upon the whole to the financial scheme propounded by the Government? If the House should decide that they were not favourable to that scheme, they would then be called upon to give their approval of the substitute proposed by the right hon. Member for Bucks. He (Mr. Gibson) would briefly state his own view of the matter. He conceived that those Gentlemen who were willing to add £4,000,000 to the Estimates for the Army and Navy in excess of the Estimates of the year preceding the war—who were in favour of an increase in the duties upon tea and sugar, and for levying 7*d.* in the pound upon incomes for the next three years—must vote for going into Committee. Those who, on the contrary, thought the Estimates were too high, who considered that the duties upon tea and sugar ought not to be increased, that a tax of 7*d.* should not be placed upon incomes—those Members would vote against going into Committee. By adopting that course they would be taking the obvious Parliamentary course of expressing their opinion of the financial scheme of the Government as a whole. The noble Lord the Member for the City of London and the right hon. Baronet the Member for Portsmouth (Sir Francis Baring) said, “Do not oppose the Committee of Ways and Means, allow the Government to proceed, and take your chance in a Committee of Supply of opposing the particular duties upon tea and sugar, to which you object.” He (Mr. Gibson) doubted whether that was good advice for hon. Members who were desirous of a practical result. No doubt the hon. Member for Lambeth (Mr. Williams) would be gratified by finding among his small minorities the names of the noble Lord and the right hon. Member for Portsmouth, and, perhaps, with great exertions, he

might succeed in reducing the salary of a chaplain in the Bahamas or of knocking off the odd shilling upon some other particular Vote. But if the House was in earnest, if it wanted to obtain a practical result, it must take its stand at once. During his experience in Parliament he had never known a successful effort made to bring about a reduction of expenditure in any other way than by leaving to the Government the responsibility of proposing the reductions by informing them generally that the scale of expenditure and taxation which they proposed did not meet the approval of Parliament. Then came the question, was he so opposed to the plan of the Chancellor of the Exchequer that he was justified in recording his vote against it? That plan must be taken in connection with the explanatory speech which introduced it. The speech of the Chancellor of the Exchequer must be taken as an indication of the fiscal and general financial policy of the Government. Regarding it in that light, he frankly owned that, as a whole, he conscientiously believed that that speech had a retrograde and reactionary complexion about it. The right hon. Gentleman the Chancellor of the Exchequer had told them of the prosperity of the country—of the increased exports and imports, with a view, no doubt, to inspire them with a confidence that the burdens he was about to propose could not be borne without much pressure upon the country. But, although the right hon. Gentleman had told them about the foreign trade, he had not said one word about the condition of the home trade. He spoke of the prosperous classes, but did not say anything of the condition at that moment of the great body of the labouring classes of the country. That was a most remarkable omission, because in his financial scheme it was from the labouring classes that the right hon. Gentleman proposed to draw a considerable portion of his increased revenue. He proposed to add to the duties upon tea and sugar, articles of consumption next to the very necessities of life, but he did not say whether the labouring classes were now in a condition to bear the increased burden. Although, no doubt, the resources of the country were vast, and although, no doubt, we had been able to bear £76,000,000 of taxation during the last war with less suffering than any other country would have felt had it been called upon to support so great a burden, still he was informed and believed

that at the present moment the great body of agricultural labourers and mechanics in this country had little means left, after procuring the bare necessities of life, to expend in articles bearing Custom duties. He was informed of an agricultural labourer in Suffolk who, with a wife and five children, was not able, with his present wages, to purchase more than one ounce of tea per week. Were they going to add to the price of that ounce of tea? If he took the case of a skilled mechanic earning £1 a week, expending his income as men of that class usually did, he found that the taxes paid in the shape of indirect duties upon articles of consumption amounted to no less than 3s., if not 4s., out of that £1, so that if an income tax were to be levied instead of indirect duties such a man would, according to the present scale of duties, have to pay 3s. or 4s. in the pound. Surely that was not a class upon which fresh burdens should be imposed. The right hon. Gentleman the Chancellor of the Exchequer omitted in his speech all reference to that class from whom he intended to draw his revenue, but at the same time introduced matters totally irrelevant to the question—the paper duty, the tax upon insurances, and the duties upon wine. As, however, the right hon. Gentleman had volunteered statements respecting the paper duty, he (Mr. Gibson) would make one or two observations in reply. The right hon. Gentleman appeared to take a mere exciseman's view of that question. He had told the House that the repeal of the duty upon paper (thinking no doubt of three volume novels, or *McCulloch's Dictionary*) would not have an appreciable effect upon printed books. Dull people made the same remark when Sir Robert Peel brought forward the repeal of the glass duties, that it would not have an appreciable effect upon the price of their decanters and wine glasses. But that was not the view taken of the matter by those who advocated a repeal of the excise duty on paper. They believed that the duty impeded the expansion of an important manufacture, stood in the way of our exports, restricted employment, and therefore produced an increase of pauperism and crime. The right hon. Gentleman might sneer at the idea of the paper duty being a tax upon knowledge, but he (Mr. Gibson) thought that a duty which amounted to 30 per cent upon the cost of ordinary school books and copy books used by the humbler classes was a tax upon

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knowledge, and was inconsistent with the efforts now being made by Parliament to promote the spread of education throughout the country. He now came to the question of the right hon. Gentleman's Resolution. He wished to disentangle himself from the merits of that Resolution. He went some way with the right hon. Gentleman, thinking that to sanction the proposed expenditure for the present year would be to lay the foundation for a deficiency in future years; and that it was absolutely certain that next year an appeal would be made to Parliament for increased taxation. We were now, after a great war, settling what should be our peace expenditure; and he must do the Government the justice to say that they had not for a moment held out the hope of any material reduction in the military expenditure. The very items they had adduced as constituting the cause of the existing increase were such as clearly showed that they did not contemplate the probability of any large reduction. It had always been the practice after every war to make a permanent addition to the naval and military expenditure of the country; and it only accorded with what had been seen in modern times to find the attempt now made by keeping up large establishments, to perpetuate a portion of the war expenditure. Budgets, no doubt, ought to be made only for one year; and to bring forward specific plans of income and expenditure for three or four years in advance was wholly futile. Indeed, the compacts dwelt upon by the right hon. Gentleman opposite (Mr. Walpole) were equally futile. They could not bind the discretion of future Parliaments; and even now, if they were to make the most solemn promises relative to the income or any other tax, they had so entirely lost their character by breaking previous pledges of that kind that the public would put no faith in them. Their duty was to decide, first, what the exigences of the country were, and then raise the supplies to meet them in the way which they believed at the time to be least injurious to the interests of the country. But, without making Budgets for future years, it was impossible, in settling their scale of expenditure, not to look forward a little. If they agreed to the present scale of expenditure, their sanction of it would be quoted against them hereafter; and the same arguments regarding the difficulty of making reductions would be reproduced. No one had yet answered the query put by

the hon. Member for Wick (Mr. Laing)—namely, “If you can make these reductions in 1858–9, why cannot you make them now?” In 1816 the great Whig party did not wait for two or three years before they enforced the principle of reduction on the Government. The present Prime Minister, who was Secretary at War in 1816, was urged by the noble Lord the Member for London, by Lord Brougham, the Marquess of Lansdowne, Sir J. Mackintosh, and all the Whig leaders of that day, to lower the expenditure and revert to peace establishments in the very first year after the French war. The excuse that this could not be done at once was given then as now, but it was not accepted as sufficient, neither did he for one now accept it. The expenditure found adequate for the security of the country previous to the Russian war would be equally adequate now. The right hon. Gentleman opposite (Mr. Disraeli) had clearly made out his case with respect to a deficiency, for if the scale of expenditure now proposed was to be adhered to in future years, it would be necessary to vote increased taxes in 1858–9; and, as the right hon. Member for Oxford had said, they would then see a gradual reversal of that policy which was commenced in 1842 by the late Sir Robert Peel. Such must be the effect of sanctioning the proposed scale of expenditure for future years. A few words on the latter part of the right hon. Gentleman’s Resolution to show that he should vote, not in reference to its merits, but in reference to the preceding question before the House. The right hon. Gentleman opposite said that the House should place it in the power of Parliament by arrangements to be now made to remit the income tax, if it thought fit, in 1860. His (Mr. Gibson’s) decided conviction was, that they would not be able to remit that tax in 1860, nor did he believe that any arrangements which could be devised for that object between this time and 1860 would promote the true interests of the country. The income tax might be readjusted, and made more acceptable; but it would be a great financial blunder wholly to part with that portion of our taxation which was no more than what the affluent classes ought to contribute. A fair and moderate income tax ought to be maintained as a part of our ordinary revenue, and as the keystone of a free commercial policy, calculated to benefit the possessors of property as well

as the working classes. If he were a Member of Parliament in 1860, and his choice lay between remitting the income tax and remitting an equivalent amount of indirect taxation, coupled with the remodelling of the income tax, he should prefer the latter alternative. Therefore, to speak plainly, he made a clean breast of it, wishing to practise no concealment, and, above all, to hold out no expectations to the country which he felt in his conscience would never be fulfilled. Though he should vote with the right hon. Member for Buckinghamshire against the Speaker leaving the chair, he could not go with him in the other proposition. There was nothing inconsistent in this, for there were in fact two distinct propositions involved, and holding the opinions he did, what other course could he take than to vote against the Speaker leaving the chair, and afterwards, when the right hon. Gentleman’s Motion was put as a substantive Motion, voting against it? Hon. Gentlemen on the Treasury bench might think this a peculiar course, but a Member was often under the necessity of separating himself from his political Friends. The noble Lord at the head of the Government the other night led thirteen or fourteen of his devoted adherents to vote with hon. Gentlemen opposite against the extension of the franchise. It would be of great service to the country that the progress of this Budget should be arrested, and he, for one, should not shrink from the consequences of his vote. He believed in his conscience, however, that the Budget would be taken back. He heard some talk of the dissolution of Parliament, and of the resignation of Ministers; but he had the greatest confidence in the pliancy of the noble Lord at the head of the Government. That noble Lord was like one of those trees which weathered the greatest gales by bending to the storm, and if the House only showed itself in earnest the Government would, no doubt, reconsider their proposals, and, by further reducing the expenditure, and omitting the increase of the duties on tea and sugar, submit to Parliament and the country a financial scheme better calculated to meet with general acceptance.

MR. NEWDEGATE wondered that the right hon. Gentleman should vote against the Resolution of which the Government had given notice. But the House was placed in a totally false position, by being asked to go into Committee of Ways and

Means before going into Committee of Supply. It was not the duty of the House to vote taxes as matter of speculation or amusement. They should first see what the expenditure ought to be, and afterwards, according to the almost invariable practice of Parliament, decide how that expenditure should be met. The precedents which had been cited in favour of the violation of this wholesome rule were not at all in point, as the circumstances were not analogous. Thus in 1816 the House was determined to get rid at once of the property tax, after the peace of 1815—a tax necessary for the purposes of war, but odious in its nature, and oppressive in its operation, and unnecessary in a time of peace. The Government sternly refused at that time to remit this war taxation. The House were justified on that occasion in taking the course then proposed. But were the circumstances now existing at all analogous? Had the House any doubt that the “war 9d.” would be repealed? Not one single Member doubted it would be abandoned. The Chancellor of the Exchequer, however, instead of at once proposing a Resolution to that effect only, which was all that could be requisite, proposed a scheme of finance extending over three years, and the right hon. Gentleman the Member for Bucks proposed a similar course by his Resolution. He (Mr. Newdegate) objected to these propositions on the same ground, that they both involved the voting of taxation for this year, as well as for the two next years, without the opportunity having been afforded to the House of testing the proposals for the expenditure of this year. The next precedent mentioned in favour for this departure from the proper course of proceeding was that of 1845. But it was not at all applicable. In 1845 Sir R. Peel was about to propose the remission of an immense amount of customs’ duties, and he acknowledged that the course he proposed, of going into Committee of Ways and Means before Committee of Supply, was irregular and unusual, and he justified it only for the sake of avoiding great mischief to the different trades interested. The noble Lord the Member for the City of London on that occasion expressed his objections to departure from the rule and practice of Parliament, by taking the Committee of Ways and Means before the Committee of Supply, in the strongest terms, and Sir Robert Peel pledged himself, agreeing with the noble

Lord, that his then departure from what he admitted to be the wise rule of Parliament should not recur, but he held by him an exception. Unhappily, however, in 1846 a similar state of things occurred, and a similar reason was assigned, against which the right hon. Member for Portsmouth (Sir F. Baring) remonstrated. In 1848 again the circumstances were special. The country was then recovering from the effects of a visitation of Providence in the Irish famine, and from the effect of the commercial crisis of 1847. There was a deficiency in the revenue, and, from the state of our relations with France, our Estimates were increased; but the increased Estimates were withdrawn by the Government, and money was needed, not for prospective expenditure, but to meet an actual deficiency. There was no deficiency now. There was an abundant revenue. It was true that the Government had proposed Estimates which in the opinion of many were not justified, even for the current year. Now he wished to do his duty to his constituents and reduce the taxes to the utmost possible extent consistent with the safety of the country. But he asked the House to consider the experience of the late war, when it was stated that our establishments had not been previously in a proper state; and, considering that, he asked the House whether there might not be grounds for the increase of Estimates submitted by Government. Still he would not sanction them by voting the corresponding revenue which was demanded by the Government until he had the opportunity of sifting them and testing what was really required. It was vain to debate on the income of 1858–9 without any gauge or data as to the expenditure for the present year. What gauge could the House have? How would they arrive at the Estimates for future years before they had settled those for the current year? In consequence of the false position in which the House was thus placed the debate had been misty and murky as the speech of the right hon. Gentleman the Member for Oxford University. The House was in darkness as to the expenditure for future years, because it knew not what amount of expenditure it would sanction for this year. Various grounds of increased expenditure had been mentioned, and among others the charge for the rural police on the Miscellaneous Estimates, which he (Mr. Newdegate) regretted should ever have been taken from the local rates,

because he foresaw that the control of the police would cease to be a matter of local self-government entrusted to the Corporate and County Magistrates. If the money was voted in the first instance there would be no chance of a revision of the Estimates. His hon. Friend the Member for Norfolk, and those who were about to vote with him, were merely adhering to the practice of Parliament in endeavouring to obtain a consideration of the Estimates before the money was voted for meeting any of the public charges. The Estimates, as proposed, were held by the noble Lord the Member for London, and many others, to be excessive. What control over questions of war and peace, over the departments, or the appropriation of the revenue to the several services could the House exercise, if they had, in the first instance, voted the money for the purposes? Let not the House abandon its own duties and peculiar privileges. The right hon. Gentleman the Member for the University of Oxford ought, upon his own showing, to support the proposal of the hon. Gentleman the Member for Norfolk, for he had given notice of objection to the Estimates. But that right hon. Gentleman had completely puzzled the House by his speech on Friday night. One thing, however, was clear, and that was that he was fiercely opposed to the right hon. Gentleman the Chancellor of the Exchequer. But what was the cause of his irritation in that case? The cause of it seemed to be that the right hon. Gentleman the Chancellor of the Exchequer had dared to think that there were limits to direct as well as to indirect taxation; and that circumstances might arise under which it would be desirable to increase or to maintain our present indirect taxes, and not to have recourse to any increase to direct taxation. And what was the remedy which the right hon. Gentleman the Member for the University of Oxford suggested for that future deficiency which he so confidently predicted? Why, it was an increase in the succession duty—that tax which must be so eminently popular among the Members of that House.

MR. GLADSTONE begged leave to set the hon. Gentleman right upon that point. He was sure the hon. Gentleman did not mean to make a mis-statement; but the fact was that he had not said a single syllable about an addition to the succession duty, and that nothing had fallen from him

which could in any way countenance the assertion that he wished to see any such measure adopted.

MR. NEWDEGATE continued: If he had misrepresented the right hon. Gentleman he was very sorry for it: but he would read the passage in the speech of the right hon. Gentleman which had led him to form that conclusion. That passage was as follows—

“There is, however, an item with respect to which I admit the balance is against us. I estimated the succession tax at £2,000,000, but we are now told by the right hon. Gentleman that £1,300,000 is the more probable sum, and, therefore, we must deduct £700,000 from my estimates as the result of our altered position since 1853. But as the person upon whom the promises made to you may be said to rest, I say the changes that have since occurred do not absolve me in honour and in conscience from the duty of straining every nerve still to maintain and realize those promises and expectations, of the benefit and fruit of which my colleagues and myself availed ourselves at the time.”—[See page 995.]

That statement involved, as he (Mr. Newdegate) thought, a determination on the part of the right hon. Gentleman to obtain a larger amount from the succession duty than that which had actually been realized, and a larger amount prospectively than the Chancellor of the Exchequer anticipated. The right hon. Gentleman, at all events, had been mistaken in his calculations, and what right had they to suppose that future events would prove that he had been better informed in other instances? For his (Mr. Newdegate's) part he would rather see at once whether the expenditure might not be so reduced as to render it unnecessary for the right hon. Gentleman, if he should hereafter be Chancellor of the Exchequer, to raise money by any addition to our existing taxation. The right hon. Gentleman the Chancellor of the Exchequer might console himself in reference to one passage in the speech of the right hon. Member for the University of Oxford, by remembering that he and Arthur Young, whom he had quoted, were not the only financial authorities at whom that right hon. Gentleman had sneered. He (Mr. Newdegate) could not forget the sneer which he had in the spring of 1854 directed against Mr. Pitt, in alluding to the title given him of the “heaven-born Minister.” The right hon. Gentleman had told the House that Mr. Pitt had earned that appellation by the countenance he had given to City jobbers, in the loan he proposed in 1792, to meet the necessary

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expenses of an army which was about to quit the shores of England on foreign service. That was the mode in which the right hon. Gentleman had treated the memory of one of the greatest and most patriotic statesmen who had ever served any country, because he had been compelled to raise money by loan in a period of revolutionary excitement to meet the expenses necessary for the provisions and outfit of an English army. He (Mr. Newdegate) thought that before Christmas, 1854, the right hon. Member for Oxford must, as Chancellor of the Exchequer, have repeated those expressions directed against the memory of Mr. Pitt, when the news reached this country of the lamentable condition to which the English army was reduced on the inhospitable shores of the Crimea, and that thousands were perishing for want of adequate provision and foresight on the part of their Government. But he repeated that he objected to their going into a Committee of Ways and Means until they should have first gone into a Committee of Supply. To do so would in reality be nothing else than putting the revenue of this country for reduction up to auction, and knocking it down to the highest bidder, in Parliamentary and popular support, without due regard for the exigencies of, and expenditure necessary for, the safety, honour, and credit of this mighty country.

SIR CHARLES WOOD: It is impossible to deny, what my hon. Friend has stated, that the practice of examining the estimated expenditure of the country, before proceeding to fix the manner in which it shall be defrayed, is the ordinary usage of Parliament, and it was the course which Her Majesty's Government originally intended to pursue in this instance. It was not by their own free will, however, that they adopted the course which has been pursued, but in deference to the general wish of the House, expressed on all sides. [Mr. DISRAELI: No, no!] I am certainly much mistaken if the right hon. Gentleman himself did not say that it was indispensable that there should be a financial statement from the Chancellor of the Exchequer before we proceeded to consider the Estimates.

MR. DISRAELI: I am quite sure that I never expressed any wish of the sort. I am quite astonished at the Government for having taken this course. The recommendations which they received to adopt

it proceeded from a noble Lord and a right hon. Gentleman behind them, not from me. I am not aware that any Gentleman on this side of the House recommended this course. It is one of which I entirely disapprove, and I am certain that I never at any time suggested it to the Government.

SIR CHARLES WOOD: Well, then, it was pressed on us by my noble Friend the Member for London and by the right hon. Member for the University of Oxford.

MR. GLADSTONE: I beg the right hon. Gentleman to except me. I never pressed upon the Government any such course.

SIR CHARLES WOOD: My ears then have very much deceived me, for I thought that if I had heard anything it was a strong recommendation from the right hon. Gentleman the Member for the University of Oxford, supported by the noble Lord the Member for London, that a financial statement should be made before going into Supply. At any rate, nobody expressed the slightest dissent from the recommendations to do so, which were made from several quarters, and there seemed to be a general concurrence of opinion in the House upon the subject. It was not the opinion of the Government, but they deferred to the general feeling, and having adopted this course we are bound to persevere in it. We cannot, therefore, accept the Amendment of the hon. Member for West Norfolk any more than we can that of the right hon. Gentleman opposite. When such an Amendment as that of the right hon. Gentleman is moved against a Government, they have no choice but to resist both these Motions, and to call upon the House to come to a decision on the main question. I must say, having listened with great attention to the whole of this debate, that I never heard any Motion supported so feebly as the Motion of the right hon. Gentleman opposite has been supported in this debate. I cannot congratulate the right hon. Gentleman on the support he is to receive from the right hon. Member for Manchester (Mr. M. Gibson), who says that he shall vote in favour of his Resolution, entirely disentangling himself from the merits of it, and expressing his entire dissent from the views of taxation put forward by the right hon. Gentleman; nor can I, any more than other Members who have preceded me, see what practical conclusion can possibly be aimed at by this Reso-

lution. If its object is to bring the right hon. Member for Buckinghamshire (Mr. Disraeli) and my right hon. Friend (Mr. Gladstone) into office together, as was suggested by the hon. Member for Essex, that is indeed a practical conclusion. But it seems to me that no other result can possibly ensue from this Motion, except a hindrance to business, the House being prevented from going into a Committee of Ways and Means and Committee of Supply, and there, in the only manner in which it can be done, adjusting the national income and expenditure. Instead, however, of allowing the House to do this we have a Motion of an abstract character proposed by the right hon. Gentleman opposite; when that is disposed of my right hon. Friend (Mr. Gladstone) has given notice of another, which he might just as well move in Committee of Ways and Means as before the Speaker leaves the chair; and if that fails he threatens us with a third Motion about reduction of Estimates, instead of going into Committee of Supply, and there proposing a reduction of such items of expenditure as he considers susceptible of it. Sir, we boast of being a practical people, but I must say that if any impartial person were to look at the intimations which have been given of the course intended to be pursued here he would be likely to come to a contrary conclusion. In Committee of Supply and Committee of Ways and Means the expenditure might be settled and the supplies voted; but instead of this we are wasting time in discussing abstract resolutions which can lead to no practical result. I agree with those who think the House ought to know what the expenditure of the country is, and my right hon. Friend (Mr. Walpole) tells us that one practical result of this Motion has already been shown in the altered tone of the Government upon this subject. Now, I beg my right hon. Friend's pardon. We have never been allowed to express an opinion on the Estimates. Let us go into Committee of Supply and we will endeavour to justify the Votes we ask for; but we cannot be said to have altered our tone regarding a subject upon which we have never had the opportunity of expressing an opinion. The only difference of Estimates has been between those which were volunteered on the first night of the Session by my right hon. Friend the Member for the University of Oxford, who on that occasion kindly undertook to perform the duty of

Secretary for War, First Lord of the Admiralty, and Chancellor of the Exchequer—and those which the Government really proposed. [*"Hear, hear!" and laughter.*] I confess I was astonished at so strange a proceeding on the part of my right hon. Friend. I could not understand it. The language which he has latterly held seems to afford some explanation of his motives. He was determined to fix upon us the crime of extravagant and wasteful Estimates. If we did not bring forward such Estimates of ourselves he was determined to do it for us; and then when he found his expectations disappointed, inasmuch as our Estimates were not his Estimates, he insinuates that we have altered our plans, and that the Estimates now submitted are not the Estimates alluded to in Her Majesty's gracious Speech. Sir, I am sorry to destroy the right hon. Gentleman's theory, but I can assure my right hon. Friend that the Estimates were fixed at their present amount a week before Parliament met. My own Estimates were laid upon the table the first day on which the forms of the House allowed; they were delivered in print the morning following, and, had the forms of the House permitted, they might have been distributed two or three days before. We framed our Estimates, as the right hon. Gentleman said we should, conscientiously believing that they were required for the service of the country; we reduced them as far as we thought they could be reduced consistently with the requirements of the year; and I trust when the time comes and we are allowed to go into Committee of Supply that we shall be able to justify our Estimates, and convince the House that we have faithfully performed our duty in this respect, attempting to combine economy with efficiency, but yet not cutting down the expenditure below what we thought was fairly demanded for the service of the country. I confess I was also a little astonished at the reasons advanced by my right hon. Friend (Mr. Gladstone) for supporting the Resolution of the right hon. Gentleman opposite. I was astonished, too, at the state of excitement in which he seemed to be. He used language towards the Chancellor of the Exchequer hardly becoming for one Gentleman to use towards another; he lectured his old colleagues in a tone the justice of which I may by and by allude to; and he told the House he would not permit them to go into Committee of Supply

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and perform their constitutional functions unless they were fettered and bound by a Resolution which he and the right hon. Gentleman opposite were to rivet upon the House for adjusting the income and expenditure. Now, I hope the House will resist an attempt of that kind—will vindicate its own independence, and will proceed to discharge its duty faithfully and honestly, without allowing itself to be bound by any such Motion. So far as the mere Resolution itself goes, I do not know that I need say much more, but in the course of the debate attacks have been made upon the Government and the Chancellor of the Exchequer, which, I think, call upon us for some explanation and defence. We are told that we have deserted the principles of the Budget of 1853. We are reminded that we, too, were parties to that Budget. I entirely admit the truth and justice of this latter statement. I entirely approved both of the taxation which was imposed and of that which was taken off in 1853; and I fully admit—indeed, I am glad to admit—that by the plan of taxation then agreed upon a reasonable prospect was afforded that in 1860 the income tax would cease. I must, however, be permitted to deny the notion of a compact or engagement binding either in the sense in which it seems to be used by the right hon. Gentleman opposite or by my right hon. Friend (Mr. Gladstone). The right hon. Gentleman opposite (Mr. Walpole) overthrew his own argument. If a compact made by a Minister in 1853 to bind a possible successor and a future Parliament, in 1860, seven years afterwards, is not binding under altered circumstances, such as in the case of a war and its accompanying expenditure, what becomes of the obligation of a compact? No compact, as indeed is admitted by the right hon. Gentleman himself, can be binding under altered circumstances, and nobody can foresee seven years beforehand in what situation the country may be; all that can be done at the time by the Minister and the Parliament is to place the finances in such a condition, so far as depends upon them, that the expectations held out shall be fulfilled; but it must be necessarily left to the discretion of the Minister and the Parliament of the day to say whether the circumstances are such as to enable them to execute the intention of the former Government. It is impossible that any engagement entered into by Parliament can be stronger than that. It is impossible for a Parliament to bind

its successors. I confess that after what was said by the right hon. Gentleman opposite on this subject I looked with some anxiety to see whether any such positive engagement had been made by the Chancellor of the Exchequer in 1853. Of course, as a Member of the then existing Cabinet, I hold myself responsible for the system of taxation then imposed: but I was a little alarmed at the language of the right hon. Gentleman as to the compact in question, and I took occasion to refer to the words made use of by my right hon. Friend (Mr. Gladstone) in bringing forward the Budget of 1853. On that occasion he said—

“I think it also most desirable that effectual measures should be taken to mark this tax as a temporary tax. By this I do not mean merely, or chiefly, that I would commit the Government to an abstract opinion to be acted upon in future years. My own opinion is decidedly against the perpetuity of the tax as a permanent ordinary portion of our finances. But while I state the wish of the Government to propose it as a temporary tax, I do not ask you to rely on their words to bind them or yourselves, irrespectively of what may occur in the interim, as to what you will do, under all circumstances, at the expiration of the term which we propose to fix for its continuance now. I propose, by positive enactment, by the measures which I shall invite you to adopt, to lay the ground for placing Parliament in such a position that at a given period it may, if it think fit, part with that tax.”—[*3 Hansard, cxxv. 1385.*]

Well, Sir, I agree with every syllable of that explanation. I agreed with it then, and I agree with it now. My right hon. Friend said that he could not expect to bind the Government or Parliament, but he would endeavour to put Parliament in such a position that it might, if it thought fit, take off the tax in 1860. Now, so say I and so says my right hon. Friend (the Chancellor of the Exchequer) at the present moment. The Chancellor of the Exchequer says he cannot bind Parliament in 1860, but he does nothing inconsistent with the remission of the tax in that year, and if there be a difficulty in this respect it will arise not out of the proposal of my right hon. Friend, but from circumstances over which we have no control. The right hon. Gentleman says that by the proposal we are making we do nothing towards taking off the income tax in 1860. Now, Sir, the proposal which we are about to make is one to enable us to provide for the payment of Treasury bonds which fall due in this and the following years; and surely every obligation which we discharge and every portion of debt which we pay off place us in a better position to dispense

with the income tax in 1860. Therefore it is not only incorrect to say that what we are doing tends in the slightest possible degree to perpetuate the income tax, but, on the other hand, it is perfectly true that what we are doing tends, as far as it goes, to render it possible for Parliament to repeal that tax in the year 1860. Now, Sir, let us look a little to the past. In the year 1854 came the war; no one was more unwillingly convinced of the necessity of that war than myself, but when the necessity for it was clearly established it became necessary to provide for the expenses connected with it. Well, Sir, my right hon. Friend in his statement the other evening—referred to the economy of former and the extravagance of later years. He said that in the twelve years ending in 1853 there had been little or no increase in the expenditure of the country, but that since that period there had been a considerable increase. I should have thought myself that the twelve years preceding 1854 being years of peace, and the years since then having been years of war, would have been sufficient to account for that circumstance, even if the statement were entirely correct. In point of fact, however, my right hon. Friend was not correct in that statement, for there was a considerable increase of expenditure in the services voted by Parliament; and that is the only test of the economy of the Government and of the House of Commons, between 1842 and 1854—an increase of no less than £3,366,000. Well, Sir, in the year 1854 it became the duty of my right hon. Friend, who was then Chancellor of the Exchequer, to provide for a war expenditure; and he did so, partly by a loan and partly by taxation, that taxation being partly direct and partly indirect. And what were the taxes which he increased? Why, Sir, they were the income tax and the duties upon malt, sugar, spirits, and tea. He did not do what one might expect from his speech on Friday last that he would have done—namely, place all the increase upon one species of article; but he took one great item of direct and four items of indirect taxation, two of those items being the very ones with which my right hon. Friend now proposes to deal. I quite concur in the course adopted by my right hon. Friend in 1854, and think that it would have been impolitic to have acted otherwise; but that was precisely the same course which is now adopted by my right hon. Friend the Chancellor of the Exche-

quer. The right hon. Gentleman says because my right hon. Friend proposes to increase the tax upon more than one article, it may be inferred that he is going to impose taxes upon more articles than he cares to enumerate of those from which taxes have been taken away in past years. Now, nothing can be more absurd than such a charge based on such a foundation. Why, the right hon. Gentleman himself in 1854 imposed taxes upon more articles than the Chancellor of the Exchequer, and, even to a greater extent than my right hon. Friend, carried out the principles of Arthur Young, as stated by the Chancellor of the Exchequer, and condemned by my right hon. Friend; and yet he now turns upon my right hon. Friend and tells him that his policy is a retrograde policy, that he is departing from those principles which have been acted upon for fifteen years, and all because he adopts, although in a less degree, the course taken by the right hon. Gentleman himself in 1854. Well, Sir, last year the war came to an end, and, as regards the war taxes, the war tax on malt ceased in July last, and the additional duties on coffee, sugar, and tea would cease on the 5th of April next. The income tax would by law have continued at the increased rate of 16*d.* for a year longer, but I need, perhaps, hardly say that the Government never entertained the slightest intention of availing themselves of a technicality to continue that impost. There has been a great deal of quibbling as to whether we are reducing or imposing taxes, but they are mere quibbles upon words. The hon. and learned Member for Wallingford put the case of the income tax very fairly. He said, do not seek to avail yourselves of the technical language of the Act, but throw yourselves upon the House of Commons, and we shall be quite ready to vote the necessary Supplies. I am quite content to take that position, and to deal with the question as if all war taxes had ceased. Then how should we stand? We should have come back to the peace income calculated in 1853. Now, in the first place, there has been a considerable falling off in the estimated sum which would be produced by the succession duty. My right hon. Friend (Mr. Gladstone), in 1853, calculated that before now that tax would produce £2,000,000. It has, however, produced only about £500,000. Therefore, the estimated income has suffered a loss of £1,500,000—that loss has been, however, nearly made

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up for by the duty upon spirits. Well, if the arrangement of 1853 be so binding, there is already one failure in it, and the principle, now so loudly put forward by the right hon. Gentleman, of resorting to taxes upon property instead of taxes on consumption largely departed from. Well, Sir, I come now to the expenditure of the country. The expenditure, according to the Estimates laid before the House by the Chancellor of the Exchequer, falls short of the income, on the basis of the settlement of 1853, by a sum of £2,500,000. How does the deficiency estimated by my right hon. Friend for next year occur? Why it is, in point of fact, strictly war expenditure. It is caused by having to pay Treasury bonds and other charges to the extent of £3,500,000, which were rendered necessary by the war, and whether a charge occasioned by the war be paid in 1855, or by the discharge of the temporary Treasury bonds due in 1857, the expenditure is equally a war expenditure. Now, can it be said that the scheme proposed by my right hon. Friend for defraying that expenditure, in 1857, is one jot more a departure from the settlement of 1853 than was the plan of the right hon. Gentleman in 1854? If it were consistent with the settlement of 1853 to impose taxes upon tea and sugar in 1854, how can it be inconsistent to do so when now, as then, there is a war expenditure to be met? The expenditure now is of the same description as it was then; why should not the taxation be the same? Whether the right hon. Gentleman did or did not depart from sound principles in 1854, he cannot now blame my right hon. Friend, who has only followed in his steps, without blaming himself. I was astonished that he could rise in his place and upbraid my right hon. Friend for adopting precisely the same course as he himself adopted three years ago. Well, Sir, how stands the case as to imposing or taking off taxation? My right hon. Friend has selected the articles for taxation so that the consumer will be relieved, although the revenue will be increased. He takes the two articles in which the consumer has not received the benefit of the reduction intended in 1853; but still the consumer will receive some, though, of course, a less benefit by a reduction of duty. I think the course will be one which the country will approve. If, when you go into Committee of Supply, you consider the Estimates too high, it will be your duty to reduce them. If, on the

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contrary, you find that they are justified by the proposals we have made, then you may be satisfied that we have provided ways and means for defraying the proposed expenditure, and leaving a reasonable but not a large surplus. My right hon. Friend (Mr. Gladstone) thought fit to lecture the Chancellor of the Exchequer, and to lecture the Government for the course they have pursued. The right hon. Gentleman must forgive me for protesting against his right to lecture us in such a manner. I admit the superiority of my right hon. Friend's talent and ability. I admit that he is a more able advocate of the doctrines of free trade than I can pretend to be; but I am at least an older free trader than my right hon. Friend, and I think myself quite as well qualified to judge whether a particular course is or is not a departure from the principles of free trade. I think I am as little likely as the right hon. Gentleman to desert the principles upon which I have acted ever since I came into Parliament. I supported those principles in adverse circumstances. I voted against the corn laws twenty-five years ago, and the first act I had to do as Chancellor of the Exchequer was to put an end to the last monopoly but one of the most mischievous monopolies that ever existed—that on sugar. I therefore do not regard myself as open to the censure of the right hon. Member for the University of Oxford. I think that he acted in 1854 without injuring the principles of free trade; he is fairly entitled to acquittal of any such charge; but his acquittal carries with it that of the Chancellor of the Exchequer, for their course is identically the same. I cannot, however, acquit him of the language which he was pleased to hold with regard to my right hon. Friend the Chancellor of the Exchequer. Indeed the course of proceeding is in itself unfair to the Chancellor of the Exchequer. It is right enough that general principles should be discussed in this House. It is proper that every Member of the Government should be prepared to take a part in general political discussions, but it is impossible for all the Ministers to be so fully acquainted with the details of other departments than their own as to be enabled to answer offhand the various questions that may be put as to the business of those departments. It is, therefore, not only for the advantage of the Ministers, but of the House, that all matters of detail of that kind should

be discussed in Committees of the House. The Estimates are moved in Committee of Supply, in order that the Ministers may be able to answer the various questions that are addressed to them. The taxes are proposed in Committee of Ways and Means, where the opportunity of full inquiry is afforded. A Resolution has now been moved. Sir, on your leaving the chair, no Member can speak twice. My right hon. Friend (the Chancellor of the Exchequer) could not reply to the unjustifiable attack that was made upon him the other night, and in that respect he was placed in an unfair position. The right hon. Member for the University of Oxford attacked the Chancellor of the Exchequer with a degree of acrimony and violence which I greatly regretted, and which was not justified by anything that had fallen from my right hon. Friend. The right hon. Gentleman (Mr. Gladstone) said—and I was surprised to hear such expressions applied by one Gentleman in this House to another—that the Chancellor of the Exchequer had misrepresented what he was doing, that he had deceived the House, and that his assertions, not as to matters of argument, but as to matters of fact—were untrue. The right hon. Gentleman imputed to the Chancellor of the Exchequer that he had stated that the effect of the Resolutions he was about to propose would be to relieve the country in this year from burdens amounting to upwards of £11,000,000. Such an assertion would no doubt have been untrue, but it so happens that it was never made by the Chancellor of the Exchequer. The misrepresentation was, indeed, on the part of the right hon. Member for the University of Oxford, and not on the part of the Chancellor of the Exchequer. My right hon. Friend distinctly said that the malt tax ceased on the 5th of July last. He stated what the amount of loss had been, and he said that the greater part of that loss resulted from the repayment of a drawback, which of course could not have been the case if the tax was only to be repealed by Resolutions now to be voted. The right hon. Member for the University of Oxford said the Chancellor of the Exchequer held out to the country the expectation of relief from the income tax to the extent of £9,000,000 in consequence of his propositions. The Chancellor of the Exchequer made no such statement. He said, on the contrary, that the Committee must recollect that owing to arrears now due a considerable amount of the high rate

of income tax would be receivable in the present year, and that the full effect of the reduction would not be felt until the ensuing year. It was, I think, impossible for any one to guard himself more carefully than my right hon. Friend in stating to the House the truth and the whole truth upon these points, and it is not true that he represented in any way that the grace and virtue of these remissions were to be attributed to the Resolution he was about to place in the hands of the Chairman of Ways and Means. That was the assertion of the right hon. Member for the University of Oxford, charging the Chancellor of the Exchequer with misrepresentation and falsehood. I say that it is a charge utterly unjustified by the facts. The Chancellor of the Exchequer made no such statement; what he said was directly the reverse. Be it observed, too, that the speech of my right hon. Friend (the Chancellor of the Exchequer) was not made on the same evening as the attack of the right hon. Member for the University of Oxford. It was made on the previous Friday, and a whole week had elapsed between the statement and its misrepresentation. I must say I never was more surprised or more pained than to hear such language as that to which I have referred, and which I think ought not to have been addressed by one Gentleman to another, reproaching the Chancellor of the Exchequer for statements he had never made. [*Some ironical shouts of "Hear!"*] I am sorry that any hon. Gentlemen who may have listened to the attack seem to think it a matter of no importance that the character of a public man, when unjustly assailed, should be vindicated. The right hon. Gentleman (Mr. Gladstone) then turned upon me and told me that I had stated, not as matter of prophecy, but as matter of opinion, that the income tax ought to be a perpetual tax. I certainly do not remember ever having expressed such an opinion. I have referred to the Parliamentary debates, and I find much that I said in a totally different sense. I cannot, however, find a word indicating an opinion on my part that the income tax ought to be perpetual. I will give the right hon. Gentleman the full advantage of one passage, which is the only one I can find that affords the slightest ground for his statement. I said in 1851, when I proposed the renewal of the income tax,—

"With the common concurrence of the House of Commons for some years past, with the general

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approbation of the country, and certainly to its great advantage, we have been repealing and reducing the taxes which press either upon the industry or the consuming power of the country, and I do not believe that it will be possible to reimpose those taxes. I believe further that there are many taxes still remaining on the Statute-book which it would be most desirable to reduce, taxes which, either in their amount or in the mode of their levy, are far more objectionable, far more oppressive, and far more unjust than the income tax. Sir, when those taxes have been so reduced and repealed, when the duties upon the raw material have been taken off, when those duties which interfere with the process of manufacture have been reduced, when the inequalities, the anomalies, and the injustice which prevail in some portions of our taxation are removed, when the duties on imports and the excise are so reduced that the consumer can no longer be said to be hardly pressed upon, then I think the question will fairly arise whether it is expedient further to relieve the consumer or remove a portion of the burdens from the property of the country. But until that is done, until we have removed the imperfections of our fiscal system, until we have carried out and completed that course of commercial policy which we have been pursuing for some years past, and the happy results of which have been felt by the country at large, as I stated only three or four nights ago, both financially, politically, and socially,—until that has been done I hope that neither this nor any other House of Commons will refuse to continue that tax, under the cover of which, as an hon. Gentleman truly said the other night, those changes which have proved so beneficial to the country have been accomplished.”—[3 *Hansard*, cxiv. 711.]

I cannot see how this declaration can be construed into an opinion that the income tax should be perpetual. It is in truth the very doctrine which the right hon. Gentleman has been claiming as his exclusive property, and which he advocated the other evening. I have no doubt that the right hon. Gentleman (Mr. Gladstone) agreed with me when I made that declaration, as I agreed with him in 1853; but that declaration is in no respect inconsistent with the hope and expectation that, as soon as those changes were effected, this House might and would repeal that tax, which I have been anxious to see removed as soon as it was possible to dispense with it. The further charge now made against the Government is the possibility of a deficiency of revenue in 1858-9. We cannot in the year 1857 deal with the Estimates of 1858, or determine what the expenditure of that or future years shall be. All that we can do now is, to deal with taxation, and the only course which can now be taken in order to avoid a deficiency, is to impose a larger amount of taxes than the Chancellor of the Exchequer proposes. Is that what hon. Gentle-

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men mean by voting for the Resolution of the right hon. Gentleman opposite? I did not catch very distinctly what was the proposition which the right hon. Gentleman the Member for the University of Oxford intended to make; and I own that after hearing him I left the House very much puzzled, because he seemed to object to everything and to propose nothing, while every succeeding argument which he used appeared to be in direct contradiction of that which had gone before. He complained of the excess of our Estimates, and at the same time he found fault with the Chancellor of the Exchequer for adopting as the basis of expenditure the establishments of 1853, and then stated that in his opinion the real wants of the country were more likely to increase than to diminish. But it seemed to me, and I should like to know from the right hon. Gentleman whether I am correct or not, that there was this one proposition contained in his speech:—He stated that the Chancellor of the Exchequer was running a risk and pursuing a course which was unjustifiable, and for which he would not be responsible, in voting away the war 9*d.* at the end of this year. If that meant anything it meant, I presume, that the right hon. Gentleman's proposition would be to continue the war 9*d.* for a year longer. Would that be the proposal of the right hon. Gentleman? Was that his meaning? If it were not, he leaves us in the happy situation of having had no suggestion to make to us—no course to indicate which could by any possibility meet the deficiency which he contemplated as so threatening in future years. The only other proposal, then, which has been suggested is that of the right hon. Gentleman opposite, not to impose any additional tax beyond the ensuing year; and the way in which we are to provide for taking off the income tax in 1860 is—with little prospect, according to his view, of a diminished expenditure—to provide a fund of taxation less than that which was proposed by the Chancellor of the Exchequer. What will the right hon. Member for the University of Oxford say to this proposal? I leave the House to judge what prospect it affords of removing the income tax in 1860. The right hon. Gentleman the Member for the University of Oxford, in one respect, goes even further, for he would refuse to suspend the decrease in the tea and sugar duty, and he threatens also to repeal the duties upon

fire insurance and on paper, and to reduce the duty on wine. Where do hon. Gentlemen think, then, that the means of making up for the loss of the income tax, if it be taken off, are to come from? The Chancellor of the Exchequer refuses to pledge himself to the certainty of removing the income tax in 1860, but he at least proposes a course which tends, so far as it goes, to render it possible, while those who vote for the Resolution of the right hon. Gentleman, so far as they have indicated any course at all, propose to adopt plans which will render it more difficult, if not impossible, to obtain that repeal which I believe to be the great object of the House and of the country [*Cheers, and cries of "Divide!"*]. I will not trouble the House much longer, but I must say a word or two with reference to the comments of the hon. Member for Wick upon the Estimates of the year. We have reduced the Navy and Army Estimates by one-half as compared with last year's reduced Estimates, and I do not believe that it is possible to reduce them further in the course of the present year. Hon. Gentlemen have referred to the many difficulties which beset a Minister who has to effect reductions, and I will not dwell, therefore, upon that part of the subject. It is, however, as the House may well believe, a painful thing to discharge men who have served well, or to reduce the wages of men who have faithfully served their country in time of war, and to carry the necessary retrenchments into effect; and I can assure the House that, as it is impossible to bring up establishments to a war footing in a single year, so it is impossible at once to reduce them. If peace continue, no doubt the Estimates next year may be lower than those of the present year, though to what extent they may be reduced I cannot now pretend to pledge myself. The Estimates of each year depend upon the circumstances of the year. If we go into Supply, we shall endeavour to justify the Estimates of the present year as they stand for this year, and whoever may be the Ministers at this time next year will have the same duty as to the Estimates which they may propose. With regard to the income tax, I repudiate any compact or engagement; all that we can promise is, to do nothing which shall render it less possible—on the contrary, to do all that we can to render it more easy—to remove the income tax in 1860 than it

would otherwise be. The right hon. Gentleman opposite will not even continue that impost beyond this year; but if he does not he will be unable next year to repay the Treasury bonds, which will thus run into future years, and will render it more impossible than ever to take off the income tax. We, on the other hand, provide an adequate income for the expenditure of the year, leaving a reasonable surplus in the Exchequer at its termination, and we provide also means for ensuing years, so far as taxation goes; but the expenditure of those years we cannot now undertake to determine. In conclusion, I earnestly call upon the House to reject now the Motion of the right hon. Gentleman, as I hope that on future opportunities you will reject also those other Motions, the effect of which, if carried, will be simply to impede our going into Committee without attaining any practical benefit of any kind.

MR. GLADSTONE:—Sir, after the speech of my right hon. Friend who has just sat down I have no option but to address a few words to the House; but they shall be offered in explanation only, and not with the intention of making use of the privilege which technically and formally I should have acquired in consequence of the Motion which has been made by the hon. Gentleman opposite. My right hon. Friend twice told me that in speaking upon this subject on Friday night I applied language to the Chancellor of the Exchequer which it is hardly decent for one Gentleman to apply to another. Hearing my right hon. Friend make that severe charge, I was in hopes that he would have quoted my exact words, and that he would not have been content with describing in general terms the language which I used; because neither I, nor, perhaps, any person, can feel entirely certain of what may have been the strict bearing of the observations which may have fallen from him in the heat of debate. But if I used any language which, when fairly construed, can be said to impute to my right hon. Friend the Chancellor of the Exchequer the shadow of anything that is dishonourable or unbecoming his high character and position, it is not my duty only, but my pleasure, at once to apologise for language so unintentionally employed. But my right hon. Friend says that I charged the Chancellor of the Exchequer with having deceived the House, with misrepresentation, and with falsehood; and my right hon. Friend—there can be no

(*Second Night*).

mistake about that—charges me with misrepresentation in return. Of that I make no complaint; but I wish that he had quoted the words in which he thought that I charged misrepresentation and falsehood on the Chancellor of the Exchequer. My desire was to make no such charge; but I said that, without the smallest intention on the part of the Chancellor of the Exchequer, undoubtedly the statements which he made had conveyed erroneous impressions to the House, and that not merely with respect to a matter of argument, but with respect to a matter of fact; and particularly I stated that the language of the Chancellor of the Exchequer—although I do not doubt that it was accidentally he fell into the error—had distinctly conveyed to the country that, in virtue of his propositions, £11,970,000 of taxes were about to be remitted. That was the point on which I thought that the statement of my right hon. Friend had misled the country. Now, I believe that I heard correctly and described correctly the language of my right hon. Friend the Chancellor of the Exchequer. In the public journals, too, of the next day, we saw that these £12,000,000 of taxes were going to be remitted; and, on referring to that paper which is considered to have contained the best report of our proceedings, I find the following put down as the words of the Chancellor of the Exchequer:—

“The total amount of taxation which I propose to take off in the present year will be found in the following table:—‘Malt tax, loss in 1857-8 (in addition to £200,000 in 1856-7), £2,000,000; income tax (to be reduced to 7*d.* and 5*d.*), £9,125,000; tea (to be reduced from 1*s.* 9*d.* to 1*s.* 7*d.* per lb.), £369,000; coffee (to be reduced from 4*d.* to 3*d.* per lb.), £135,000; sugar (to be reduced from an average of 14*s.* 4*d.* to 13*s.* 4*d.*), £342,000; total reduction, £11,971,000.’ Of this total of £11,971,000, about £7,600,000 will be a deduction from the Exchequer receipts for the ensuing year, 1857-8.”—*The Times*, Feb. 14.

That statement undoubtedly contains very serious errors in matters of fact, and is calculated to produce most erroneous conclusions. At the same time I beg, in the most public manner, to say that if any word fell from me which I ought not to have used, and which may have given pain to the right hon. Gentleman, I only wish to have it recalled to my recollection, in order that I may express my great sorrow for having used it.

THE CHANCELLOR OF THE EXCHEQUER:—Sir, I regret that my right hon. Friend should have supposed that anything which he said on a former evening

Mr. Gladstone

has been interpreted as imputing intentional deceit or untruth. At the same time the language which he used did convey, in very distinct terms, to my mind the idea that I had, in order to support my argument, and to obtain undue advantage and credit to the Government, laid before the House a statement substantially deceptive and untrue. Now, on looking at the reports of the words which I used I can find nothing that is not consistent with the most exact truth and correctness, except one expression which I used, I presume, but which I must have used inadvertently. I said, “I propose to remit,” instead of saying “the following taxes will be remitted.” If I had used the expression “the following taxes will be remitted,” nothing could be more exact than the statement I made. It meant the taxes that would be remitted in the ensuing year as compared with the whole taxation of the previous year. My object was to lay before the House a comparison between the war taxation of the previous year and the reduced peace taxation of the ensuing year. The House will remember that I had occasion to address them, unfortunately, at very great length. This statement occurred at the end of my speech, and I was anxious not to trespass on the House beyond what was absolutely necessary; therefore if I made an error it arose from brevity and the want of due explanation. But I feel satisfied that if anybody will examine the words which I used he will see that I stated with perfect distinctness the result of the proposition which I made. I stated the total amount of the taxes remitted. I showed how much would be received into the Exchequer in the following year, and how much would go over to the ensuing year, and indeed, those very words which my right hon. Friend read told against the assumption that the whole of that saving would be true within the limits of the year. The entire charge made against me of deliberate misrepresentation and of an attempt to deceive the House and the country turns out to be a question whether I represented the remission as for the year or in the year. What I wanted to say was that it was a remission of taxes for the ensuing year. My right hon. Friend charges me with having said it was a remission in the year. I certainly did not mean to make that statement; and if you compare the statements of former Finance Ministers with regard to remissions of taxation you will never find that a dis-

tion is made between the remission of taxes for the ensuing year and that portion which, in regard to payment of arrears, accidentally occurs within the year. There is another important statement which I wish the House to understand: although it is true that with regard to the income tax and other taxes credit is given, and though part of the tax which is due in respect of one year does not become payable until the ensuing year, nevertheless from the time that the repeal takes place the tax entirely ceases. If, for example, the Resolutions which I have given notice to move in a Committee of Ways and Means with regard to the income tax should receive the assent of the Committee, and a Bill founded on them should receive the assent of the House, the entire income tax in April next would be reduced to 7*d.* in the pound. No portion of income tax arising after the 5th of April next will be more than 7*d.* I call that the remission of the income tax for the year ending the 5th of April next. It is quite true that taxes upon income arising before the 5th of April next will be applicable after that day; but that does not prevent the repeal of the tax coming into operation from that day. For example, a mechanic receiving £2 a-week who will be liable to income tax, will cease to pay after the 5th of April. So, also, any person who compares the different parts of my statement will see that it is explained that the malt tax ceased on the 5th of July last. I stated the amount of drawback, and how much was raised within the preceding and the past year; and I cannot think that any one who will look through the details will suspect that I wished to take credit to myself for a remission of taxes already received. The very fact of my proposing Resolutions only relating to the income tax and those on tea and sugar would at once show that I did not wish to take credit for the remission of the malt tax. So far from there being any intention on my part to make a false impression, I made the fullest explanation in my power.

Question put.

The House *divided*:—Ayes 25; Noes 477: Majority 452.

Question put. "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 286; Noes 206; Majority 80.

List of the AYES.

Acton, J.	Duke, Sir J.
Adair, Col.	Duncan, Visct.
Agnew, Sir A.	Duncan, G.
Alcock, T.	Duncombe, T.
Anderson, Sir J.	Dundas, F.
Atherton, W.	Dunlop, A. M.
Bagwell, J.	Dunne, M.
Baines, rt. hon. M. T.	East, Sir J. B.
Ball, J.	Ellice, rt. hon. E.
Baring, rt. hn. Sir F. T.	Ellice, E.
Bass, M. T.	Elliot, hon. J. E.
Baxter, W. E.	Emlyn, Visct.
Beamish, F. B.	Esmonde, J.
Beaumont, W. B.	Estcourt, T. H. S.
Beckett, W.	Euston, Earl of
Berkeley, Sir M.	Ewart, W.
Berkeley, hon. H. F.	Ewart, J. C.
Berkeley, F. W. F.	Fagan, W.
Bethell, Sir R.	Feilden, Major
Biggs, J.	Fenwick, H.
Black, A.	Fergus, J.
Blakemore, T. W. B.	Ferguson, Col.
Bland, L. H.	Ferguson, Sir R.
Blandford, Marq. of	Ferguson, J.
Bonham-Carter, J.	FitzGerald, Sir J.
Bouverie, rt. hn. E. P.	FitzGerald, rt. hon. J. D.
Boyle, hon. W. G.	FitzRoy, rt. hon. H.
Brady, J.	Fitzwilliam, hon. C. W.
Bramston, T. W.	Forster, C.
Brand, hon. H.	Forster, J.
Brocklehurst, J.	Fortescue, C. S.
Brockman, E. D.	Fox, W. J.
Brown, W.	Freeston, Col.
Bruce, Lord E.	Gallwey, Sir W. P.
Bruce, H. A.	Gifford, Earl of
Buckley, Gen.	Glyn, G. C.
Butler, C. S.	Goderich, Visct.
Byng, hon. G. H. C.	Gower, hon. F. L.
Cardwell, rt. hon. E.	Grace, O. D. J.
Castlerosse, Visct.	Greene, J.
Cavendish, hon. C. C.	Greene, T.
Cayley, E. S.	Gregson, S.
Challis, Mr. Ald.	Grenfell, C. W.
Chambers, M.	Greville, Col. F.
Chambers, T.	Grey, rt. hon. Sir G.
Cholmondeley, Lord II.	Grey, R. W.
Clay, J.	Grosvenor, Lord R.
Clay, Sir W.	Gurney, J. H.
Clive, G.	Hall, rt. hon. Sir B.
Cobbett, J. M.	Hankey, T.
Codrington, Gen.	Harcourt, G. G.
Coffin, W.	Hastie, Alex.
Cogan, W. H. F.	Hastie, Arch.
Collier, R. P.	Headlam, T. E.
Colville, C. R.	Henchy, D. O'C.
Coote, Sir C. II.	Heneage, G. H. W.
Cowper, rt. hon. W. F.	Heneage, G. F.
Craufurd, E. H. J.	Heyworth, L.
Crossley, F.	Higgins, Col.
Currie, R.	Hindley, C.
Dashwood, Sir G. H.	Hogg, Sir J. W.
Davie, Sir H. R. F.	Holland, E.
Davies, D. A. S.	Horsman, rt. non. E.
Deasy, R.	Howard, hon. C. W. G.
Deedes, W.	Howard, Lord E.
Denison, E.	Hughes, W. B.
Denison, J. E.	Hughes, H. G.
Dent, J. D.	Hutchins, E. J.
Devereux, J. T.	Hutt, W.
Dillwyn, L. L.	Ingham, R.
Divett, E.	Ingram, H.
Duff, G. S.	Johnstone, J.

(Second Night).

Johnstone, Sir J.
 Keating, R.
 Keating, H. S.
 Kendall, N.
 King, hon. P. J. L.
 King, J. K.
 Kingscote, R. N. F.
 Kinnaird, hon. A. F.
 Kirk, W.
 Knightley, R.
 Labouchere, rt. hon. II.
 Langston, J. H.
 Langton, H. G.
 Langworthy, E. R.
 Laslett, W.
 Layard, A. H.
 Legh, G. C.
 Lewis, rt. hn. Sir G. C.
 Lowe, rt. hon. R.
 Luce, T.
 Mackie, J.
 Mackinnon, W. A.
 Mc'Ann, J.
 Mangles, R. D.
 Manners, Lord G.
 Marjoribanks, D. C.
 Martin, J.
 Martin, P. W.
 Smith, C. W.
 Massey, W. N.
 Masterman, J.
 Matheson, Alex.
 Millighan, R.
 Mills, T.
 Milner, Sir W. M. E.
 Milnes, R. M.
 Milton, Visct.
 Mitchell, T. A.
 Moffatt, G.
 Monk, Visct.
 Moncreiff, rt. hon. J.
 Moody, C. A.
 Morris, D.
 Mostyn, hon. T. E. M. L.
 Mowatt, F.
 Napier, Sir C.
 Norreys, Sir D. J.
 O'Connell, Capt. D.
 O'Flaherty, A.
 Oliveira, B.
 Osborne, R.
 Otway, A. J.
 Owen, Sir J.
 Paget, C.
 Paget, Lord A.
 Paget, Lord G.
 Palmerston, Visct.
 Pechell, Sir G. B.
 Peel, Sir R.
 Peel, F.
 Pellatt, A.
 Perry, Sir T. E.
 Phillips, J. H.
 Phillimore, J. G.
 Pigott, F.
 Pilkington, J.
 Pinney, Col.
 Pollard-Urquhart, W.
 Ponsonby, hon. A. G. J.
 Portman, hon. W. H. B.
 Powlett, Lord W.
 Price, W. P.
 Pritchard, J.

Ramsden, Sir J. W.
 Raynham, Visct.
 Reed, Maj. J. H.
 Ricardo, O.
 Ricardo, S.
 Rice, E. R.
 Rich, H.
 Richardson, J. J.
 Ridley, G.
 Roberts, T. J. A.
 Russell, Lord J.
 Russell, F. C. H.
 Russell, F. W.
 Sandon, Visct.
 Sawle, C. B. G.
 Scholefield, W.
 Scobell, Capt.
 Scrope, G. P.
 Scully, F.
 Seymour, H. D.
 Seymour, W. D.
 Shafto, R. D.
 Shee, W.
 Shelley Sir J. V.
 Sheridan, R. B.
 Smith, J. A.
 Smith, M. T.
 Smith, rt. hon. R. V.
 Smith, W. M.
 Smyth, Col.
 Somerville, rt. hn. Sir W.
 Spooner, R.
 Stafford, Marq. of
 Steel, J.
 Strickland, Sir G.
 Stewart, Sir M. R. S.
 Stuart, Capt.
 Sullivan, M.
 Sutton, J. H. M.
 Talbot, C. R. M.
 Thompson, G.
 Thornely, T.
 Thornhill, W. P.
 Tite, W.
 Tollemache, J.
 Tomline, G.
 Traill, G.
 Tynte, Col. C. J. K.
 Tyrell, Sir J. T.
 Uxbridge, Earl of
 Villiers, rt. hon. C. P.
 Vivian, H. H.
 Walmsley, Sir J.
 Walter, J.
 Watkins, Col. L.
 Weguelin, T. M.
 Wells, W.
 Whatman, J.
 Whitbread, S.
 Wickham, H. W.
 Wilkinson, W. A.
 Willeox, B. M'G.
 Williams, M.
 Williams, Sir W. F.
 Wilson, J.
 Wood, rt. hon. Sir C.
 Wortley, rt. hn. J. S.
 Wrightson, W. B.
 Wyndham, W.

TELLERS.
 Hayter, W. G.
 Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
 Alexander, J.
 Annesley, Earl of
 Archdall, Capt. M.
 Baillie, C.
 Baillie, H. J.
 Baird, J.
 Ball, E.
 Baring, T.
 Barnes, T.
 Barrington, Visct.
 Barrow, W. H.
 Bective, Earl of
 Bell, J.
 Bellew, T. A.
 Bennet, P.
 Bentinck, Lord H.
 Bignold, Sir S.
 Boldero, Col.
 Bowyer, G.
 Bramley-Moore, J.
 Bruce, Major C.
 Buck, Col.
 Bunbury, W. B. M'C.
 Burghley, Lord
 Butt, G. M.
 Cabbell, B. B.
 Cairns, H. M'C.
 Campbell, Sir A. I.
 Carnac, Sir J. R.
 Cecil, Lord R.
 Cheetham, J.
 Chelsea, Visct.
 Christy, S.
 Clinton, Lord C. P.
 Clinton, Lord R.
 Cobbold, J. C.
 Cobden, R.
 Cochrane, A. D. B.
 Cocks, T. S.
 Cole, hon. H. A.
 Coles, H. B.
 Compton, H. C.
 Conolly, T.
 Corry, rt. hon. II. L.
 Crook, J.
 Cubitt, Mr. Ald.
 Dalkeith, Earl of
 Davison, R.
 Disraeli, rt. hon. B.
 Drax, J. S. W. S. E.
 Duckworth, Sir J. T. B.
 Duncombe, hon. Col.
 Dunne, Col.
 Du Pre, C. G.
 Egerton, E. C.
 Elmley, Visct.
 Evelyn, W. J.
 Farnham, E. B.
 Fellowes, E.
 Fergusson, Sir J.
 Fitzgerald, W. R. S.
 Floyer, J.
 Follett, B. S.
 Forester, rt. hon. Col.
 Forster, Sir G.
 Galway, Visct.
 Gibson, rt. hon. T. M.
 Gilpin, Col.
 Gladstone, rt. hon. W.
 Gladstone, Capt.

Gordon, hon. A.
 Graham, rt. hon. Sir J.
 Graham, Lord M. W.
 Greenall, G.
 Grogan, E.
 Guernsey, Lord
 Guinness, R. S.
 Gwyn, H.
 Hadfield, G.
 Hale, R. B.
 Hall, Gen.
 Hamilton, Lord C.
 Hamilton, G. A.
 Hamilton, J. H.
 Hamilton, rt. hn. R. C. N.
 Hanbury, hon. C. S. B.
 Handcock, hon. Capt. H.
 Harcourt, Col.
 Hardy, G.
 Hayes, Sir E.
 Heathcote, Sir W.
 Henley, rt. hon. J. W.
 Herbert, rt. hon. S.
 Herbert, Sir T.
 Herbert, hon. P. E.
 Hervey, Lord A.
 Holford, R. S.
 Horsfall, T. B.
 Hume, W. F.
 Jermyn, Earl
 Johnstone, J. J. H.
 Jolliffe, H. H.
 Kelly, Sir F.
 Kennedy, T.
 Kerrison, Sir E. C.
 Kershaw, J.
 Knatchbull, W. F.
 Knight, F. W.
 Knox, Col.
 Knox, hon. W. S.
 Lacon, Sir E.
 Laing, S.
 Langton, W. G.
 Lennox, Lord A. F.
 Lennox, Lord H. G.
 Leslie, C. P.
 Liddel, hon. H. G.
 Lindsay, hon. Co.
 Lindsay, W. S.
 Locke, J.
 Lockhart, A. E.
 Lowther, hon. Col.
 Lowther, Capt.
 Lushington, C. M.
 Lytton, Sir G. E. L. B.
 MacEvoy, E.
 MacGregor, Jas.
 Maguire, J. F.
 Malins, R.
 March, Earl of
 Maxwell, hon. Col.
 Meagher, T.
 Meux, Sir II.
 Miall, E.
 Miles, W.
 Michell, W.
 Montgomery, Sir G.
 Mowbray, J. R.
 Mundy, W.
 Murrrough, J. P.
 Naas, Lord

Napier, rt. hon. J.	Stanley, Lord
Neeld, J.	Stracey, Sir H. J.
Newark, Visct.	Sturt, C. N.
Newport, Visct.	Sturt, H. G.
Noel, hon. G. J.	Swift, R.
North, Col.	Tempest, Lord A. V.
Northcote, Sir S. H.	Thesiger, Sir F.
Oakes, J. H. P.	Troloper, rt. hon. Sir J.
Packe, C. W.	Tyler, Sir G.
Pakington, rt. hn. Sir J.	Vance, J.
Palk, L.	Verner, Sir W.
Palmer, Robert	Vernon, G. E. H.
Palmer, Roundell	Vernon, L. V.
Parker, R. T.	Vyse, Col.
Paxton, Sir J.	Waddington, H. S.
Peacocke, G. M. W.	Walcott, Adm.
Peel, Gen.	Walpole, rt. hon. S. H.
Pennant, hon. Col.	Walsh, Sir J. B.
Phillimore, R. J.	Warren, S.
Portal, M.	Whiteside, J.
Repton, G. W. J.	Whitmore, H.
Ricardo, J. L.	Wigram, L. T.
Robertson, P. F.	Williams, T. P.
Roebuck, J. A.	Williams, W.
Rust, J.	Wyndham, Gen.
Scott, hon. F.	Wyndham, H.
Seymer, H. K.	Wynn, Lieut. Col.
Shirley, E. P.	Wynn, Sir W. W.
Sibthorp, Maj.	Wynne, W. W. E.
Smith, J. B.	Yorke, hon. E. T.
Smith, A.	
Somerset, Col.	
Stafford, A.	
Stanhope, J. B.	

TELLERS.

Jolliffe, Sir W. G. H.
Taylor, Col.

PAIRS.

FOR.	AGAINST.
Dod, J. W.	Clifford, Col.
Egerton, Sir P.	Grosvenor, Lord R.
Hildyard, R. C.	M ^c Taggart, Sir J.
Maunsell, Col.	Tancred, H. W.
Long, W.	Heathcoat, J.
Bailey, Sir J.	Chaplin, W. J.
Fuller, A. E.	North, F.
Percy, hon. J. W.	Drummond, H.
Vansittart, G. H.	Wyvill, M.
Berkeley, Sir G.	Heard, J. L.
Freshfield, J. W.	Duff, J.
Buck, Col.	Rumbold, C. E.
Booth, Sir G.	Matheson, Sir J.
Montgomery, H. L.	French, Col.
Burrell, Sir C.	Heywood, J.
Wynne, J.	Monsell, W.
Burrowes, R.	De Vere, S. E.
Wood, B.	Stanley, hon. W. O.
George, J.	O'Brien, Serj.
Lisburne, Lord	Biddulph, Col.
Lovaine, Lord	Aeland, Sir T. D.
Blackburn, P.	Cowan, C.
Waddington, D.	Bagshaw, J.
Moore, G. H.	Burke, Sir T.

Main Question put and agreed to.

Ways and Means considered in Committee.

THE CHANCELLOR OF THE EXCHEQUER said, that if any objection were made to proceeding with the two Resolutions on the income tax he should, of course, be ready to move that the Chair-

man Report progress; but if there should be no objection on the part of the Committee to agree to those Resolutions, which would enable a Bill to be brought in to carry into effect the arrangement he had proposed, that the tax on income tax above £150 a year should be 7*d.* in the pound for the next three years, and on incomes below that amount 5*d.* in the pound, then he would beg leave to move the Resolutions.

Moved to resolve—

“That towards raising the supply granted to Her Majesty there shall be raised annually, during the term of three years from the 5th day of April, 1857, in lieu of the rates and duties chargeable during the same period, under several Acts now in force relating to the income tax, for and in respect of all property, profits, and gains, chargeable under the said Acts, the rate and duty of 7*d.* for every 20*s.* of the annual value or amount of all such property, profits, and gains respectively.”

Resolution read.

MR. DISRAELI moved, that the Chairman report progress.

THE CHANCELLOR OF THE EXCHEQUER said, he did not object.

House resumed; Committee report progress; to sit again on *Wednesday*.

BRIBERY AT ELECTIONS ACT.

COMMITTEE NOMINATED.

VISCOUNT PALMERSTON moved to nominate the following Gentlemen to serve on the Select Committee—namely, Lord JOHN RUSSELL, Mr. WALPOLE, Mr. SOLICITOR GENERAL, Mr. COBDEN, The LORD ADVOCATE, Mr. BARROW, Sir FITZROY KELLY, Mr. BERKELEY, Mr. DEEDES, Mr. George BUTT, Mr. George Alexander HAMMILTON, Mr. INGHAM, Mr. Ker SEYMER, Sir William SOMERVILLE, and Mr. TITE.

MR. P. O'BRIEN complained of there being only one Irishman on the Committee, and hoped that the noble Lord would increase the number, in order that his country might be properly represented on it.

MR. M^cCANN said, he was sorry to see even one Irishman on that Committee, inasmuch as his country had nothing to do with bribery at elections.

VISCOUNT PALMERSTON said, that the business to be transacted by the Committee was not of a local character. He hoped that the hon. Gentleman would allow the Committee to be named, as it was a very good and fair one. The business turned, not upon local questions, but upon general principles.

The House adjourned at One o'clock.

HOUSE OF LORDS.

Tuesday, February 24, 1857.

MINUTES.] *Sat First in Parliament.*—The Earl of Scarborough, after the Death of his Cousin.
 PUBLIC BILLS.—1^a Ionian Subjects' Commissions; Public Health Supplemental (1857); Royal Marine Forces.

CHINA.

RESOLUTIONS MOVED. DEBATE ADJOURNED.

THE EARL OF DERBY rose to move the Resolutions of which he had given notice, and said: My Lords, I am now about to address the highest judicial assembly in the world. I wish I could persuade myself in so doing that every Member of this august assembly will approach the consideration of the important question I have to bring before them in a purely judicial spirit; that they will look at it without reference to any considerations but those of equity and justice and of humanity; and that, above all, they will dismiss from their minds, upon this occasion, at least, every consideration connected in the slightest degree with party ties or political predilections. My Lords, if I can persuade this House to deal with the question in a purely judicial spirit, I have such confidence in the strength of the case I am about to lay before it that I should have not the least doubt as to its decision, unless it be that which must necessarily arise from the inefficiency of the advocate, for upon this occasion I do confess I appear as an advocate; but an advocate from a conviction of the justice of my case; but an advocate disinterested, and, most certainly, unpaid. I am an advocate in a cause which I believe to be that of policy, of justice, and of humanity. I am an advocate for weakness against power, for perplexed and bewildered barbarism against the arrogant demands of overweening, self-styled civilization. I am an advocate for the feeble defencelessness of China against the overpowering might of Great Britain. And, my Lords, I am not in the least degree daunted or deterred, nor do I consider the slightest doubt to be thrown on the success of my cause because I have to bring it forward before an English audience; neither am I at all daunted or deterred by the recollection that, to make out my case, I shall have to rely upon statements and documents exclusively furnished by the very parties whose conduct I am about to impugn. Upon those docu-

ments I am content to rest my case—upon those documents I desire to be judged—and upon those documents I confidently ask for your Lordships' verdict.

My Lords, I pray your Lordships to consider what is the position in which we now find our relations with China. We have carried on with that country for a considerable number of years a trade of vast extent, which has been continually and rapidly increasing—a trade of deep importance to this country and of some vital importance to those engaged in it. This trade has so increased that the single article of tea has advanced in ten years from 41,000,000lbs. to 87,000,000lbs.; and the increase in the export of silk has been during the same period to an enormous extent. Upon the whole, that trade has been carried on under very peculiar circumstances and under very considerable difficulties with great success, producing a great amount of mutual satisfaction, and very much to the advantage of the English merchant and to the inhabitants generally of this country. Upon a sudden, and without, as it appears to me, any sufficient justification, without any previous warning, that trade with the principal port of China has been completely put an end to, and the most hostile and the bitterest feelings have been engendered between the people of Canton and the British merchants. But not only is the trade stopped—not only are the goods of our merchants at this moment sequestered to the extent, I believe, of something like 1,500,000 dollars—not only are all commercial operations put a stop to—but at this moment, without any warrant from the Crown, without any declaration, you are in a state of actual war with China; and that war is carried on with a degree of aggravation and severity which do not usually accompany civilized warfare. You have had seizures of merchant junks; you have had the capture and destruction of the forts of a friendly Power; you have had a walled, but not a fortified, city battered with cannon, and stormed through what is termed a practicable breach; you have had a whole fleet of war junks seized by the superior power of this country; you have had private residences fired upon by order of a British Admiral; you have had a defenceless town bombarded and shelled by British men-of-war. I ask your Lordships, is this a state of things which you can justify to yourselves, one which Parliament can justify to the country, or which can be passed

over in silence without demanding explanations, if they can be given, from the Ministry? And if no sufficient explanation be given, then I call upon your Lordships to stamp this state of things with your strongest reprobation and to denounce such conduct as unworthy of officials of the British Crown. I will now endeavour to state this great case as dispassionately as possible, without exaggeration, without colouring; and if, in bringing it before you, I am compelled to make a very considerable trespass upon your Lordships' patience, I am quite sure that, so long as I confine myself strictly to the subject before you, I may with confidence throw myself upon that indulgence for which I have so often had cause to be indebted to your Lordships.

My Lords, it may be convenient that, in the first instance, I should call your Lordships' attention to the particular Articles of the treaty the alleged infraction of which has been made the primary cause of these violent proceedings. The treaty in question is one termed the Supplemental Treaty entered into on the 8th of October, 1843, and is supplemental to the original treaty of 1842, which was somewhat rudely extorted from China at the close of the war in which we were then engaged with that country. There are two Articles in that treaty to which I must call particular attention—the Ninth and the Seventeenth. The Ninth Article runs as follows:—

“If lawless natives of China, having committed crimes or offences against their own Government, shall flee to Hong Kong, or to the English ships of war, or English merchant ships, for refuge, they shall, if discovered by the English officers, be handed over at once to the Chinese officers for trial and punishment; or if, before such discovery be made by the English officers, it should be ascertained or suspected by the officers of the Government of China whether such criminals and offenders have fled, a communication shall be made to the proper English officer in order that the said criminals and offenders may be rigidly searched for, seized, and, on proof or admission of their guilt, delivered up. In like manner, if any soldier or sailor, or any other person, whatever his caste or country, who is a subject of the Crown of England, shall, from any cause or on any pretence, desert, fly, or escape into the Chinese territory, such soldier or sailor, or other person, shall be apprehended and confined by the Chinese authorities, and sent to the nearest British Consular or other Government officer. In neither case shall concealment or refuge be afforded.”

Under the terms of this treaty, it follows that any Chinese offenders, being in the colony of Hong Kong, or on board a British man-of-war, or on board a British merchant ship, were not to be seized by the

Chinese authorities themselves; but should be demanded from the British Consul, and by him be handed over to the native authorities. The Seventeenth Article provides for the case of various small cutters, schooners, lorchas, &c., belonging to the English nation, and lays down the following rules—

“1. Every British schooner, cutter, lorch, &c., shall have a sailing letter or register in Chinese and English, under the seal and signature of the Chief Superintendent of Trade, describing her appearance, burden, &c.

“2. Every schooner, lorch, and such vessel shall report herself, as large vessels are required to do, at the Bocca Tigris; and when she carries cargo she shall also report herself at Whampoa, and shall, on reaching Canton, deliver up her sailing letter or register to the British Consul, who will obtain permission from the Hoppo for her to discharge her cargo, which she is not to do without such permission, under the forfeiture of the penalties laid down in the third clause of the General Regulations of Trade.”

Now, my Lords, having read these Articles of the treaty, I shall proceed to call your attention to statements which were made by the British Consul to the Chinese Commissioner and to Sir John Bowring, the substance of which is the same—

“Canton, Oct. 8, 1856.

“I have the honour to inform your Excellency that the British lorch *Arrow*, while lying with her colours flying in the river near the Dutch Folly, was suddenly boarded this morning by a force of Chinese officers in a warboat of large size and heavy armament, who pinioned and carried away nearly the whole of her crew, leaving only two out of fourteen men on board, and added to this act of violence the significant insult of hauling down the national ensign.”

Of this the consul complained, and Sir John Bowring also complained in very emphatic terms, to say the least of them, as a gross outrage and violation of the treaty of 1843. Undoubtedly, if this vessel were strictly and honestly a British vessel, the seizure of two persons on board that vessel suspected of being guilty—as they subsequently were proved to have been—of acts of piracy, was a violation of the treaty, inasmuch as they ought to have been demanded of the British Consul, and not taken by force. The question is, was this a vessel which came within the sense of the treaty, or, according to any reasonable or fair construction, was she a British vessel? If she was not a British vessel—if she was not carrying the British flag, and legally carrying it—remember the whole of your case must fall to the ground. Now, my Lords, the circumstances of the case, as I have presented them to you, are most lamentable, and

would be, I am sure, deeply lamented by the Members of Her Majesty's Government, even if they were able to show that in pressing for reparation of this injury we had exhausted all means of forbearance and conciliation; that we had carried our indulgence of the foibles and prejudices of the Chinese to the very verge of weakness; that we had left them every possible loophole of escape and offered every possible facility for apologizing—nay, more—if such had been our conduct in a case in which there could not be the shadow of a shade of suspicion thrown over the original soundness of our pretensions. But if, my Lords, I can show that the conduct of the British authorities in this case, so far from having been distinguished by forbearance and conciliation, has been marked from the outset with the utmost arrogance and with the most offensive assumption of superiority; if I can show you that the terms in which they communicated with the Chinese officials have been terms of the grossest discourtesy; if I can show you that they would accept of no explanation, and that they urged their demands solely by menace and intimidation—menace and intimidation employed in reply to the timid explanations of the Chinese officials; and if I can show you further, that your case has many and grievous flaws in it; that the legality of your demands is more than doubtful; and that, in point of fact, in no true sense of the word was this vessel a British merchant ship, and that therefore there had been from first to last no violation on the part of the Chinese of the treaty—if I can show you all this, then, I ask, with what eyes will you look on the lamentable occurrences which have taken place?

My Lords, let us now go into the history of this vessel. At page 134 you will find an explanation put in on the part of the gentleman whose name has been introduced as having been a party to the purchase. That gentleman is Mr. Block, the Danish Consul; and according to that explanation what was the British merchantman? She was built in China by a Chinese in 1854, she was engaged in the coasting trade of China, that she was captured by pirates, and afterwards recaptured by the Chinese fleet on account of the Chinese authorities, and sold to a Chinese hong in Canton. By that hong she was sent over to our colony of Hong Kong, and that then negotiations were entered into for her sale to a Chinese resident of Hong Kong.

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The bargain was nearly concluded, when a question arose as to the claim of the former owner. That claim was referred to arbitration, and the award of the arbitrator was that the sale from the Canton hong to the Chinese resident of Hong Kong was valid and effectual, but in consideration of difficulties which had been thrown in the way of the previous owner regaining what was originally his property, he directed compensation to be made to him of 2,100 dollars. Now, my Lords, here is a vessel Chinese built, Chinese captured, Chinese sold, Chinese bought and manned, and Chinese owned, and that is a British merchantman—that is the British vessel which it is said is entitled to claim the protection of a treaty by which British ships are exempted from the visits of the Chinese authorities. By what legerdemain was this Chinese vessel metamorphosed into a British one? I will tell you. In March, 1855, the local legislature of Hong Kong passed an ordinance with a view to remedy the illegal acts which they alleged had obtained with regard to the registering of vessels employed solely in trading with the mainland of China. That ordinance enacted, among other things, that—

“From and after the passing of this ordinance no ship or vessel whatsoever, owned by a British subject, shall be at liberty to trade in any of the harbours of this colony, unless, in the case of an outward trading ship or vessel, she be provided with a certificate of registry in conformity with the Imperial Acts of Parliament on that behalf; and in the case of a China trading ship or vessel, she has in all respects complied with the requirements of this ordinance.”

It goes on to say—

“And be it further enacted and ordained that henceforward when any person or persons shall be desirous of obtaining a register for a ship or vessel in this colony, it shall be necessary for such person or persons to forward to the Colonial Secretary a declaration, in writing, stating whether the ship or vessel for which such register is sought is intended to be employed solely in trade with China, or on more distant voyages, and that according to such statement a register shall be granted to such ship or vessel, either an Imperial register, as prescribed by the Imperial Acts in that behalf, or a colonial register as laid down in this ordinance: provided always that should such declaration be false, or the ship or vessel to which it relates not be employed in conformity with it, the register thereby obtained, whether Imperial or colonial, shall *ipso facto* become null and void.”

If that ordinance had reformed the abuses which had prevailed from the improper use of the registers in that trade there could be no doubt that it would have had a most beneficial effect; but on its being referred

to the Board of Trade in this country, that department took an objection to it which was patent on the face of it, and which would have immediately occurred to any one who inquired into the matter. There is no rule more universally recognized, or which it is more desirable strictly to maintain, than that a colonial legislature cannot pass laws which are contrary or repugnant to the laws of England. What did this ordinance of the Hong Kong legislature do? Not only was it repugnant to the law of England, but it repealed and annulled the whole law of England with regard to the qualification of British vessels. I am not now at this moment going to discuss the substantial merits of this ordinance. I am now dealing with the question of its legality. No such ordinance as this could have been passed, except under the provisions of the 17th & 18th *Vict.* cap. 104; but this ordinance was passed in March 1855, and the Act of 17th & 18th *Vict.* did not come into operation until May, 1855; consequently the ordinance could not possibly have been framed in pursuance of an Imperial Statute of a later date. And observe, my Lords, that, except under the authority of the Act of Victoria there was no foundation whatever for the ordinance; and that without it the legislature of Hong Kong had no power to pass, and Her Majesty had no power to confirm, such an ordinance. But I waive for a moment the question whether the enabling power given by the act of the Imperial Parliament could confer a retrospective effect on the ordinance of the colonial legislature; and I go to a much more substantial point. I may, however, in the first place, observe that the Attorney General at Hong Kong had given an opinion, in which he stated, that of the 60,000 Chinese in that colony hardly one could be legally called British subjects. He says—

“The colony of Hong Kong, with a Chinese population exceeding at the present time 60,000, hardly contains ten Chinese who can legally be called British subjects, for it has not been deemed advisable to naturalize the Chinese here, and the recent settlement of the colony prevents the possibility of their having become subjects by birth. The great proportion of the respectable part of this population have, however, constituted themselves *bonâ fide* British subjects by becoming Crown tenants of leaseholds for long terms of years (a tenure of which an alien is incapable), and by permanent settlement have evinced the clearest intention of perfecting themselves in the persons of their descendants British subjects *secundum leges* as well as *de facto*. I, therefore, as law adviser

to the Crown, deemed it my duty to advise the granting of registers to such Chinese as had, by becoming Crown tenants, so far as in them lay, made themselves British subjects, and whose discharge of the obligation taken upon them could be guaranteed by other Crown tenants. But there had been serious complaints from the naval commander in chief and from the consular and Chinese authorities, of the abuse by small craft carrying the British flag of the treaty regulations, and as the prosperity of this colony (so much increased of late) depends entirely, so far as regards the native population, upon the coasting trade, which is carried on in vessels ranging between twenty and 100 tons, it was deemed advisable by the colonial Government that an ordinance should be passed which, in no way interfering with the granting of Imperial registers to long seagoing ships should yet facilitate the obtaining of English papers of a certain description by colonial craft, and should also give the colonial Government means which it could not possess under an Imperial register of punishing violations of the treaty with China. It was not thought necessary to fix the local limits within which the colonial register should run, because the character of the craft which require those registers and the objects of the local trade render it a matter of the utmost improbability a colonial registered vessel could go anywhere else than along the coast of China; and as the colonial register is obtained on the strength of a declaration that the vessel is solely to be employed in trade with China, and a falsifying of that declaration involves the penalties of the bond which accompanies the register, it was hardly deemed necessary to specify any geographical boundaries.”

I cannot but think that upon that latter point the Attorney General at Hong Kong fell into some strange confusion. He appears to be justifying one illegal act by another. But I believe he meant that inasmuch as no alien can hold land in fee simple, it had been thought desirable to grant to the Chinese leases for ninety-nine years; but at the same time it appears that it was not considered expedient to give them letters of naturalization or of denization. Now, my Lords, remember, the essential characteristic of a British merchant ship is that she must be wholly owned by British subjects, that is, by natural-born subjects, or persons who have obtained letters of naturalization or denization and have subsequently taken the oath of allegiance. These are the conditions within which, and within which alone, by British law a vessel can claim the privilege of British ownership and of carrying the British flag. My Lords, this enactment has been set aside by the colony of Hong Kong, under the supposed sanction—although looking prospectively for that sanction—of the 547th clause of the Imperial Act, which points out not only

what the colony may do, but what they must do, and under what conditions. The noble Earl opposite (Earl Grey) referred to this point incidentally the other night, and I will shortly state it to your Lordships. That that point does altogether with all pretence of legality on the part of the colonial ordinance I think I shall be able to show distinctly. What was the condition under which the colonial legislature, in pursuance of the powers granted by the Imperial Legislature, may pass an Act changing the terms prescribed by the Act of the Imperial Legislature? The condition was to this effect:—that the colonial ordinance should be confirmed by the order of Her Majesty in Council, that it should be sent out with such confirmation to the colony, and that on its arrival in the colony it should have no force or validity whatever until it had been there proclaimed, together with the Order in Council. Can language be more precise, more strict, more stringent, than this? But what has happened? No Order in Council has to this day been passed for the confirmation of the ordinance in question. The Secretary of State has taken upon himself to signify his approval of that Act, and has sent it out to the colony. I say, then, that that Act at this moment is waste paper. It has not been confirmed by the Queen in Council, and of course, therefore, it has not been proclaimed in the colony subsequent to such confirmation. Recollect, my Lords, that all these are questions bearing upon the important point at issue,—was this legally a British vessel? and, if a British vessel, had there been in her case any infraction of the treaty of 1843? I say it was not legally a British vessel. But I will go further and say that she was not a British vessel according to any sense of justice or policy. The ordinance was never proclaimed in the colony, but the sanction of the Secretary of State was given to it in December, 1855. That sanction must have arrived in the colony somewhere about February, 1856, and the Act, therefore, unauthorized waste paper as it is, full of flaws, void of all power and effect, arriving in the colony in February, 1856, is the whole and sole legalization of a register professing to be granted under it in September, 1855. You will say, perhaps, that these are technicalities. They are not technicalities. They are matters of substance and matters of importance. The Government have

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thought fit to dispense with the checks which Parliament had thought fit to impose upon the exercise of a most dangerous power by the colonial legislature, and we are here discussing the question as if it were a criminal indictment against the Chinese for violating the treaty. I have told you that the treaty would not be violated unless the *Arrow* was a British vessel, and that it was not a British vessel. I say that even had that been the case no reasonable defence can be made for the proceedings which have taken place. Let us look at the substance of this colonial ordinance, and let us see whether it is one which ought to be approved by those professing any consideration for the rights of an independent Government. Grant that it may be proved possible and legitimate to give to colonial ships a register for the purpose of trading to Hong Kong—allow that within your own limits you may confer what privileges you think fit—no man will venture to contend that you had a right to confer such a privilege upon Chinese, not being naturalized English subjects, in opposition to the inalienable rights possessed over them by the Chinese Government. These Chinese have never abandoned, if even they can abandon, their allegiance to China. They have never taken the oath of allegiance to England; they have never become naturalized subjects of this country. They are day by day carrying on a coasting trade in the Chinese waters, and what do you do? You pass an ordinance in Hong Kong which says, in utter abrogation of Chinese rights,—These Chinese subjects shall be absolved from their natural allegiance; they shall be at liberty to trade here and there, carry on what trade they please, laugh to scorn the Chinese officials who attempt to arrest them in their unlawful courses, pleading, forsooth, the protection of the British flag, and that they possess a colonial register. Now, would you venture to pass such an enactment with regard to any nation, whose power would bear the slightest comparison with that of England? Apply the case to any European country. Would you dare to pass an enactment relieving the vessels of subjects properly belonging to that country and trading upon the coast of that country from any liability to its laws? Would you attempt to screen them from the just exercise of the authority of the officials of that country? Unless you are prepared to justify such an

instance as this—unless you are prepared to say that this ordinance is not only good in law, but is sound in justice, you cannot maintain that there has been any violation of the treaty—you cannot hold that this is in any sense of the word a British vessel. It is quite true that there was a British subject on board. Who was he? He was a young man of twenty-one, who had been put on board, as he very candidly admits in his deposition, as nominal master of the vessel; and he literally knew so little about the vessel that he did not know who was the owner, but had always understood that it was Mr. Block's *comprador* at Canton. That is the only vestige of nationality about this vessel, except that she held a colonial register, the validity of which relies upon a colonial ordinance, which does not purport to come into effect until six months afterwards, and which, when it did come into effect, possessed no force or legality, since the conditions imposed by the British Parliament, under which the colony alone had the power of making such an ordinance, had not been complied with. Even if I were to go no farther, I ask your Lordships whether such a vessel, claiming British protection under such circumstances, lying in Chinese waters, at the very gate of the port of Canton, having on board two notorious pirates, having been visited in the absence of any British authority, and these men being taken out for the purpose of trial—I ask your Lordships whether, if such a case had occurred, and Her Majesty's Government had declared war against the Emperor of China, there would have been a single man who would get up and defend such a declaration of war, or whether it would not be universally scouted as the most despicable cause of war which had ever occurred? I ask you as men of sense, as men of honour, as British legislators, whether you will sanction, upon the part of unauthorized officials in China, an act which you would stigmatize on the part of Her Majesty's lawful advisers, in the exercise of that prerogative which is vested in Her Majesty alone? I ask you whether in your hearts and consciences you are satisfied to rest a declaration of war, or still more, war without a declaration, upon such a flimsy case? and I will ask you, still further, whether you think hostilities can be justified at all in a case where no declaration of war has been made? But I have not done with this case yet. Suppose the *Arrow* was a

British vessel plying in the waters of Canton. Had she the British flag flying, and, if she had, was it legally flying? Now, with regard to the first part of the case—whether or no she had a flag flying—there is considerable discrepancy of evidence. The master of the vessel, who was at the time of the seizure on board another vessel in the neighbourhood, declares that he saw the flag hauled down. The master of the other vessel also makes a similar declaration, and one of the seamen testifies to the same thing. On the other hand, the Chinese who boarded the vessel declare over and over again, and in the most solemn manner, that they saw no flag, that they hauled down no flag; that they did not believe any flag was flying, knowing the vessel, as they did, perfectly well as a Chinese built and owned vessel, and that they therefore committed no dereliction of their duty in seizing the two pirates on board the lorchas. Undoubtedly, if the matter rested here, I should be more disposed in this conflict of authority to take the evidence of the British subjects, however prejudiced they might be. But Commissioner Yeh, while he repeats over and over again that no British flag was flying, appeals to the common practice existing on this subject. His answer as to this practice was never replied to, for the British authorities seem throughout singularly chary of argument. He says—

“It is an established regulation with the lorchas of your honourable nation that when they come to anchor they lower their colours, and do not rehoist them until they again get under way. We have clear proof that when this lorchas was boarded her colours were not flying; how, then, could they have been taken down?”

To that declaration of the existing practice, I repeat, no answer whatever is given, and the fact, in my opinion, to corroborate the evidence which sets forth that no flag was flying upon the occasion in question. Now, I saw the other day, with reference to this point, a reference to a late number of the *Friend of China*, of November 13. What says this newspaper? It says that the evidence of the Chinese had been corroborated by the depositions (which are not among these papers), forwarded by the consuls, of the master and crew of the Portuguese lorchas No. 83, which was lying close by the *Arrow* in the waters of Canton; and it adds, that it is now notorious at Canton that that flag had not been flying for six days previous to the seizure. But, then, if the flag was flying, was it legally flying? Had the master any right

to hoist it? Are we to lay down the principle that in the waters of the Chinese, at the very doors of Canton, any pirate or smuggler may with impunity hoist the British flag, and that the Chinese officials shall be prevented ascertaining whether or not he has any right to hoist it? It may be possible that the master of the *Arrow* had at one time the right to hoist the British flag, but he had no right to do so at the time of this occurrence, and I will further say that in my belief both the Consul and Superintendent of Trade perfectly well knew that such was the case.

I have omitted, my Lords, in speaking of the effects of this ordinance, to notice the great facility which it affords to smuggling, for the whole, or at least a great part, of the coasting trade carried on in small craft is a smuggling trade, and that that smuggling is promoted and facilitated by this ordinance. I have the unexpected testimony of the Colonial Treasurer to that effect. Now, only imagine, my Lords, an ordinance the effect of which is to increase the coasting trade in opium by granting this exemption. I think that your Lordships will agree with me in the assertion that this ordinance was not communicated to the Chinese Government at the time it was passed, although it was in violation of the treaty which existed between this country and China. At the time of passing that ordinance the least we could have done, when we were materially altering the stipulations of a treaty, or at all events what we ought to have done before complaining of the violation of the treaty on the part of the Chinese, was to communicate to the Chinese authorities the alteration we had made. We did no such thing, but what did we do? Not many months ago two lorchas were seized carrying licences granted to them under this ordinance. Those lorchas were seized while engaged in smuggling salt, and the Chinese authorities confiscated the vessels; upon which the Consul applied to the Imperial Commissioner Yeh; and then Sir John Bowring writes to Commissioner Yeh, and tells him that as the vessels were seized for smuggling no doubt the cargo might be confiscated, but the vessels ought to be sent away; and then he gave the Imperial Commissioner the first intimation of the passing of this ordinance in the following terms:—

“It is provided by Article 12 of the Supplementary Treaty, that if any British vessel be de-

tected smuggling, the Chinese authorities shall be at liberty to ‘seize and confiscate all goods, whatever their nature or value, that may have been so smuggled; and may also prohibit the ship from trading further, and may send her away as soon as her accounts are adjusted and paid.’ Such being the course prescribed by treaty, the Canton Customs in seizing and dismantling the lorchas in question exceeded their authority and committed a breach of treaty.”

The first intimation, therefore, of this great change which had been made, and I believe illegally made, and which directly affected the terms of the treaty, which was communicated to the Chinese authorities, was after they had seized vessels which it was only reasonable to suppose, as it was in the present case, were not British but Chinese ships.

Now, my Lords, I go on as to the legality of this ship carrying the British flag at all. I admit that it may be a matter of considerable doubt whether or not the flag was flying at the time of the seizure of the crew, but I shall be able to show to your Lordships that the vessel was not entitled to carry that flag was a matter which admitted of no doubt whatever. The licences granted under this ordinance are for a year, renewable from time to time upon certain conditions. Among other conditions it was provided that the original register should be deposited with the Colonial Secretary seven days before its expiry, and that in the event of its not being so deposited that the licence should become null and void. The Act also provides that any infringement of the provisions of the ordinance shall render the colonial register *ipso facto* null and void, and shall render the vessel sailing under the British flag liable to forfeiture. The ordinance also provides that the master of any vessel sailing under the colonial register, if he shall happen to be at sea, shall, on his return to the waters of the colony, deposit his register. Now, my Lords, undoubtedly no penalty would be incurred by a master of one of these ships for not depositing his register seven days before its expiration if he should then happen to be at sea, but undoubtedly the protection of the colonial register would cease. The licence is granted for one year and no longer; it may be renewed upon certain conditions, but until it is renewed it becomes absolutely null and void. In case there should be any doubt upon the subject, I will refer your Lordships to an authority which is not to be disputed—I mean to Sir John Bowring himself. In a letter, dated Hong

Kong, October 11, to Consul Parkes, Sir John Bowring says :—

"It appears, on examination, that the *Arrow* had no right to hoist the British flag; the licence to do so expired on the 27th of September, from which period she has not been entitled to protection. You will send back the register to be delivered to the Colonial office."

And again in a letter, dated October 13, he says :—

"I will consider the regranting the register of the *Arrow*, if applied for; but there can be no doubt that after the expiry of the licence protection could not be legally granted."

I have therefore under the hand of the Chief Superintendent of Trade two statements that after the 27th of September protection could not legally be granted to the *Arrow*, and that it could not claim to be a British vessel. Now, my Lords, there is another provision of this ordinance to which I wish to call your Lordships' attention. It is enacted that the register shall be produced once every six months to the harbourmaster, and shall be endorsed by him. Now, I find in a letter from Sir John Bowring to Consul Parkes, dated October 13, this significant passage :—

"I find, on inquiry at the harbourmaster's, that the register of the *Arrow* has not been regularly presented at his office according to the regulations."

Now, my Lords, how stands the case? The ordinance provides that any infringement of its provisions shall render the vessel carrying a licence under it *ipso facto* liable to forfeiture, and shall forfeit all its claim to protection; and in the case of the *Arrow*—we have it under Sir John Bowring's own hand—not only that the registry had expired, and that the vessel could no longer claim protection as a British vessel, but that it had been guilty of an infringement of the provisions of the ordinance in not depositing its register with the harbourmaster in the manner required, and had actually thus incurred the risk of forfeiture. Now, my Lords, I should like to know, in the face of these declarations of Sir John Bowring, what honourable or honest man could sanction, or could have written or put forward claims such as those advanced by Sir John Bowring in his letter to the Imperial Commissioner Yeh, dated November 14? In that letter he says :—

"Whatever representations may have been made to your Excellency, there is no doubt that the *lorcha Arrow* lawfully bore the British flag under a register granted by me, and that treaty obligations were violated by the seizure of her crew

without the intervention of the consul by your officers, and that this violation required a reparation as public as the outrage. I have undoubted evidence that the British flag was flying when it was pulled down by your officer, and I quite approve the conduct of the consul in the whole of this affair."

So that, on the one hand, we have Sir John Bowring writing to Consul Parkes that the *Arrow* was not entitled to protection, while, on the other hand, he writes to the Imperial Commissioner Yeh that whatever representations had been made to him there was no doubt that the *lorcha Arrow* lawfully bore the British flag. Is that the open straightforward method of dealing which should characterize British officials. Is it such a mode of proceeding as is calculated to gain respect and confidence for British officials coming into contact with a most suspicious, but at the same time, a most commercial people? Is it upon grounds like these, which are contradicted by his own letters to Mr. Parkes, that this country should be dragged by our representative into a destructive and expensive war? Now, my Lords, what is the defence to this case? Sir John Bowring says it is quite true that the licence of the *Arrow* had expired, but the Chinese did not know that. What because your adversary may be ignorant, are you to suppress facts, and, acting as if you had a claim, which you know you have not, to hold out a hostile threat to another nation for their infraction of a treaty which you know they have never infringed at all? The Chinese authorities did not know it. No; but Sir John Bowring knew it, and Mr. Consul Parkes knew it; and if Mr. Consul Parkes had done his duty the Chinese Government ought to have known it; because when that vessel arrived and deposited her register in the hands of Mr. Parkes he was bound to notify that she had come in with her sailing licence expired, and he ought not to have given her a sailing licence again until she had applied for a fresh register, which she might have done during any part of the time that she was lying in the harbour of Canton, because Hong Kong was within twelve hours' distance by steam. I therefore sum up this part of the case thus :—That the vessel, to all intents and purposes, was a Chinese vessel, Chinese owned and Chinese manned, and was in no respects a British vessel under any interpretation which could have been put upon the article by either of the parties to the treaty, at the time of making the treaty; that if she ever

had been entitled to protection, that protection had been forfeited by her own act, by the expiration of the register and the infringement of the ordinance; but that the ordinance itself was a piece of waste paper, null and void, and that the register was utterly valueless, giving no claim to the character which was impudently assumed of being a British vessel.

My Lords, I must now go to a very different part of the case—a part which certainly, in the first instance, does not appear to be very closely connected with that which has gone before—I mean, to the claim which is put forward for the free admission of British subjects into the town of Canton. With regard to that point, your Lordships will find at page 185 of the papers, a statement, with which I will not trouble you, of the early stages of the discussion on that subject. I do not think that it is quite clear that the original treaty of 1842 intended to confer that right to the extent to which it has been subsequently claimed. I believe that it was the intention of that treaty—at all events on the part of the Chinese, to give to British subjects and British merchants full liberty to carry on their trade and to have their factories at the ports of Canton and the other places named; but I doubt very much whether it was in the contemplation of the Emperor of China when he signed that treaty that he was giving leave to British subjects to reside within the walled town of Canton. I do not press this however; because I admit that the subsequent treaty of 1846, although it was entered into under considerable *durese*, does specify that at some future time, when mutual tranquillity should be insured, it would be safe and right to admit foreigners into Canton; and it adds that—

“The local authorities being for the present unable to coerce the people of that city, the plenipotentiaries on either side mutually agree that the execution of the above measure shall be postponed to a more favourable period; but the claim of right is by no means yielded or abandoned on the part of Her Britannic Majesty.”

Subsequently, in 1847, by agreement with Keying, the then Commissioner, it was engaged that the period at which British subjects should be allowed to enter the city of Canton should be in the year 1849; and I perfectly admit to the Government that in this case our Plenipotentiary was perfectly right, and the Chinese officers altogether in error—that the claim which was so put forward has never been aban-

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doned by the British Government, but has always been maintained as a matter left in abeyance until a favourable opportunity might arise for exercising it; and that the only question has been, not as to the existence of the right, but as to the policy of insisting upon it, and the advantage or disadvantage that would result from it. I am afraid that I must trouble your Lordships by reading several of these documents, in order to put you fully in possession of the case, although I know that I must be wearying your attention. In the year 1848 Sir George (then Mr.) Bonham was Her Majesty's Plenipotentiary in China, and as the time approached when, according to the agreement with Keying, the engagements of the treaty were to be carried into operation, he wrote for instructions to Lord Palmerston, who was then Secretary of State for Foreign Affairs, and he asked whether he should press for the admission of British subjects in opposition to the manifest disinclination and apprehension of the Chinese authorities. He says, writing on the 20th of July, 1849:—

“If, therefore, Her Majesty's Government propose to insist on the city of Canton being thrown open, as are the other four ports, it will be necessary that I should be supplied with full instructions as to the wishes of Her Majesty's Government, and the means to be placed at my disposal to enable me to carry them into effect. Your Lordship will be aware that, by orders from the Colonial Office, I am precluded from moving troops from Hong Kong; but without some military demonstration I am satisfied that it will be useless to attempt an entrance into the city.”

Now, you will observe that from first to last the only objection to our admittance into the city on the part of the Chinese authorities has been the fear of disturbance and tumult, and of their inability to control and keep down the turbulent population of Canton. In the same despatch Mr. Bonham says:—

“But, should the Chinese authorities sanction our entrance into the city in April next from fear of the immediate consequences of their refusal, and I myself be permitted to visit the Imperial Commissioner at his residence, we should have no security that in less than a week after some British subjects would not be insulted and beaten, and perhaps in the *melée* murdered. I have myself come to the conclusion that the authorities are by no means desirous that we should be admitted; but I am also impressed with the opinion that, even if they were disposed to concede this, they have not the power of compelling the people to behave themselves in a quiet and peaceable manner. The result of our insisting on entrance under such circumstances into a city said to contain nearly 1,000,000 of people is tolerably ob-

vicious; unless, indeed, we keep a force ready at hand to take satisfaction for the very first insult or act of violence that may take place."

In answer to that despatch is one from Lord Palmerston, dated October 7, 1848, which I think reflects great credit on the good sense and judgment of that noble Lord. He says:—

"It has always appeared to me to be doubtful whether the right of entering the city of Canton would be productive of any material advantage to British residents; while it has been plain that the unrestricted entrance of British residents into that city might lead to disputes and collisions between British subjects and Chinese, the consequences of which might be serious. I should wish, however, to know what practical disadvantage in regard to commerce the British residents at Canton now sustain by not being allowed to enter the city, and what practical advantages, beyond those of pleasure and amusement, British subjects would derive from the power of entering the city when they chose."

Again, Lord Palmerston says, in a despatch dated December 30—

"I am clearly of opinion that it would not be advisable to proceed to hostile measures against Canton, or to take the unusual step of a mission to Peking, in regard to a privilege which, like the admission of British subjects into the city of Canton, we have indeed a right to demand, but which we could scarcely enjoy with security or advantage if we were to succeed in enforcing it by arms. It may be true that the Chinese might be encouraged by their success in evading compliance with their engagements in this matter, to attempt to violate other engagements; but this consideration does not seem to me to be sufficient to determine Her Majesty's Government to put the issue of peace and war upon this particular point. We should not find it more difficult to employ coercion in order to enforce a more really useful and valuable right than in order to obtain the practical acknowledgment of this right of very doubtful value; but a great naval and military effort made to enforce a valuable right would be well warranted by the value of the advantage to be gained, while such an effort for a right which would be of little use or benefit when obtained would not stand upon equally justifiable grounds."

Then Mr. Bonham, in answer to Lord Palmerston's inquiry, says this—and remember that this is the language of a man who had the greatest possible experience of China, who knew the Chinese character perfectly well, and who had been for a considerable time employed in Her Majesty's service. Mr. Bonham says:—

"It is my belief that no material advantage to our commerce would be gained by British subjects being admitted indiscriminately into Canton; at all events, none commensurate with the danger to be risked of involving the British Government in hostile discussion with that of China; for I am satisfied that, with the present temper and feeling of the populace in regard to this change, not one month would pass without some gross act of insult

or violence being committed against any British subjects who might avail themselves of the privilege; such, in all probability, ending in bloodshed, and rendering it necessary for us to take steps which would certainly tend very much to embarrass our position."

He then says that he has endeavoured to make himself acquainted with the views of some of the principal members of the mercantile community, and he says:—

"I have come to the conclusion that, although they are quite alive to the inconvenience, politically speaking, that may possibly arise from our foregoing claims to a right which has been the subject of much negotiation, it is, notwithstanding, their impression that their particular interests and those of commerce generally would suffer less by allowing the question to remain in abeyance than by enforcing what we demand by an appeal to arms:—

He says also:—

"I would wish your Lordship to understand clearly that I offer this opinion as my view of the sentiments entertained by those only who have really large and complicated interests in their charge; the majority, who are young and inexperienced, and whose stake, as they are merely subordinates in the firms to which they belong, is comparatively trifling, would doubtless prefer an extension of personal liberty, without, perhaps, a due consideration of the cost at which it must be procured."

The result of the whole is summed up in the last letter in this series of papers from Viscount Palmerston to Mr. Bonham, dated from the Foreign Office, June 25, 1849. The noble Viscount says:—

"I have now to state to you, in reply to these despatches, that although it would no doubt simplify matters if Her Majesty's Government were to renounce entirely and for ever the right accorded by treaty to British subjects to enter Canton; and, although it would possibly, on the other hand, place our future relations with China upon a more certain and satisfactory footing if we were by force of arms to compel the Chinese Government to fulfil this engagement, which there can be little doubt that they could do if they chose; yet, all things considered, Her Majesty's Government are not disposed to take either of these courses. A renunciation of the treaty right would be inexpedient, because, though the exercise of the right may not for the present be attainable without efforts which would be disproportionate to the object, or without risks in the enjoyment of it which would counterbalance its value, yet at a future time the state of things may be different, and the privilege may be willingly granted and safely enjoyed. An enforcement of the treaty right by military and naval operations would require an expensive effort, might lead to loss of valuable lives on our part, and much loss of life and destruction of property to be inflicted on the Chinese, while the chief advantage which it seems, by your account, we should derive from a successful result would be that, by giving such an example of our determination and power to enforce a faithful observance of the treaty, we

should deter the Chinese from attempting future and other violations of that treaty. But Her Majesty's Government are not disposed for this object to make the effort or to produce the consequences abovementioned; and they prefer waiting to deal with future violations of the treaty according to the circumstances of the case, if such violations should occur."

Thus, my Lords, upon the authority of Mr. Bonham, in 1848—Mr. Bonham being a man thoroughly versed in Chinese affairs—Lord Palmerston and the Government of that day came to the conclusion that it was not expedient to press this question; and, consequently, in 1849, Mr. Bonham issued a proclamation prohibiting British subjects from attempting to enter the city of Canton, and the claim was held in abeyance, to be urged or not, according as policy might dictate, at some future period. I should here say that the ground upon which the Chinese authorities have objected to the introduction of British subjects has always been the same—namely, a fear of evil consequences arising from conflict and collision, a dread of their inability to protect British subjects from the hostility of the natives, and a sense of the danger of disturbing the good understanding which subsisted between the two countries. My Lords, we have a very curious illustration of the sincerity of that plea in the private letters of Keying, the Chinese Commissioner, to Seu, pointing out the embarrassment in which he was placed by the mere approach of the discussion on the question of the admission to Canton, and enumerating the deplorable consequences which would result from his compliance with the request of the British, and representing that he must be guided by the Imperial instructions. And, my Lords, let us bear in mind that we are very imperfectly acquainted with the internal arrangements and constitution of China. We are imperfectly acquainted with the laws which regulate the social intercourse of the Chinese with each other, and we know nothing of the distribution of power among the different branches of the State. We look upon China as a despotism, and, in all probability, the Emperor of China is a purely despotic monarch. But that despotism, from long habit and custom, is controlled and regulated by certain maxims and principles which are broadly laid down in all the Chinese papers that have come before us. We have been accustomed, my Lords, in this country to hear a maxim very frequently quoted which sounds very well, although I cannot say that on all occasions

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it is quite a correct maxim. Our Liberals, however, would certainly not complain of the maxim, *vox populi vox Dei*. Let us read that maxim translated into Chinese. Here is what Yeh writes to Sir Michael Seymour:—

"In the administration of all matters in China the rule adhered to is that which heaven (or nature) shows is the right one to pursue. The chief consideration is the people. It is said in the book of history, 'Heaven sees as my people see; heaven hears as my people hear;' that is to say, that what the people are averse to heaven (the Deity) is averse to. Is not this an additional reason why I should be unable to constrain (the people)? I must add that, as it is the habit of your Excellency's nation to adore the spirit of heaven, it behoves you, in my opinion, so much the more to conform in your actions to the principle given us by heaven."

On another occasion Yeh writes:—

"The people are looked on by the State as its foundation. When the ruler loves his people there is some prospect of their obeying their ruler. Thus, as a general rule, has it ever been. To run counter to the feelings of man is to disregard what nature teaches is right before heaven. This has never been the policy of China, and I assume that your Excellency's Government no less recognizes the paramount obligation of conforming to what is right before heaven and due by man."

We have a higher authority still, that of the Emperor himself, who says:—

"In the protection of the people lies the security of the State. When the people of Kwangtung are unanimously determined against the admission of foreigners into the city, can an Imperial injunction be laid on them by proclamation so to do, whether they will or no? It is not in the power of the Government of China to cross the wishes of the people out of deference to those of the men from afar; on the other hand, it behoves foreign nations to study the temper of the people, to the end that the capital of their merchants may work free from risk."

I have read these maxims, my Lords, not as altogether concurring in them, but for the purpose of showing to your Lordships that there is a power in China recognized and established above the despotic power of the Emperor, and that the Throne in China is not free from the control of what may be called public opinion; and for the purpose, further, of showing that the plea alleged by the Chinese Commissioner of danger to the tranquillity of the country and to the persons of the English residents from admission into Canton is not a mere pretext, but a *bonâ fide* opinion, honestly and truly entertained, not only by the Chinese officers, but by Mr. Bonham himself.

I have now, my Lords, traced these proceedings up to 1849, and at my request

the noble Earl opposite has been good enough to lay on the table some further correspondence relative to the entrance into Canton; and here we find a new actor upon the stage. Mr. Bonham was on leave of absence, and his place was occupied by Dr. Bowring. The Doctor had been the Consul, but in the absence of Mr. Bonham he was acting as Superintendent of Trade. I do not wish to say anything disrespectful of Dr. Bowring. He may be a man of great attainments: but it appears to me that on this subject of admission into Canton he is possessed with a perfect monomania. I believe he dreams of the entrance into Canton. I believe he thinks of it the first thing in the morning, the last thing at night, and in the middle of the night if he happen to awake. I do not believe that he would consider any sacrifice too great, any interruption to commerce to be deplored, any bloodshed almost to be regretted, when put in the scale with the immense advantage to be derived from the fact that Sir John Bowring had obtained an official reception in the *yamun* in Canton. I believe the noble Earl the President of the Council has a true insight into the character of Dr. Bowring, for during the short time he held the seals of the Foreign office he gave the following instructions to that eminent public servant:—

“It will, of course, be your duty carefully to watch over, and to insist upon, the performance by the Chinese authorities of the engagements which exist between the two countries. But you will not push argument on doubtful points in a manner to fetter the free action of your Government; and you will not resort to measures of force without previous reference home, except in the extreme case of such measures being required to repel aggression or to protect the lives and properties of British subjects.”

In his answer to that despatch Dr. Bowring says that he shall, of course, defer to his Lordship's instructions; he then enters into an argument of two pages to show that he had better not defer to those instructions, and he finishes by giving this ominous announcement:—

“Had I not felt that the strong expressions in your Lordship's despatch, which call upon me to avoid all irritating discussions with the Chinese, imposed extreme caution and hesitation in all my proceedings, I should have ventured to anticipate the pleasure of communicating in my very first despatch that the *vexata questio* had been happily and peaceably decided, and that I had been received within the walls by the high authorities of China.”

Ten days afterwards he writes another despatch. He had applied for admission

into the city, his application being conveyed in courteous language, and had received the refusal which he had anticipated. He then adds:—

“As I am persuaded, however, that no steps will be taken by the Imperial Commissioner for my reception until I again call his Excellency's attention to the subject, I venture to avail myself of the interim most respectfully, but most urgently, to suggest to Her Majesty's Government that I may be permitted to take the necessary measures for the settlement of this long-protracted matter, which lies at the very threshold of all our difficulties and discussions with the Chinese authorities, and which, if settled, would bring with it the favourable solution of all. Should Her Majesty's Government, however, entertain the question of a direct mission to the capital of China, in order to secure, by personal communication with the Emperor and his Ministers, the faithful observance of treaty engagements, there can be no doubt that the Imperial Commissioner at Canton would ‘reverently obey’ the instructions of his Imperial master. At the same time I have little apprehension of failing, if means are taken to show the authorities at Canton that Her Majesty's Government has determined to insist on the righteous and rigid fulfilment of the obligations contracted towards Her Majesty by the Chinese Government. A demonstration may be useful, but I do not anticipate disasters.”

Now, my Lords, among the other great acquirements of Dr. Bowring I believe he has considerable proficiency in the Chinese language, and I know it has always been a fixed idea in his mind that if for one hour he could obtain the advantage of an admission into Canton and be permitted to harangue the multitude in Chinese all difficulties would disappear before him, and from that moment there would be a most amicable and friendly understanding between the two races. When his last letter arrived the noble Earl behind me (the Earl of Malmesbury) had succeeded to the noble Earl the President of the Council, at the Foreign Office, and he certainly did not give to the Doctor any encouragement to proceed; on the contrary, he laid upon him the strictest injunctions upon no account whatever to stir the *vexata questio* of the admission to Canton—in fact, to do nothing at all until Mr. Bonham should return. Of course Dr. Bowring bowed to the orders of the Secretary of State, but he says:—

“I venture, most emphatically, to assure your Lordship that I never should have presumed to solicit the authority from Her Majesty's Government for undertaking the settlement of the long-protracted question as to our right of access to that city, had I not been fully persuaded, after a very long residence in and knowledge of Canton, that the time was singularly favourable for effect-

ing the object, and that I could have effected it without endangering the public peace, and with great advantage to our social, political, and commercial relations with China."

It is amusing to observe that, while the Chinese Commissioners are always looking forward to a more favourable season, and while they never find that that favourable season and fortunate hour has arrived, there are no possible circumstances or combination of circumstances which, to the mind of Sir John Bowring, are not favourable for the agitation of his cherished purpose. At one time it is because unbroken tranquillity reigns throughout the whole country; at another because there are disorders, disturbances, and revolutions, and the Chinese authorities would require our sanction and support for their defence. At one time it is because they are quiet, at another because they are turbulent; but every time is, according to Dr. Bowring, the very best time for pressing this eternal claim upon which he rests the maintenance of peace between the Chinese and ourselves. My noble Friend's tenure of office, as your Lordships are quite aware, was not of very protracted duration. He was succeeded by my noble Friend opposite (the Earl of Clarendon) who kept up the correspondence with Dr. Bowring. In February, 1854, my noble Friend wrote—

"There are unquestionably points which it would be desirable to secure, and to which we have even a right by treaty, and among those I would mention free and unrestricted intercourse with the Chinese authorities, and free admission into some of the cities of China, especially Canton. The treatment of these questions requires, however, much caution; for, if we should press them in menacing language, and yet fail in carrying them, our national honour would require us to have recourse to force, and in order to obtain results, the practical advantage of which is not clearly demonstrated, we might place in peril the vast commercial interests which have already grown up in China, and which, with good and temperate management, will daily acquire greater extension."

On the 25th of April, in the same year, Dr. Bowring, again pressing this important point of his admission within the walls of Canton said—

"Should the Commissioner consent to this, we shall have gained a very important point; should he refuse, we shall have another substantial grievance, which will justify my proceeding to the capital. I shall declare to him that my reception at his official residence is a *sine quâ non*. I am prepared for every species of representation as to the danger to which I might be exposed, and that his difficulties about receiving me arise only from a regard to my personal safety; but as I am convinced he can protect me if he choose, and,

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moreover, that I am able to protect myself if he refuse co-operation, I am quite willing to incur the risk of entering the city, should he put no veto upon it, and have really no apprehension about my personal safety. I find that the late Commissioner of the United States, who went to Canton for the purpose of communicating with the Imperial Commissioner, altogether failed in obtaining an audience from his Excellency, though he strongly pressed its necessity, and insisted on the gravity and urgency of matters which demanded settlement."

In reply to that my noble Friend opposite just ventured to hint, in the most modest way possible, that there was no reason to anticipate that Dr. Bowring would be more successful in gaining access to the Imperial Commissioner at Canton than the Ministers of France and America had been, adding—

"You will use every precaution for ascertaining before-hand that you will not meet with any indignity that will require to be avenged, and this more particularly at a moment when the aid of the British naval force in the Chinese Seas might not be available for that purpose."

I cannot help saying that I wish that last sentence had not been put in, because it certainly does give countenance to the notion that there was an intention or an idea that at some future time the presence of a large force in the Chinese seas might be made available for enforcing the claim for the admission of the English into Canton. I do not suppose that that was the meaning which my noble Friend attached to the passage. I suppose he only meant to convey to Dr. Bowring the great danger there would be of any rash measures on his part leading to the offering of insults, which, under the circumstances, there would be no possibility of revenging. The last letter in this correspondence with which I shall trouble your Lordships is one from Sir John Bowring, dated July 9, 1855, in which he says—

"Finding that Mr. Consul Alcock has experienced many difficulties in communicating with or getting access to the higher authorities in Canton, I thought the opportunity a favourable one of again making overtures to the Imperial Commissioner, with a view to the establishment of more amicable intercourse."

This is the oddest reason of all. Finding that the consul had met with insuperable objections, it occurred to Sir John Bowring that this was a favourable time to renew communications. There is no other circumstance in the slightest degree affording encouragement. The United States' Minister had failed, the consul had failed, and these two circumstances gave Sir John Bowring the greatest possible encourage-

ment that the moment was peculiarly favourable to his own attempts. In this letter he continues—

“But I am still of opinion that, until the city question at Canton is settled, there is little hope of our relations being placed on anything like a satisfactory foundation; and, moreover, that the settlement of the said city question might be brought about without any risk or danger to our great interests in China. In my matured judgment it has been delayed much too long.”

Here, then, my Lords, you have the state of these two questions, which differ widely from each other, but which I have been obliged to take up separately, and to trouble your Lordships upon them at greater length than I should have desired, because from this moment these two are bound and entwined together in such a manner that it is impossible to separate them, and they form jointly the basis of our demands upon the Chinese Government. In looking at this correspondence, I confess that I perceive with feelings of some shame the contrast between the language and the tone of the correspondence on the part of the British officials and those of the Chinese. I must say, my Lords—and I will trouble you with a few passages to illustrate the view which I have taken—I must say that the language of the Chinese officials is throughout forbearing, courteous, and gentlemanlike; while the language of the British officials is, with hardly an exception, menacing, disrespectful, irritating, and arrogant. These are hard terms to use, but I can justify them by the extracts which I shall submit to your Lordships. It was on the 8th of October that this occurrence—the seizure of the *lorcha*—took place. On that day Mr. Consul Parkes, who appears to be a gentleman very rapid in his movements, made representations in the first place to Sir John Bowring; in the second place to the Chinese Commissioner, not couched in very civil language; and in the third place, as if to provide for all contingencies, without waiting for the slightest explanation, he called upon the officer commanding the naval forces in the river (Commodore Elliot) to co-operate with him in insisting upon reparation for this insult. He reported what had taken place to Sir John Bowring, who on the 11th addressed a letter to the consul, desiring him to call in the most peremptory manner for reparation and apology for this manifest and flagrant violation of the treaty, and in the event of its being withheld—which he seems to anticipate—authorizing him to

seize one of the Chinese Imperial junks; this being at a time when he had not had the slightest communication with the Chinese authorities. Now, my Lords, let me read to you the first letter which Sir John Bowring addressed to Commissioner Yeh, and your Lordships will judge of the conciliatory tone in which negotiations for the reparation of the alleged infraction of the treaty were commenced:—

“I have received a communication from the consul at Canton stating the officers of your Excellency have boarded a vessel bearing the British flag, and in violation of treaty law, without any reference to the consul, carried away sundry persons, and lowered the flag which was flying on board. I cannot pass over this outrage, and must require an apology for it, and an assurance that such conduct will not be repeated. I have instructed the consul to wait forty-eight hours for your Excellency's reply; and, if it be not satisfactory, Her Majesty's forces are instructed to take the measures which the urgency of the case requires.”

That is the first communication made upon the bare hearing of the *ex parte* statement of the consul. To this and to a similar letter Commissioner Yeh replies in these terms. He first states what I have already detailed to your Lordships, the fact of the vessel being a Chinese vessel, and an erroneous impression which he had that the flag had been purchased for some thousand dollars from the Danish Consul, which is explained by the statement which I have made; and he then goes on to say—

“The *lorcha* is not the property of a foreigner at all, and, as to the flag, when the captors brought the men they had seized to my Court, they stated in reply to questions which I desired should be put to them, that at the time they went to the *lorcha* to make the seizure no flag was flying on board the vessel, that they were told the flag was down in the hold, but they did not see it. If no flag were flying, how could a flag have been hauled down? And, as to the arrest, the seizure of Chinese criminals is the legal obligation of Chinese officials. Their so proceeding is in no way an interference with matters of foreign concernment. I have long experience of your Excellency's intelligence and impartiality, and I put it to you, would Chinese officials have attempted a seizure on board a foreign vessel without a reason? I shall be obliged to your Excellency to prohibit foreigners from selling registers for vessels built by Chinese from this time forward. Obedience to such a prohibition will have the desirable effect of preventing confusion of British and Chinese one with another, with the consequent difficulty of distinguishing between them, and will more or less enable us on both sides to proceed in accordance with the treaty.”

In a subsequent letter, after he had been informed that a Chinese junk had been seized, he says—

"I have caused inquiry to be made, and have ascertained for a fact that the vessel seized is a merchant junk, and one that is constantly trading up and down the Canton river. Now, is there laid down in the treaty any such course as this, by which distress is suddenly brought upon the innocent person? The whole question amounts to this—a lorcha built by a Chinese purchased a British flag. [That did not make her a British vessel.]"

Now, my Lords, I ask you, apart from the substance of the matter, whose language is distinguished by the best tone, that of the British officials who are demanding reparation, or that of the Chinese gentleman who most courteously offers explanation and almost apology for that which was not a violation of the treaty? The Consul is just as vehement in his language as is the Chief Superintendent. After announcing the seizure of the junk he says—

"I have to inform your Excellency that a naval force is now before the forts at Whampoa, those of the Leih-tih barrier, and also at this city, and to remind you that the matter which has compelled this menace remains still unsettled. Deeply is it to be regretted that it should have been occasioned by the disregard, on your Excellency's part, of reason, justice, and the obligations of the treaty."

Again—

"But your Excellency, with a strange disregard both of justice and treaty engagements, has offered no reparation or apology for this injury, and, by retaining the men you have seized in your custody, you signify your approval of this violation of the treaty, and leave Her Majesty's Government without any assurance that similar aggression shall not again occur."

What, my Lords, are the facts of the case? They are these—that the Chinese officials declaring all the way through that this was not a British vessel, and consequently that they had not violated any treaty engagement—that they had gone on board a Chinese vessel and seized Chinese pirates—nevertheless returned nine of the men against whom there was no charge on the following day, and in the course of another day or two, on the urgent demands of the British authorities, the whole of the twelve men were returned to the Consul, who refused to receive them, not because they had not all been sent back, but because he thought fit to say the proper Chinese officer had not been sent to accompany them. Even to that the Chinese Commissioner made reply that he had sent the officer who usually dealt with foreigners, and stated his rank and position, but, to use his own words, "strange to say, he did not get any acknowledgment." The men having been sent back, and as-

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surance given "that hereafter, if any lawless characters should be concealed on board foreign lorchas, you, the said Consul, shall of course be informed of the same by the Imperial Commissioner, in order to act in conjunction with the Chinese authorities." Mr. Consul Parkes, writing to Sir Michael Seymour, said—

"As to the surrender of the men, his Excellency offered early this morning to give up ten of them, but twelve having been seized I declined to receive a smaller number. He then forwarded the twelve, but not in the manner required in my letter of the 8th, and demanded that I should at once return two of them without any 'proper officer' being deputed to conduct with me the necessary examination. I again declined to receive them on these conditions, or in any other manner than that described in my letter of the 8th, and the men were again taken away. Finally, no apology of any kind has been tendered."

Undoubtedly, my Lord, the Chinese Commissioner had not offered any apology for an act which he contended was strictly within the letter of his duty; but he had sent back the whole of the men, only requiring that two, against whom piracy could be established, should be returned by the Consul, and I must say there appears to me to be considerable force in the statement which the Commissioner subsequently made:—"But Consul Parkes made up his mind not to consent to what was proposed." I very much agree with the Chinese Commissioner that Consul Parkes and Sir John Bowring had both determined to make the most they could of such a grievance, for the purpose of tacking to it the monomania of Sir John Bowring as to free admission into the city. The two subjects may appear dissimilar, but I will show your Lordships that in the mind of Sir John Bowring they were connected together. On the 20th, Mr. Consul Parkes attends at Hong Kong, where there is a conference, and Mr. Consul Parkes then lays down very broadly and very distinctly the whole plan of the campaign as it was to be conducted in case of the continued refusal of the Chinese Government; and here is that plan—

"I advise, therefore, and I do so with all the deference due to the superior judgment of your Excellency and the naval Commander in Chief, and with a deep sense of the responsibility which I, as the officer charged with the care of British interests at Canton, in offering this advice incur, that, as we have searched the river and found no war junks (and anything less than the seizure of a fleet would, I am now convinced, have had no effect on the Imperial Commissioner), our operations should now be directed against the forts between Whampoa and Canton. The Imperial

Commissioner, I submit, should again be summoned to grant the satisfaction already demanded within twenty-four hours, failing which we should then take possession of the four Barrier Forts. I cannot conceive it possible that his Excellency will then withhold compliance with our demands; but, should he still continue contumacious, a similar course should then be pursued with the forts at Canton, and it would be exceedingly advisable, I think, that the residence of his Excellency, which is not far from the water-side, should also in that case feel the effects of the bombardment."

Now, listen!—

"I advocate attack on the Barrier Forts in the first instance, because they stand by themselves, and are not surrounded, as are those at Canton, by the dwellings of the people."

In the first instance he recommends the destruction of the Barrier Forts, but in the next of the town forts. Although he knows the latter are surrounded by the dwellings of the people, he coolly and deliberately advises that those forts should be attacked and captured, and, if that should fail to produce any effect, that the next step should be to bombard the private residence of the Commissioner himself. We find the plan of operations laid down by Mr. Consul Parkes as early as the 20th of October—only twelve days after the first cause of quarrel. I said I could connect these two apparently very various subjects, the seizure of the twelve men and the entrance of foreigners into the city. As early as the 15th of October Sir John Bowring says, "I await the development of events"—I beg your Lordships to observe that expression—"I await the development of events, in order to decide on our future mode of proceeding." The campaign proceeds according to the plan laid down by Mr. Consul Parkes. The Barrier Forts are taken without casualties, and the town forts without resistance. The Barrier Forts are taken on the 24th, and on that day Sir John Bowring writes:—

"I have conveyed to Sir Michael Seymour an opinion, that if his Excellency and yourself agree on the fitness of the opportunity, it would be well if the *vexata questio* of our entrance into the city should now be settled."

As soon as he has picked a quarrel, nominally about the affair of the lorcha, he takes advantage of the quarrel, as he wished to take advantage of peace and tranquillity.

"It would be well if the *vexata questio* of our entrance into the city should now be settled, at least as far as to secure us an official reception there. This would be a crowning result to the successful operations of Her Majesty's naval forces."

Under the same date he writes to Sir Michael Seymour:—

"If your Excellency and the Consul should concur with me in opinion that the circumstances are auspicious for requiring the fulfilment of treaty obligations as regards the city of Canton, and for arranging an official meeting with the Imperial Commission within the city walls, I shall willingly come to Canton for that purpose."

The Consul writes on the same date:—

"The Imperial Commissioner still withholds notice or apology, and no opportunity, therefore, has yet been afforded for approaching by peaceable argument the *vexata questio* to which your Excellency's despatch refers."

On the 25th, the following day, the Commissioner has sent an answer, and that gives the Consul an opportunity of "initiating," as Sir John Bowring says, the *vexata questio*:—

"A reply was sent this morning, pointing out to the Imperial Commissioner that freer intercourse with the authorities was necessary to prevent a recurrence of these evils."

On the 27th, Sir John Bowring, in answer to Mr. Consul Parkes, says:—

"I have every confidence in your making the development of events instrumental in placing all our future relations on a better foundation, and quite approved the manner in which you have initiated the discussion of the city question, the settlement of which is perhaps even more desirable for the Chinese authorities than for ourselves."

But, able diplomatist as Sir John Bowring was, and ably seconded as he was by the Consul, he found himself detected in the delicate initiation of the question of entrance into the city. Commissioner Yeh says:—

"But I, the Minister, also know full well what you, the said Consul, have in view. For a certainty, it is nothing less than a desire on your part to imitate the course taken by the Envoy Davis in the spring of 1847."

The mine was sprung rather sooner than was intended, and consequently, I must say, Sir John Bowring rather lost his temper, for this was the answer he gave to the notification that the Chinese Commissioner had some idea of what he was driving at:—

"I have your despatch dated yesterday, and regret to observe that the unabated obstinacy of the Imperial Commissioner has necessitated the continuance of offensive operations. I notice in the declaration of his Excellency, dated the 26th instant, that a reference is made to the proceedings of Sir John Davis in 1847. You may find a proper opportunity of reminding the Imperial Commissioner that if, instead of being shamefully violated, the promises and engagements then entered into by the Chinese authorities had been faithfully and honourably kept all the existing calamities would have been avoided."

"If the promises and engagements then entered into by the Chinese authorities had been faithfully and honourably kept."

THE EARL OF HARROWBY: Well, what then?

THE EARL OF DERBY: The noble Earl the Lord Privy Seal says, "Well, what then?" Why, then all these difficulties did not arise out of this affair of the lorcha.

"If the promises and engagements then entered into by the Chinese authorities had been faithfully and honourably kept instead of being shamefully violated, all these calamities would have been avoided."

When we hear of shameful violation of promises and engagements, I would remind the noble Earl that the violation took place with the full concurrence of Her Majesty's Government, on representations deemed satisfactory—that it was no shameful violation, but a violation on reasons assigned, in which the Government acquiesced. Therefore, in spite of the noble Earl's "Well, what then?" I say this language of Sir John Bowring is neither justified by the fact nor consistent with the courtesy due to a foreign Power. I will not go minutely into these miserable details. On the 25th the Dutch Folly Fort was taken. On the 27th fire was opened on the residence of the Commissioner, and troops at the back of the town were shelled from the *Barracouta*. On the 29th it was announced that a practicable breach had been effected, and the city was stormed. Now, my Lords, allow me to draw to your attention that previously to this Sir John Bowring, in direct defiance of his standing instructions, had, upon the demand of the naval officer, sent over to Hong Kong for troops. A miserable and scanty supply was sent of seventeen Sappers and Miners. Upon this point I must remind your Lordships of a very proper letter written by the noble Earl opposite (Earl Grey) in November, 1847, when at the head of the Colonial Office—a letter written, as the noble Earl has told us, with the full concurrence of the Duke of Wellington—

Earl Grey to Major General D'Aguilar.

"Colonial Office, November 24th, 1847.

"Sir: The Governor of Ceylon has communicated to me an application which you have made to the Major General commanding Her Majesty's troops in that island, for a reinforcement of half a company of artillery, with two guns and a proportionate supply of ammunition, to be held in readiness to be forwarded to Hong Kong, should circumstances render it necessary to undertake any further military operations at Canton. I have desired the Governor of Ceylon not to send to Hong Kong the detachment for which you have

made application; and I have further to signify to you that Her Majesty's Government peremptorily forbid you to undertake any further offensive operations against the Chinese without their previous sanction. Her Majesty's Government are satisfied that, although the late operations in the Canton river were attended with immediate success, the risk of a second attempt of the same kind would far overbalance any advantage to be derived from such a step. If the conduct of the Chinese authorities should, unfortunately, render another appeal to arms inevitable, it will be necessary that it should be made after due preparation, and with the employment of such an amount of force as may afford just grounds for expecting that the objects which may be proposed by such a measure will be effectually accomplished without unnecessary loss.

"I have, &c., GREY."

A wiser and more statesmanlike letter could never be written; but it is impossible to read it without being convinced how directly Sir John Bowring has acted contrary to his own instructions and to the spirit of that letter. Without previous instructions from the Government he has commenced hostile operations, he has sent for troops, he has had them furnished to him in such miserable numbers as greatly to enhance the risk and danger attending those operations, and consequently incurring the risk of affording a triumph to the Chinese by our failure. Instructions of a similar character were given in 1853 by the Duke of Newcastle. Now, my Lords, I am really ashamed of trespassing so much upon your patience. I have omitted many matters which I could have laid before you, and I will now only recall to your recollection the succession of operations which afterwards occurred. I would, however, wish you to remark this fact—that from the moment the question of the official reception of Sir John Bowring within Canton was brought forward the case of the lorcha and the insult to our flag was totally forgotten and unnoticed; and it is still more surprising that in a letter from the Admiral that point was insisted upon as a *sine qua non*, which, if not yielded, would render necessary more extensive operations. It is singular that at the very time the Admiral was assuring the Chinese authorities that his demands were unconnected with any previous demands, Sir John Bowring, with equal perseverance and confidence, was asserting that those demands were only the legal and necessary consequence of previous demands never abandoned, "demands again made by me Her Majesty's Plenipotentiary." From one part of this disastrous history we proceed to another. From the destruction of the

junks, the capture of the forts, the storming of a city without defence beyond an unfortified wall, we come to the throwing shot and shell into the Commissioner's residence, the capture and destruction of the whole of the Imperial fleet of junks, effected with a loss of one man killed and four wounded. In all these miserable proceedings we find the same thing—forts mounting 200 guns destroyed—another mounting 210 guns destroyed—a hot fire kept up for an hour, and the total loss is one killed and four wounded. Some of these exploits were achieved without any loss, and thus it is that Her Majesty's naval forces have been prosecuting these inglorious operations; and yet we have Sir John Bowring writing to the Admiral most fulsome and disgusting letters, congratulating him upon the brilliant achievement and the glorious successes, upon the union of military skill and sagacity he had displayed, the unparalleled valour of the forces, and other fulsome phrases applying to operations in which so little resistance had been offered—the destruction of undefended forts and the capture of unfought ships. There is one more passage in this book to which I must advert for a moment. This is the way Sir John Bowring, immediately after the city had been shelled and stormed, speaks of that lamentable event. One would have thought that the Chief Superintendent would at least have expressed regret at the necessary bloodshed, which, although small, had accompanied the event. Not so. It appeared that so prevalent in his mind was one idea, that every calamity, however grievous, was regarded from a single point of view—as to how it affected his official reception into Canton—

“Since writing the above I have received your despatch, dated yesterday, containing the gratifying intelligence that the city had been entered by Her Majesty's marine forces, the *yamun* of the Imperial Commissioner visited by the admiral and yourself, and our great object of hostile action thus satisfactorily accomplished. I feel every confidence in the continued exercise of those admirable qualities, mingled sagacity and valour, which have been hitherto so remarkably displayed.”

The last scene which closes this history, as far as we are acquainted with it, is that on the 15th of December. Sir M. Seymour writes:—“I am now shelling the city from the Dutch Folly Fort.” There is the conclusion of these negotiations entered upon with so much zeal by Sir John Bowring, the favourable opportunity taken by

him for the attainment of his favourite object, the result being that he is really further than ever from it. As has been pointed out to him, he has taken the strangest of all possible modes for inducing a commercial, but at the same time suspicious and jealous people, to admit foreigners to a freer intercourse, by battering down their houses, bombarding their city, and rendering them fatherless, childless, and houseless. The conclusion of the whole is, that in a time of profound peace, without any declaration of war, we have this capture of junks, destruction of forts, cannonading of the Governor's house, shelling of an unoffending commercial city, and then we find we are further off than ever from the attainment of the object to gain which we performed these feats.

I gladly spare your Lordships many painful details connected with this history; but there is one matter which I must call to your notice. It is a representation from the inhabitants of Canton after they had been exposed to all these calamities and bloodshed. Recollect what these people had suffered and were suffering at that moment, and contrast the patient language and submissive resignation of this memorial with the arrogant and overbearing tone of the despatches of the British representative—

“Your nation has traded at Canton for more than a century, during which it may be said that between you and ourselves, the Cantonese, there have been relations of friendship, and not of hostility. The late affair of the *lorcha* was a trifle; it was no case for deep-seated animosity, as a great offence that could not be forgotten; yet you have suddenly taken up arms, and for several days you have been firing shell, until you have burned dwellings and destroyed people in untold numbers. It cannot be either told how many old people, infants and females, have left their homes in affliction. If your countrymen have not seen this, they have surely heard, have they not, that such is the case? What offence has been committed by the people of Canton that such a calamity should befall them? Again, it has come to our knowledge that you are insisting on official receptions within the city. This is doubtless with a view to amicable relations, but, when your only proceeding is to open a fire upon us which destroys the people, supposing that you were to obtain admission into the city, still the sons, brothers, and kindred of the people whom you have burned out and killed will be ready to lay down their lives to be avenged on your countrymen, nor will the authorities be able to prevent them. The authorities are able to accord you admission into the city, but they are not able to assure to such of your countrymen as do enter a perfect immunity from harm. If, then, your countrymen were admitted, could you always have a large force here for their protection? A protecting force cannot remain here any great length of time; and if death and wounds were to be the

condition of your entering it, what boon would your admission into the city be, even were you to obtain it? There is another point. Although shell have been flying against the city for several days, burning buildings and destroying life, no fire has been returned by the troops. This is really friendly and conceding; it is enough to content you. And as you resorted to hostilities for a small matter, so now, for the sake of the people's lives, you may suspend them; and, considering what has been achieved at the present stage of proceedings there, allow them to terminate. Why add another difficulty to the existing one, and so cause an interruption of the friendly understanding between our countries?"

Now, my Lords, look at the condition of these people, and ask yourselves if it was possible to present to the persons at whose hands they had sustained such an unmerited injury a petition couched in more pathetic terms, and expressing better feeling? My Lords, these people asked for no reparation for the injuries which had been inflicted upon them—they did not treat their injuries as interrupting friendly relations. All they said was, "If you will only put a stop to these proceedings, we are ready to renew our commercial intercourse with you on the ancient footing; we shall not ask for vengeance against you for spilling the blood of our peaceful citizens, or for bombarding our defenceless city." Now, my Lords, let us see what the Americans did under similar circumstances. The Americans, in the course of these proceedings, happened to approach too near to a fort, and it fired upon them. What did they do? Instead of proceeding, in consequence, to bombard the town, they merely dropped down the river and silenced the fort which had so offended them, and, having done that, they quietly continued their trade on the footing on which it had always been carried on. There, my Lords, was a real substantial instance of firing on the American flag, as to which there was no question of nationality, and it was deemed sufficient reparation to dismantle the fort from which the offence was given; and, that being done, the two parties resumed their former relationship without any feeling of ill-blood. But we, on the other hand, taking the question of reparation into our hands, went on from one act of cruelty to another until we committed an amount of barbarity which would have been wholly unjustifiable under any circumstances whatever, which has produced feelings among the people of Canton against our country which, I fear, centuries will scarcely eradicate, and in consideration of which we shall have to

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deplore the day when such an important business was intrusted to hands so unworthy. To show the feelings in which these proceedings have been carried on, I will just mention that when the Commissioner expressed a wish to send for instructions to his Emperor, Dr. Bowring wrote to the Admiral, "If the Commissioner desires to refer to Peking for instructions, you are by no means to listen to his request." Here, my Lords, are measures adopted without instructions from the British Government by the British Plenipotentiary; here is this official making war of his own authority, not only without instructions, but contrary to his instructions, without reference to the authorities of his own country at home, and without, besides, the slightest communication with the Emperor of the country against which he was levying war.

My Lords, I have now laid before your Lordships a great portion of these important disclosures. I have read with pain, my Lords, that such slight grounds of offence should have been made the pretext for such deplorable results. But, my Lords, while I read them I have the satisfaction to know that these are not measures which are likely to obtain the sanction of a British Government or a British Parliament. The national character will yet be vindicated, and will not be left to suffer as it appears in these papers in the eyes of all civilized nations. I have confidence in your Lordships' sense of justice. I have confidence in the manly and generous character of my countrymen. If I might, my Lords, on this question make any special appeal, I would make it to that right rev. Bench which it would have afforded me gratification to have seen more numerous occupied on this occasion. I think a question involving such high and important interests as this is not unworthy the serious consideration and the grave attention of the Spiritual Lords who occupy seats in this House. My Lords, to them I would appeal as especially and emphatically the men of peace—to them I would appeal as emphatically the servants of Him who came to bring "peace on earth and good-will among men." I would appeal to them as the legitimate rebukers of oppression and tyranny; I would appeal to them as those whom their holy mission peculiarly enjoins to impart and inculcate the adoption of those high and holy maxims by which we are commanded not to go beyond or defraud our neighbours in anything, and, if it be

possible, as far as in us lies to live peaceably with all men. It is for them, with their high authority and their great and legitimate influence, to endeavour to stay the uplifted hand of violence and oppression and rebuke the shedding of innocent blood. To them I would emphatically appeal whether they believe that such deeds as those I have been describing, and enacted by a foreign on a heathen people, are calculated to advance the interests and diffuse the blessings of that holy religion of which they are the ministers and guardians? What, my Lords, must be the feelings of the ignorant native of China when, after hearing of those maxims of forbearance, long-suffering, and kindness taught and inculcated by the Christian religion, he finds the representatives of a Christian nation uncharitable, unforbearing, barbarous, and blood-thirsty? Would he not say, "Away with such a religion as that; I prefer to make use of my own lights, and, venerating the Spirit of Heaven, to act according to the Spirit of Heaven: but your religion is worth nothing for your practice is in direct violation of your teaching." But the Chinese may possibly say, these men are engaged in warlike or in mercantile pursuits; they are blinded by the love of gain, and disregard the principles of their religion. But possibly, my Lords, the Chinese may be aware that in the country from which those officials came there is an august assembly, composed of the noblest and the highest in the land; and they may think that there possibly may stand up men to protect and vindicate that Christian religion on such an occasion as this; that within this House sit the fathers of the Christian Church—men who by their profession and their holy calling, being wholly separated from political prejudices and party feelings, are the especial guardians of religion and virtue, doing honour, besides, to the discussions of such an assembly by the influence they exercise over its deliberations, and vindicating the Christian character of the country. My Lords, I look with confidence to that right rev. Bench that they will not, so far as they are concerned, leave a false impression on the minds of an ignorant heathen nation, but, on the contrary, that they will stand forward in defence of humanity and religion. I shall rejoice if the heads of the Christian Church shall place themselves at the head of this great cause, which is the cause of humanity and civilization. I should deeply deplore if, upon such an

occasion, the Church, as represented by the right rev. Bench in this House, should give an uncertain sound, if their sanction should be extended to deeds of violence which in their consciences they cannot approve—should allow any feelings, of whatever character, to overbear what must, I think, be their solemn convictions on this question. But, my Lords, if I should be disappointed in this hope as regards the right rev. Bench, then I turn with undiminished confidence to the hereditary Peerage. I make my appeal to those who have done me the honour of listening with patience—with exemplary patience—to the long and painful statement which I have laid before you. To the hereditary Peerage I turn humbly, earnestly, but with confidence—and this is the last word with which I shall trouble your Lordships—I appeal to you by your vote this night to declare that you will not sanction the usurpation by inferior authorities of that most awful prerogative of the Crown, the declaring of war; that you will not tolerate, nor by your silence appear to approve, light and trivial grounds of quarrel, and upon cases of doubtful justice as far as regards the merits of our first demands, the capture of commercial vessels; that you will not tolerate the destruction of the forts of a friendly country; that you will not tolerate the bombardment and the shelling of an undefended and commercial city; and that you will not on any consideration give the sanction of your voice to the shedding of the blood of unwarlike and innocent people, without warrant of law and without the warrant of moral justification. The noble Earl then *moved* to resolve—

1st. "That this House has learnt with deep Regret the Interruption of amicable Relations between Her Majesty's Subjects and the Chinese Authorities at Canton, arising out of the Measures adopted by Her Majesty's Chief Superintendent of Trade to obtain Reparation for an alleged Infraction of the Supplementary Treaty of 8th October, 1843 :

2nd. "That in the Opinion of this House the Occurrence of Differences upon this Subject rendered the Time peculiarly unfavourable for pressing upon the Chinese Authorities a Claim for the Admittance of British Subjects into Canton, which had been left in Abeyance since 1849, and for supporting the same by force of Arms :

3rd. "That in the Opinion of this House Operations of actual Hostility ought not to have been undertaken without the express Instructions, previously received, of Her Majesty's Government; and that neither of the Subjects adverted to in the foregoing Resolutions afforded sufficient Justification for such Operations."

THE EARL OF CLARENDON: I can assure your Lordships that I rise with a deep sense of the important duty which devolves upon me of following the noble Earl through the course of his long and powerful speech, in which he has displayed more conspicuously than ever those talents and energies for which we have long known that he is remarkable. The noble Earl has certainly neglected nothing which the most careful investigation, the most ingenious interpretation of documents and instruments, the boldest assertion of facts, the most touching appeal to your sympathies, and the most commanding eloquence, could effect. But I also have the same confidence which the noble Earl has in your Lordships. I feel that you will regard the facts of the case as they really stand, and not the facts as they have been presented to you by the noble Earl; and that, bearing in mind the great interests which we have to vindicate and uphold—bearing in mind also the expediency, the policy, the necessity of upholding the servants of the Crown abroad when they are in the right, as in my conscience I believe they have been on the present occasion—I say, my Lords, that I feel, like the noble Earl opposite, full confidence that your Lordships will this night, in your judicial capacity, lay aside all party considerations, that you will look at the evidence as it stands, and that you will not condemn Her Majesty's officers in China or Her Majesty's Government at home for having adopted a line of conduct which they unavoidably though most reluctantly felt compelled to pursue. In this House there can be but one feeling of regret at the interruption of relations between Her Majesty's subjects and the Chinese authorities. But when my noble Friend calls those relations amicable he is far from representing the real facts of the case. The truth is that when, on the one side, there has been for a long series of years an habitual determination on the part of the Chinese to humiliate us, to restrict us in the exercise of our undoubted rights, to violate our privileges secured by treaty; and when on the other side, as a natural consequence, there has been great annoyance and irritation, although tempered by a moderate and forbearing spirit, I think such relations can hardly be called amicable. So far has this been the case that for many years there has been no resident in China, official or unofficial, no matter to what nation he belonged, who has not felt that the present

state of things was unendurable, that it could not last, and that sooner or later a rupture must take place. A rupture has now taken place, and it has been attended with consequences which we must all deeply deplore. But on the other hand your Lordships must remember that all those persons who were either on the spot or who were able to watch the course of these events as they occurred,—all those persons, who will moreover be great sufferers in their property by the rupture—have approved the course which has been taken, and while all have lamented it all have admitted its necessity. These persons would certainly, if they were here this evening, or could be represented here, ask your Lordships not to give your assent to the condemnatory Resolutions proposed by the noble Earl. They feel that, whatever they possess in China, whatever they hope for as regards trade, the safety of their lives and property, the progress of their trade, all depend upon the maintenance of the treaty rights, upon the respect paid to the British flag, and upon the protection which it affords. If those rights can be violated, if that flag can be insulted with impunity, there is an end to all safety for British residents in China; British merchants will henceforth carry on their business, and their interests will depend upon a mere sufferance, which may be withdrawn in a day, and they will be in reality as dependent upon the mercy and forbearance of the Chinese authorities as those persons at present delight to represent them to the Chinese nation to be.

My Lords, this case of the *Arrow* may be a miserable case, as the noble Earl says; it may not be worthy of the deplorable consequences which have ensued from it. But a principle is involved in it, a right has been violated, and I say that the consul and the officers of Her Majesty in China could not, without a complete dereliction of their duty, have acted otherwise than they have acted. With respect to the ordinance, your Lordships will be aware that the origin of these instruments was for the purpose of preventing abuses to which the British flag was subject when borne on the authority of colonial registers. The earliest notice of their abuse is from Sir John Bowring, who says:—

“The question presents grave difficulties; a vessel no sooner obtains a register than she escapes colonial jurisdiction; carries on her trade within the waters of China; engages pro-

bably in every sort of fraudulent dealings, and may never appear again to render any account of her proceedings or to be made responsible for her illegal acts. The Imperial Act which now regulates the conditions upon which registers are to be granted affords in these regions no adequate security against the unlawful use of the British flag, and the object of the ordinance is, as far as possible, to provide such local guarantees as appeared compatible with the general regulation of Parliamentary authority, and are necessitated by the peculiar condition of public affairs in China."

Sir John Bowring further explains what was the object of the ordinance. He says—

"The necessity of legislation was pressed irresistibly on my attention, not only as Governor of Hong Kong, but as Chief Superintendent of British trade in China, in consequence of multitudinous abuses which had grown up, and which were aggravated by the disorganized state of China, and the confusion produced by all those discordant elements in which I have been directed by Her Majesty's Government to preserve a strict neutrality as between political belligerents, while it was frequently impossible to distinguish the marauder and the pirate from those who claimed to be rebels seeking only to overthrow the Manchou Government. And the population of this colony, from its very nature and from the universality of secret associations, could not fail of being engaged in partisanship likely to compromise the British name and the British flag. The difficulty of deciding who is, and who ought, either by right or expediency, to be deemed, a British subject in a colony, a large part of whose population is constantly shifting, and in which we have been established only a few years, is a difficulty not only embarrassing as regards the right to claim the British flag, but which presents itself in many other intricate shapes where Chinamen are concerned."

It was, then, in fact, the purpose of restricting the abuse of the British flag, carried by virtue of the Imperial Act, that this ordinance was passed, and the right of the *Arrow* to carry the British flag was conferred by the ordinance passed in March, and which came into immediate operation. No right was conferred by the second ordinance; this ordinance was not then confirmed by Order in Council, and, being only approved by Her Majesty in September last, did not come into operation at Hong Kong until after these events had taken place at Canton. The ordinance of March 1 contravened no existing British law. It passed before the Merchant Shipping Act passed. As I said, it came into immediate operation, and it would certainly have contravened that Act if it had bestowed a British register; but the only thing it bestowed was a colonial register for trading between China and Hong Kong. The practice is, as your Lordships will be aware, for the Crown to

legislate in conjunction with the colonial legislature in the case of conquered colonies. Now, Hong Kong was a conquered colony, and there was nothing in the Act passed by the legislature of Hong Kong, and subsequently confirmed by the Crown, which the Crown was not strictly entitled to confirm, or which contravened any existing Act of Parliament. My noble Friend does not appear to be aware that the same kind of licence has been granted in other of our Crown colonies for a very considerable period. At Gibraltar and Malta the Queen, by an Order in Council, has granted licences to carry the British flag, which of course implied British protection, not only to British-born subjects, but to persons who had been fifteen years resident in those colonies. The case of the licences granted at Hong Kong to Chinese who are lessees of the Crown is a strictly analogous case, and, for my own part, I consider that this ordinance was perfectly legal, and that the colonial legislature had a perfect right to confer a register which carried with it the protection of the British flag. I will now read to your Lordships the opinion of the local Attorney General upon this subject, and the reasons which have led to that opinion. The acting Attorney General for Hong Kong says—

"The colony of Hong Kong, with a Chinese population exceeding at the present time 60,000, hardly contains ten Chinese who can legally be called British subjects, for it has not been deemed advisable to naturalize the Chinese here, and the recent settlement of the colony prevents the possibility of their having become subjects by birth. The great proportion of the respectable part of this population have, however, constituted themselves *bonâ fide* British subjects by becoming Crown tenants of leaseholds for long terms of years (a tenure of which an alien is incapable), and by permanent settlement have evinced the clearest intention of perfecting themselves, in the persons of their descendants, British subjects *secundum leges*, as well as *de facto*. I, therefore, as Law Adviser to the Crown, deemed it my duty to advise the granting of registers to such Chinese as had, by becoming Crown tenants, so far as in them lay, made themselves British subjects, and whose discharge of the obligation taken upon them could be guaranteed by other Crown tenants. But there had been serious complaints from the naval Commander in Chief, and from the consular and Chinese authorities, of the abuse by small craft carrying the British flag, of the treaty regulations, and as the prosperity of this colony (so much increased of late) depends entirely, so far as regards the native population, upon the coasting trade, which is carried on in vessels ranging between twenty and 100 tons, it was deemed advisable by the colonial Government that an ordinance should be passed which, in no way interfering with the granting of Imperial registers to long

sea-going ships, should yet facilitate the obtaining of English papers of a certain description by colonial craft, and should also give the colonial Government means which it could not possess under an Imperial register of punishing violations of the treaty with China. It was not thought necessary to fix the local limits within which the colonial register should run, because the character of the craft which requires those registers and the objects of the local trade render it a matter of the utmost improbability that a colonial registered vessel could go anywhere else than along the coast of China; and, as the colonial register is obtained on the strength of a declaration that the vessel is solely to be employed in trade with China, and a falsifying of that declaration involves the penalties of the bond which accompanies the register, it was hardly deemed necessary to specify any geographical boundaries."

I say again, my Lords, that the case is strictly analogous with the system which prevails at Gibraltar and Malta, and which also obtains in the British settlements of Malacca, Singapore, and Malabar. I will read to your Lordships a memorandum which was given to me by Mr. Craufurd, Governor of Singapore, upon this subject. Mr. Craufurd says—

"The condition of the British settlements in the Straits of Malacca much resembles that of Hong Kong. It will be useful, therefore, to see under what conditions it has been expedient in these to grant registration to native shipping. The population of the three settlements amounts to 225,000 of which 90,000 are Chinese. I may confine my remarks, however, to Singapore, the most important of these settlements, and which is not above five days' sail distant from Hong Kong. It contains a population of 70,000 of whom no fewer than 50,000 are Chinese, some of these being British subjects by birth, as born under the British flag, but the great majority aliens, as born in China or the Dutch possessions in the Archipelago. Both British-born and alien Chinese are, without distinction as to nationality, owners of coasting craft and of square-rigged vessels making distant voyages, and all sail under the British flag. I have before me the names of twelve square-rigged vessels, owned by Chinese, lying in the harbour of Singapore, ranging from 150 to 669 tons, seven of them exceeding 332 tons burden. The coasting Chinese and other native craft sail by registered passes, which run for a year only, and are renewable. These passes resemble the certificates of registration of the Hong Kong Ordinance of 1855, only that the conditions on which they were granted were far less stringent."

But, my Lords to leave this part of the subject, the real question is whether the lorch *Arrow* was considered by the Chinese authorities at Hong Kong a British vessel and entitled to carry the British flag and claim British Protection. That is the real question for us to consider. A "lorcha" is a vessel described as belonging to foreigners, the term being used in contradistinction to the word "junk."

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They were originally Portuguese vessels, and in fact, it has always been looked upon by the Chinese as a foreign vessel. The question is whether the lorch *Arrow* was considered a British vessel by the Chinese authorities. Now, my Lords, I say that she was known there as a British ship, trading in the Canton river; and all the proceedings which took place before she passed into the hands of the person she belonged to, had nothing whatever to do with her title to be considered a British vessel. It is true that the *Arrow* had been seized by pirates; that there had been an adjudication, that she had been bought, and that there had been an arbitration; but the end of all was that she had come into the possession of a Chinese lessee of the Crown, and to him a register had been granted by the Hong Kong Government. The *Arrow* was then upon the Canton river with a British register, with the British flag flying. I say with a British register, because, although the time for which the register was granted had expired, the vessel was not deprived of the protection of that register, inasmuch as she was still at sea, and vessels at sea are not called on to renew their licences until they reach the waters of the colony to which they belong. The *Arrow* was at sea, the "Blue Peter" was up, the British flag was flying, and there can be no doubt, whatever, that a deliberate insult was intended both to that British vessel and to the British flag. The *Arrow* was boarded by an armed Chinese force from a large and heavily armed vessel, and twelve out of fourteen of the crew were taken away; and, as if to show the *animus* of these Chinese officers, or else the instructions under which they acted, the British flag was hauled down. Now, in dealing with the Chinese there is no article of the treaty which comes so constantly into operation as the ninth Article, which has been read by the noble Earl, by which if any person on board a British ship be suspected of a crime a communication shall be made to the highest civil authority, in order that a strict search may be made, and upon the man's admission of guilt, or upon its being proved against him, he is to be given up to the Chinese authorities. The greatest possible importance has been attached to the value of this Article as regards maintaining peaceful relations with a country so populous as China, and which contains so many malefactors of such various kinds who might take refuge in our

settlements; and, in order to obviate any inconvenience which might thus arise, this Article, which is, in point of fact, a species of extradition treaty, has been deemed of the utmost importance. Nothing can be plainer than the course to be adopted under this provision. It implies a two-fold process—one that information shall be given where the criminal is supposed to be secreted or to be residing, in order that search may be made—and the other, that if after investigation, he shall be proved or admitted to be guilty he shall be delivered up. Now, in the present case no such course was adopted. One man, I believe, was suspected, and he was an old man, so much older than the rest that it could not be difficult to identify him; but instead of applying, according to the provisions of the treaty, to the civil authorities to institute an inquiry, the crew of the *lorcha* were violently taken out of her, notwithstanding the vessel being under the protection of the British flag. Now, my Lords, I will ask any one of your lordships to place himself in the position of our consul, Mr. Parkes, and consider if he would have acted differently. I think, my Lords, that there has been a great deal of unjust declamation against Mr. Parkes, for he has been accused of having acted with precipitation. Now, my Lords, I think it due to Mr. Parkes to say that I am personally acquainted with him, and I consider him a very intelligent, able, and gentlemanlike man. He has been placed on several occasions in most trying circumstances, in which he has always displayed the greatest judgment and good temper; and I know no man more likely to act in difficult circumstances under a deeper sense of responsibility. I ask your Lordships to place yourselves in the same position, and consider how you would have acted. If Mr. Parkes had shrunk from demanding satisfaction for the violation of the rights of British ships—if he had acted otherwise than he did—he would have compromised the flag of England and the protection which that flag affords. Your Lordships must remember that if he had shrunk from that course—if he had allowed the ship's crew to be carried away, and the masters' protest to remain unheeded—he would have given a comparative sanction to the violation of the treaty; and if he had allowed his expostulations and then his threats to be unheeded, can any one doubt that the Chinese authorities would have seen in the circumstance a fresh triumph over the "white devils and

outside barbarians," and that they would have proceeded to still graver insults? What did Mr. Parkes do? He represented to the High Commissioner the manner in which the treaty had been violated, and requested that the men might be restored, to be dealt with according to the provisions of the treaty, and that an apology should be made for what had occurred. It is a kind of case which might have occurred between two of the greatest Powers in the world; and really, if your Lordships can dismiss from your minds those strong feelings in favour of China and the Chinese authorities with which the noble Earl has sought to inspire you, and will try the case by bringing it a little nearer home, I think that your opinion will be somewhat different from that which the noble Earl seems to entertain. Suppose, for example, that a French or American vessel had come to this country manned with British seamen, and that on arriving at Liverpool or the Channel Islands, the British authorities there, knowing that she was sailing under a system of registry which had been communicated to us and to which we had not objected, had sent an armed force on board to take away four-fifths of her crew because one or two men on board were suspected of some offence: suppose that afterwards the French or United States' Consul had requested that those men might be restored in virtue of an existing treaty of extradition, and that an apology might be made for the insult which had been offered to the French or American flag; what would be the feelings of the French nation or the United States if the British authorities had absolutely refused to restore the men, and had denied all apology on the plea that he was not satisfied, from information which he had received subsequently, that the vessel was actually a French or American vessel, or that she was sailing with a satisfactory register? Would not such a man be considered mad or worse than mad who thus exposed Liverpool or the Channel Islands to attack, and the country to a war with France or the United States on such grounds as these? And what would be our surprise if afterwards we heard that in the Senate of the United States or of France resolutions were proposed condemning in the strongest manner all the American or French officers who had been engaged in the affair, and a speech made eulogizing in the strongest terms the British authorities who had acted in such a manner? Such a case as that could not indeed

occur among highly civilized nations who respect international law ; but these things do occur in China, and they therefore prove that there is not that amount of civilization there and not that respect for international law which exist among other nations ; and, painful though it may be to admit it, and repugnant to our feelings as it is, I fear that we must come to the conclusion that in dealing with a nation like the Chinese, if we intend to preserve any amicable or useful relations with them, we must make them sensible of the law of force, and must appeal to them in the manner which alone they can appreciate. No satisfaction was granted to us. Your Lordships will remember that the Imperial Commissioner denied that the vessel was British and objected to the system of registry ; and he had an object in doing so, because he thus preserved to himself the right of treating all other British vessels in the same way, and thus he would deter those Chinese who were in the habit of taking service with Englishmen from continuing to do so, under a flag which no longer afforded them protection against disastrous consequences from their own Government. But the Commissioner was afterwards inconsistent with himself, because he did admit the binding force of the treaty, by sending back some, and then more, of the men whose restoration had been demanded. But he did not do it in conformity with the treaty, and he absolutely refused to make the apology which was demanded of him. The demand for an apology which was required was a just and reasonable one, and you should never make any other demand upon the Chinese ; but having once made such a demand it is impossible to withdraw it, for if you do your motives will always be misunderstood, they will be attributed to fear and cowardice, and insults will be heaped upon you accordingly. It was therefore manifest from the first moment that these demands were made upon the Chinese authorities, that it was absolutely necessary to insist upon them as reparation. Accordingly, when the matter passed into the Admiral's hands he seized a junk, for the purpose of proving to the Imperial Commissioner that we were really in earnest, which the Commissioner might naturally have doubted after the numerous insults which we had submitted to. But if we were justified in having recourse to force at all, it was manifest that the force ought to have been adequate to the resistance

which we were likely to meet with and to the object which we had in view, which was to put an end to the system which had so long prevailed of violating our rights. Those measures, barbarous though they certainly may appear, might at any moment have been brought to a close by the Imperial Commissioner ; but he refused to do that, because he was determined—as was proved by all his acts—to persevere in the course of which we had complained. We have no right to say that the measures which were had recourse to were altogether so impolitic as my noble Friend thinks, because we have yet to see whether the Court of Pekin will now see the necessity of placing things on a more satisfactory footing. Anybody who reads the papers I am sure will admit that the entrance into Canton had in reality nothing to do with this question of the treaty, and I am convinced that we never should have heard of it if the case of the *Arrow* had not occurred.

My Lords, the noble Earl said a great deal about the monomania of Sir John Bowring with respect to admission into Canton. I fully admit that Sir John Bowring attaches the greatest importance to that object ; but I am sure, under the instructions which he has received and the knowledge which he has of what are the feelings of the Government on the subject, that he never would have committed any act of which the Government or this country could have had to complain, by way of gratifying that predominant sentiment and opinion of his. I say that we never should have heard of it if that case of the *Arrow* had been satisfactorily settled. But, under the circumstances, it seemed manifest to our officers that personal communication with the authorities in Canton would be the best way of coming to an understanding ; and Sir John Bowring and Sir Michael Seymour did not insist upon the indiscriminate entrance of British subjects into Canton, as they had a perfect right to do, but they simply asked for admission for themselves to communicate with the Commissioner ; my noble Friend thinks that it was a most unfortunate moment for insisting upon our rights ; but so far from its being an unfortunate moment for making the demand, I think that it was a very fitting time for the purpose. It was made at the moment when we could give effect to the representations of Sir George Bonham that Canton would never be open to us until the people of Canton were made

to feel the effect of our power. Under the circumstances that had occurred all that Sir John Bowring and Sir Michael Seymour wanted was to parley with the authorities, believing that a written correspondence would only contribute to feelings of exasperation and irritation, and that a parley afforded the best chance of coming to an understanding.

I will now say a few words with respect to the question of admission to Canton, upon which I think there is some misapprehension in this country, and particularly with reference to the feelings of the people, about which the noble Earl enunciated some very eloquent and liberal axioms. Keying, who certainly was one of the wisest and most experienced of the officers we have had to do with there, was of opinion that there was no insurmountable difficulty in carrying out what he called our just demands, and that the feeling of the people about which such a bugbear had been made was always stimulated by the authorities. My Lords, we well know that in Asiatic provinces the authorities can move the ignorant and fanatical people to any amount of outrage against the Christians; but that is no reason why we should be prevented from entering those provinces or calling upon the authorities, as we always do, to maintain order and to make themselves responsible for the preservation of Christian life and property.

In 1845 Sir J. Davis stated that the entrance into Canton was refused under the pretext of the people's wishes; but that he felt perfectly certain that, provided he had the sanction and support of Her Majesty's Government, he would obtain the fulfilment of that important condition of the treaty. That despatch was addressed to my noble Friend below me (Earl Grey) who in his clear and able reply recognized the importance of the entrance into Canton, and gave Sir John Davis authority to suspend the handing over of Chusan to the Chinese until the Chinese had fulfilled that provision of the treaty. Sir John Davis accordingly entered into negotiations, and arrived at the agreement read by the noble Earl opposite, by which the right of British subjects to enter into Canton was fully recognized. But it was not till 1847, and not till after successful military operations, that the Imperial Commissioner consented to fix a day for the fulfilment of that condition of the treaty. In 1848 Sir George Bonham, who succeeded Sir John Davis, applied to the Chief Com-

missioner Sen to send an officer to Hong Kong in order to consult with him about various matters which were in dispute between the two countries, particularly with reference to the entry into Canton in the following year. Sen entirely denied that any such privilege had been conceded by the treaty, and altogether repudiated the agreement entered into by Keying. Nevertheless, at that time the Council of Canton, in obedience to the Emperor's orders, reported that the English had a right to enter Canton, in consequence of the agreement with Keying, that they might enter without any harm being done, and that, after all, it mattered little whether they were located outside or inside the city. Sir George Bonham still thought there was no expectation of getting into Canton; but he expressed a very strong opinion upon the subject, stating that—

“Without assuming for one moment to criticise the act or motive of any of Her Majesty's servants intrusted in past years with the administration of affairs in China, while expressing now my conviction that, neither in this matter nor any other, negotiation unsupported will avail, I cannot refrain from regretting that no advantage has been taken of the few opportunities that have offered of humbling in the Cantonese (at whose hands our countrymen have suffered so much both of insult and injury) that arrogant spirit to which is to be attributed their obstinate refusal to concede to us a right, in itself of minor importance, but the denial of which, as it is made, is calculated to prejudice us nationally in the eyes of the Chinese in all parts of the empire.”

Such was the opinion of Sir George Bonham; and when the time approached for the fulfilment of Keying's engagement, he wrote home that intimidation was to be resorted to, and that the people's wishes were to be the pretext of a refusal. He then suggested whether it might not be well to give up the question altogether, although he did not recommend it, rather than continue the dispute with the Chinese. A middle course was recommended to him. He was told to remonstrate strongly, and to put before the Chinese authorities the consequences of not fulfilling their treaty engagements. The result was that Sen and Lieutenant-General Yeh immediately declared that all discussion on the subject had been abandoned, and they received Imperial honours for the construction they had put upon our display of moral force. In this state things have remained ever since. Every Government of this country has temporised, desiring not to enforce our manifest treaty right. I do not say that that was an unwise policy. I think it is

better to bear with evils that we know of in China rather than to run the risk of war; but your Lordships ought to remember that that is not the feeling of the British residents in China. This question of entrance into Canton has a wider bearing and greater consequences than might at first sight be imagined. The measure—in itself insulting—is always cited as a proof of our humiliating position, and of our inability when we were at war with China to secure for ourselves by force of arms that to which we are fairly entitled. Our exclusion from Canton is even made the subject of taunt and reproach to the other ports where we are admitted, and where large numbers of Cantonese reside, and it has been the fertile source of that tendency to mischief and deterioration that has marked our relations with China. In 1846 it was the cause of a serious riot at Foo-chow-foo, when the lives of the foreign residents were endangered, and at Shanghai it was used by the Cantonese to involve British subjects in collision with the natives. Moreover, the present anomalous and nominally amicable state of things excites the greatest apprehension in the minds of all foreigners, because their exclusion from the walls of Canton implies the seclusion within the walls of all the Chinese authorities, and their obstinate refusal to communicate with foreign representatives upon those matters of every-day occurrence in which personal communication might prevent small differences from swelling into serious and perilous misunderstanding. This is a question, therefore, which it is most important should be settled. I repeat, however, there has been no change in the policy of the Government, no different instructions have been sent out, and nothing would have been done if the *Arrow* question had been satisfactorily arranged. But I contend that the Queen's officers were right and justified in taking that opportunity of seeking to obtain the partial fulfilment of the treaty as one of the best means of leading to an amicable settlement.

My Lords, with regard to the third Resolution of the noble Earl, in which he states that operations should not have been undertaken without express instructions from the Government, I would beg in the first place to recall to your Lordships' recollection what took place in 1847, which is a precisely analogous case to that of 1856. In 1845 Sir John Davis represented that a gross outrage had been

committed on some British seamen who had been decoyed into the suburbs of Canton. A few months later he reported that a murder had been perpetrated, and at the same time stated that he had requested General D'Aguilar to come to Canton in order to co-operate with a naval force. General D'Aguilar arrived at Canton on the 1st of April, and on the 3rd he reported that he had seized the forts on the river, blown in the gates of the city, destroyed the magazines, and spiked a large number of guns. The result was that Sir John Davis immediately obtained an interview with Keying, after which he sent him a written list of his demands, including that of admission to Canton. It was in consequence of these military operations that Keying consented to name a day on which the treaty should be fulfilled. At the same time a proclamation was issued calling upon the Chinese not to molest foreigners; on the contrary, under pain of heavy punishment always to treat them well—which is a clear proof that whenever the authorities are afraid themselves they can find means to keep the people in order. The case of 1856 is precisely analogous. In both there was an infraction of a treaty; in both communication was refused; in both further forbearance was considered to be impolitic; but in the case of last year more moderation was displayed than in 1847. All that was then asked was the restoration of the men according to the treaty, and an apology for the insult to the flag. But, my Lords, the proceedings of Sir John Davis and the operations of General D'Aguilar were approved by Lord Palmerston. In his first despatch to Sir John Davis the noble Lord said:—

“ Foreign Office, June 24, 1847.

“ Sir,—I received yesterday afternoon the duplicate of your despatch of the 12th of April, purporting to give a more detailed account of the operations against Canton, undertaken in the beginning of that month, than was contained in your previous despatches of the 5th and 6th of April, and I received at the same time your separate despatch of the 16th of April, enclosing a copy of Major General D'Aguilar's report to the Secretary of State for the War Department. But I have not yet received your despatches of the 5th and 6th of April. Although, in consequence of the non-arrival of the previous despatches, Her Majesty's Government have not the means of forming a correct judgment of the grounds on which the expedition was undertaken against Canton, or as to the negotiations which preceded that expedition, yet enough appears from the despatches which they have received from you, and from the articles of agreement concluded with

Keying, to show that the expedition was undertaken to obtain redress which had been refused on the several matters mentioned in that agreement, and I have accordingly great satisfaction in stating to you that Her Majesty's Government, as at present informed, are of opinion that you were fully justified in having resolved to undertake the expedition, and entirely approve the promptitude and judgment with which the arrangements for it were made, the decision and enterprise with which it was conducted, and the ability and firmness with which you seem to have compelled Keying to accede to all your demands.

I am, &c.,

"PALMERSTON."

That was the first despatch of Lord Palmerston. There was another after he had received the despatches, but as it is almost a repetition of the former I will not trouble your Lordships by reading it. Lord Palmerston was then the colleague of my noble Friend now sitting at the table (Earl Grey), who was then Colonial Secretary. My noble Friend expressed no disapproval of those operations; on the contrary, I believe his approbation has been recorded in warm terms. [Earl GREY dissented.] My noble Friend shakes his head. I have perused the despatch of my noble Friend, and if he will permit me I will read it to your Lordships. I hesitate to do so because I was not until recently aware of the existence of this despatch, and consequently it does not appear in the papers which have been laid upon your Lordships' table. It was on that account that I merely alluded to it as expressing the approval of my noble Friend. If, however, my noble Friend has no objection I will read it to the House. On the same day on which Lord Palmerston wrote to Sir John Davis my noble Friend (Earl Grey) wrote thus to General D'Aguilar:—

"Downing Street, June 24, 1847.

"Sir,—I have received and laid before the Queen your despatch, dated Hong Kong, 15th of April last, reporting the operations in which the troops under your command, conjointly with Her Majesty's naval forces under the command of Captain McDougall, of Her Majesty's steam-frigate *Vulture*, have been engaged in the Canton river, and I have it in command to acquaint you that it has afforded much satisfaction to Her Majesty to receive your report of those operations, crowned as they have been with such complete success—a result which Her Majesty attributes not less to the judgment with which those operations were planned than to the admirable discipline of Her Majesty's military and naval forces under the orders of yourself and of Captain McDougall.—I have, &c.,

"GREY.

"Major General D'Aguilar, C.B."

That is, of course, only an approval of the manner in which the operations were con-

ducted, but the despatch certainly conveys no disapprobation of anything which had taken place. I said that less moderation was shown in that year than in 1856. The reason of that was the extreme smallness of the force which General D'Aguilar was able to employ. When called upon by Sir John Davis he said that he should feel confident of success if he were allowed to set about the business immediately and give to it the character of a *coup de main*. He embarked his troops the same evening, and the consequence was that in thirty-six hours he was completely successful, he had done all that was desired, and the negotiations had been concluded. But he felt that if the Chinese authorities required to be chastised again, it would not be safe for him to venture upon a renewed attack with a force so small as that which he had at his disposal. He accordingly wrote to the commander at Ceylon to ask for the loan of a very small force for a short time. This brings me to the letter of my noble Friend (Earl Grey), to which the noble Earl opposite has alluded. When my noble Friend moved for the production of that letter I did not know what were its contents, and I must say that I understood him to give a description of its contents which was not quite accurate. I understood that it was a general prohibition addressed to the British authorities in China against undertaking any operations whatever without instructions from Home. [Earl GREY: Offensive operations.] And my noble Friend added that he had good grounds for saying that he had the Duke of Wellington's approval of that prohibition. [Earl GREY: Hear, hear!] I was very much astonished that the Duke of Wellington should have approved of orders being sent to officers at the other extremity of the world, with sufficient forces under their command, that, whatever might occur, whatever outrage might be offered to life or property, they were tamely to stand by and look on until they received instructions from home. My astonishment at this was very great, but it altogether ceased when I looked at my noble Friend's letter and the despatches upon which it was founded. I then found that, so far from this being a general instruction, it was only a wise, prudent, and necessary order; because it was quite clear that no force which could have been sent from Ceylon could have placed General D'Aguilar in a position to undertake any further

operations against the Chinese with any chance of a successful issue. My noble Friend limits his prohibition to "further offensive operations against the Chinese," evidently alluding to the operations which had just been concluded, and to continue which General D'Aguiar had asked for a force which my noble Friend rightly considered would be wholly insufficient for the purpose. On looking at the papers I also find that there was another reason which made my noble Friend's order so prudent, and that was the defenceless condition in which the island of Ceylon would have been left if this request had been acceded to. When I read the piteous letter of the officer commanding there, in which he describes the internal dangers to which the colony might have been exposed by the temporary loan of these 120 men, I no longer wondered at the great haste with which my noble Friend sent out his prohibitory despatch. I must apologise to your Lordships for having detained your Lordships so long. I will only add that the third Resolution of my noble Friend, as it now stands, can only and will only be considered by her Majesty's officers in China, and more generally throughout the world, as a positive prohibition to engage in any offensive operations without instructions from home. If it be so considered, I can conceive nothing more calculated, or rather more certain, to cast dismay into the hearts of every British resident, not only at Canton, but in every part of China. If it be established here and become known in China that we have abandoned the system upon which we have hitherto acted and have been absolutely compelled to act; that when our rights are violated or injuries are inflicted upon us our demands for reparation are not to be supported by force—if it be once understood that any insult or wrong may be inflicted upon us, and that four or five months must elapse before it can be avenged—the position of every British resident in China will be one not only of the deepest degradation, but of the utmost danger; and certain I am that every British resident who does not quit China will be compelled for the safety of his life and of his property to renounce his nationality, to abjure the British flag, and to seek protection from the French or some other foreign Power. If such a general order as this be enforced, what chance will your Plenipotentiary and Consuls have of obtaining redress for the viola-

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tion of treaty rights, not merely from the Imperial Commissioner, but from the mandarins of the lowest class? The Chinese authorities will laugh in their faces, and tell them to wait until instructions come from England. Then, in the aggravated state of circumstances which you will have done much to produce, outrages may be committed such as that recorded in the papers laid upon your Lordships' table on Friday last, in which a poor French missionary was tortured for three days, then hung, and his heart eaten by his executioners—some such case as that may occur which will rouse you to action, and you will send instructions to your representatives to ask for redress, and if it be not granted to proceed to hostilities. But under what altered circumstances will those hostilities be commenced! It will be necessary that the instructions should be sent from home. The force which at the commencement of the difficulty might have been ample may then be quite insufficient. You will have given the Chinese four months to collect their forces, to arm their forts, to prepare their fleets, and to barricade their rivers; and you may then find it useless to ask for redress, because the Queen's Admiral says that forces which would have been sufficient four months before are now quite unequal to the task imposed upon them. For these reasons I maintain that this letter does not bear the construction that has been put upon it; and if the instruction is not to be general the exceptions ought to be specified, and I defy any one to make out a schedule which shall include all cases in which the rule ought to be departed from. Therefore I trust that your Lordships will not agree to a Resolution which will fetter the discretion and tie the hands of Her Majesty's servants in China, which will cast disgrace upon our name and our flag, and will bring ruin upon our trade with that country.

LORD LYNTHURST: My Lords, I have paid great attention both to the speeches of the noble Earl who introduced the debate, and of the noble Earl who has just sat down, and to the papers that have been laid upon your Lordships' table, and I am sorry to say that I have come to the painful conclusion that the proceedings out of which this unfortunate dispute has arisen cannot be justified upon any principles either of law or of reason. After the full, comprehensive, and conclusive arguments

which have been addressed to your Lordships by my noble friend the Earl of Derby, and no part of which has been answered by the noble Earl opposite, I should not have risen to address your Lordships upon this part of the case, were it not that a report has been circulated that I entertain upon this subject opinions different from those of my noble Friend. There is no foundation for such an observation. I do not feel that I possess any authority personal to myself upon a question of this nature; and I shall therefore state shortly, and rather in the form of a summary, those arguments and reasons which have led me to the vote which I am about to give, and will leave your Lordships to judge of their value. It is impossible to be too precise upon a question of this nature. What is the charge which is on the present occasion preferred against the Chinese Government? It is that they have infringed the ninth Article of the Supplemental Treaty which has been referred to. By that Supplemental Treaty they had undertaken, in the event of any Chinese having made his escape and concealed himself on board an English ship, that application should be made to the English authorities, and that if it were found that the charge was well founded that the person so concealed should be delivered up. The very essence of this charge is that the party has taken refuge on board an English ship. It cannot be pretended for a moment that, where a Chinese culprit has taken refuge on board a Chinese ship and concealed himself there, the Chinese Government has not a perfect right to apprehend him. Looking therefore to the language of the treaty, looking to the very reason of the thing, it must be confined absolutely to an English ship. So the question after all resolves itself into this—as my noble Friend (the Earl of Derby) has over and over again stated—was the *Arrow*, within the meaning and sense of this arrangement, an English ship. I assert—and I assert it in the very language of the Chinese Government—that in no respect whatever was the *Arrow* an English ship. In this lies the very essence and foundation of the whole question. Now, my Lords, allow me to lay down a principle which no one will successfully contest. It is this—That you may give any rights or any privileges to a foreigner or to a foreign vessel as against yourselves, but you cannot grant to such foreigner a single right or privilege as against a foreign state. That is the

answer to the case of the *Manilla* and two others of the same description to which the noble Earl (the Earl of Clarendon) has referred. You may give rights as against yourselves. You may pass a law for that purpose. But you cannot give any rights to the subject of a foreign country by any of your laws as against the country of which he is a subject. No man can, by possibility, with any shadow of reason, dispute that proposition. You cannot, therefore, where you have a foreign ship, owned by a foreigner, convert that vessel into an English ship so as to bring it within the terms of this treaty. My Lords, when we are talking of treaty transactions with Eastern nations, we have a kind of loose law and loose notion of morality in regard to them. Therefore, in order the better to appreciate the question now before us, I will change the scene of operations from the East to the West, and will lay them in America. I will take the case of an American subject residing in this metropolis, the owner of an American vessel. You may, by a law, allow that vessel to assume the English flag, and give it rights and privileges against your own country, but you cannot alter the character of that vessel as against the United States. You cannot change its character—you cannot prevent the Government of the United States exercising its ordinary dominion over it. It is impossible that any man can contend for so absurd, so violent a proposition. I may refer in illustration to what has recently occurred in regard to the naturalization of foreigners in this country. By a law recently passed certificates of naturalization may be granted to foreigners. A foreigner under a certificate of naturalization proceeded to the Continent, to the kingdom of which he was a subject, setting forth under the authority of the certificate that he was a British subject. “No,” said that Government, “you are not a British subject in virtue of that instrument of naturalization. England can give no such right as against us. You are the subject of this country.” The gentleman returned to England and complained to the Home Office that he was disappointed as to the effect of the certificate. I dare say your Lordships have seen the answer of Mr. Waddington in the name of the Secretary of State for the Home Department. It said, “As against us, you may avail yourself of the certificate of naturalization, but as against foreigners, as against your own country, it confers on you no right whatever.” I say, therefore, my Lords, on

general principles, without resorting to any particular argument arising from any documents which have been laid on your Lordships' table,—I say, on general principles, this being a Chinese ship, owned by a Chinese, nothing can at all affect the right of the Chinese Government to go on board on any occasion to exercise dominion over it, to take out one or more of the crew, or to do any act which they might be disposed to do in consequence of events brought to their knowledge. If I make myself understood with respect to this proposition and were to pause here it would be unnecessary to proceed further. But what is the next step? What is the instrument under which it is contended there was a transfer of the character of the vessel, a transfer of ownership which converted this Chinese vessel into an English vessel? It is an ordinance of the colonial Government. By that ordinance a Chinese who has entered into the colony, who holds land under the Crown, and is the owner of a Chinese ship or any other vessel, may apply for a register, and upon giving certain security the registry gives him a right to use an English flag. A register was granted to a man admitted to be a Chinese. There is no dispute about the facts that the owner was a Chinese, and the vessel a Chinese built vessel. Now, by a law of the colonial legislature, a Chinese vessel cannot be converted into an English ship. I will not pretend to say that rights may not be given by this colonial instrument to the person owning a vessel, but what I say is that you cannot make a vessel an English vessel by that means, independently of the general principle I have stated; you cannot make it an English ship; you cannot give the right to hoist an English flag. That is so clear, so indisputable, that I am quite sure no lawyer will controvert it. An Act of the colonial legislature can have no effect whatever against an Act of the Imperial Parliament. The Act of Parliament to which my noble Friend has referred says in the most precise terms that nothing but what is there set down shall be deemed a British ship. The Act is not confined to England; it is not confined to these islands; it applies to all our possessions; and it says no vessel can be deemed a British ship, unless it is owned by a natural-born subject, or by a naturalized subject, who has obtained letters of naturalization, and has taken the oath of allegiance. In the face of this Act of Parliament the

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ordinance of the colonial legislature is absolutely nothing, and altogether void as far as it relates to the point in question. You cannot by a law of the colonial legislature convert this vessel into a British ship. It is said, "True, it may not be a British ship, but she had a British flag, and some insult has been offered to the British flag." Why, under the Act of Parliament no vessel can by law use the British flag but a British ship, and any one who attempts to use a British flag, except on board a British ship, is by the 103rd section subject to a very grievous penalty. Therefore, both on general principles, and on the particular point of this ordinance, the justification in this case entirely fails. But there is another, and a most material point which has not been attempted to be answered, but has been entirely avoided. I mean the matter of the register or licence. A register was granted on the 27th of September, 1855, to expire in a year. The vessel arrived on the 3rd of October, six days after the expiration of the licence. Thus, when we seek the facts of the original ground of discussion in the case, we find that the licence for the vessel had expired, and she was no longer a British vessel. Any Chinese authority could go on board and seize criminals, as the vessel had ceased to be a British vessel, even according to the argument on the other side. I believe the law is to the effect that a renewal of the licence must be made seven days before the expiration of the old licence; but no such thing was done in this case. Some excuse had been suggested to the effect that the vessel was at sea, but there really is no foundation for that suggestion, for during the whole time the vessel was sailing up and down the river, and never was at sea at all. Thus, supposing that the lorcha had ever had a licence and a British register it had ceased, and her legal protection as such had also ceased. Sir John Bowring, who is a distinguished humanitarian as well as Plenipotentiary, himself admits the register is void, and that the vessel was not entitled to hoist the English flag. Now, mark what he says—The vessel had no protection, but the Chinese do not know this; for God's sake, do not whisper it to them. He persevered, too, for he said in effect, "We know the Chinese have not been guilty of any violation of treaty, but we will not tell them so; we will insist upon an apology, and a return of the men they have seized in a particular form, and if the men were

not returned in the form, what shall be the remedy? Why, we will seize a junk, a war junk; if that was not sufficient, seize more, until we compelled them to submit, although we knew they had the right on their side, and we had no justice on ours." Yet the officer directing those measures was the representative of the Sovereign of Great Britain, whose honour he was bound to protect, but which he was compromising by plunging into a war. Was there ever conduct more abominable, more flagrant, in which—I will not say more fraudulent, but what is equal to fraud in our country—more false pretence has been put forward by a public man in the service of the British Government? Then we are told of an insult offered to our flag. I will not enter into any discussion as to whether the vessel really had the British flag flying at the time of the seizure. But, the vessel was not an English vessel; she had no right to carry our flag, and therefore there was no insult in pulling it down. If a man hoists a flag without authority to do so it would be a monstrous assertion to believe that his own wrongful act protects him. Sir John Bowring, in his letter, admits it to be quite clear that the *Arrow* had no right to hoist the English flag. He abandons that part of his case, but adds, "as the Chinese do not know it, we will call it an insult, and insist upon reparation." It is not true that the Chinese insulted our flag. There is not the slightest foundation for imputing such an intention to the Chinese. The whole question is one of right. The Chinese Governor, from the first, said, "It is a Chinese ship. She is in no sense a British vessel; why do you grant registers to foreign vessels? By so doing you will create discord and dissension between us." I cannot point out just now the particular passages to which I refer; but I pledge myself, having read the papers most carefully, that the Governor of Canton from the first raised the question, and that there never was any intention to insult the English flag. Now, let us go a little further, and see what is urged in justification of these proceedings. The men taken from the vessel were to be returned, and returned in a particular manner. They were returned, but not in proper form, and no apology was made. Now, my Lords, really it is too bad. Just consider what was done. A war junk was seized. That was the first step. Was that sufficient punishment for the transgression? No, said Sir John Bowring, let us go further, and batter

down a few forts. Surely, even if the case was as it is represented to be on the other side, Sir John Bowring might have paused at that stage, and have said—"I have punished you enough. I have taken your junks and battered your forts. I will do no more without instructions from my Government." He might have thought—"I will not involve my country in war. What I have done has been for the vindication of my honour, but I will not take any further steps which may lead to war without the authority of my Government." But, no; he did not think so; and then, where was he to stop? He had no inclination to stop; he had no wish to do so. Well, my Lords, soon after four other forts are seized in the neighbourhood of Canton. Was that enough? No. Then came the Dutch Folly Fort; then came the French Folly, then the Bogue Forts, then the fleet of junks was destroyed, the palace of the Governor was bombarded, the wall of Canton was broken down, and the town entered in hostile attitude. And all these successive attacks he, with the utmost audacity, terms "Warnings." Is it possible for any man to consider such proceedings, arising upon such a cause, with any degree of calmness? It is extraordinary that Sir John Bowring should think he had the power of declaring war. I can understand a man in such a position having necessarily a power of carrying on defensive operations, but to carry on offensive operations upon such a ground, upon such a pretence, is one of the most extraordinary proceedings to be found in the history of the world. The noble Earl (the Earl of Derby) had referred to the letter of the noble Earl (Earl Grey) to General D'Aguiar, refusing to allow troops to be sent from Ceylon to China and in the strongest terms, and giving peremptory orders to the Governor in no case to undertake or carry on offensive operations without the direct sanction and authority of the Government at home. Those injunctions must have been known to Sir John Bowring, and the noble Earl below me (the Earl of Malmesbury), when at the head of the Foreign Office, having had an opportunity of reading some despatches from Sir John Bowring, and becoming acquainted with the tone and temper of those documents, gave him instructions in the strongest terms not to undertake any hostile measures without authority from the Government at home. The noble Earl probably knew the temper of Sir

John Bowring better than did his predecessor, for he had framed his instructions in the most precise terms; for from the very first, Sir John Bowring evinced a decided resolution to sacrifice considerations of humanity to the promptings of ambition. It is quite clear from the papers laid on the table yesterday that from the first moment at which Sir John Bowring was appointed to the station he now fills his ambition was to procure what his predecessors had completely failed to effect—namely, an entry within the walls of Canton. It would also appear from some of the letters of the Governor of Canton, that the conviction was strongly impressed upon his mind that that was the ultimate object which the British Plenipotentiary had in view. If even it had been part of the original treaty that we should enter and carry on trade within the walls of the imperial city, and if the Chinese Governor had refused to perform that stipulation, still I contend it would have been quite unworthy of us to endeavour to accomplish that object through the intervention of mere local squabbles. The shedding of blood, under the circumstances, by the local authorities appears to me to be a subversion of every sound principle and wholly indefensible. It may be in the recollection of some of your Lordships that in 1847 Sir John Davis stipulated with Keying, the then Commissioner, that within two years, in peculiar cases, the admission of Englishmen within the walls should be allowed, and it is certain that there had been a breach of the treaty on the part of the Chinese. But when Sir George Bonham, the Governor of Hong Kong at the period when the treaty was to have come into operation, asked that it should be put in force, the Governor of Canton stated in reply to that application, that the populace of that city were violently opposed to the presence of Europeans, and that the treaty could not be carried into effect without the most serious danger to the public peace, and without incurring the greatest risks for the lives of the Europeans themselves. And it should not be forgotten that Sir George Bonham himself, after due inquiry, came to the conclusion that that objection to the fulfilment of the treaty was well-founded, and consequently the stipulation was not insisted on. The noble Lord at present at the head of Her Majesty's Government, in his correspondence with Sir George Bonham on that oc-

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casion, made use of language which displayed more than his usual prudence and forbearance. He informed Sir George Bonham that he could not tell him what he ought to do in the matter, but that he could tell him what he ought not to do; and that was, that he ought not to engage in any hostile act for the purpose of effecting his object. That correspondence does great honour to the noble Lord. He emphatically told Sir George Bonham that to obtain an entrance into the city by force of arms would render the result entirely useless. I wonder that any sane man could disregard such advice, and could drive this country into a war for the purpose of obtaining an entrance into the city. The result of that step is that a valuable portion of our commerce has been suspended; that the property of British subjects, to the amount of 1,500,000 dollars, is imperilled; and that all the factories in Canton have been burnt to the ground. That is the consequence of the mischievous policy of one of the most mischievous men I know.

"Man, proud man!

Dress'd in a little brief authority;
Most ignorant of what he's most assur'd,
His glassy essence—like an angry ape,
Plays such fantastic tricks before high heaven,
As make the angels weep; who, with our spleens
Would all themselves laugh mortal."

There is one other point to which I wish to refer before I sit down. I have seen an address from the Association of Traders to China and to India, from which it appears that the members of that association are desirous that we should carry on a war with China for the purpose, not only of compelling the Emperor of China to allow Englishmen to enter within the walls of Canton, but also for the purpose of obliging him to revise his commercial tariff, and to throw open to foreigners every portion of his dominions. Now, I most heartily and sincerely wish that that association, whatever might be the respectability of its members, may not, in their anxiety for gain, exercise such an influence over the Government as to induce them to persevere in the unfortunate course in which they are at present engaged.

With these observations I sit down, my Lords, entirely concurring in the sentiments so ably expressed by my noble Friend, and cordially supporting his Motion.

The LORD CHANCELLOR: My Lords, I admit that if there has been nothing

in the conduct of the Chinese authorities which can be subject of legitimate complaint the course which has been pursued by the British authorities is unjustifiable; and therefore the first proposition which has to be made out by those who support the Resolutions, is that there was no illegality in the conduct of the Chinese authorities. My noble and learned Friend (Lord Lyndhurst) had contended, in common with the noble Earl who proposed the Resolutions, that nothing has been done by the Chinese authorities at Canton to furnish occasion for complaint, inasmuch as the ship in question was not of the character claimed for her by the British Admiral and the British Plenipotentiary, and which alone would render the conduct of the Chinese officials a violation of the rights of this country. I contend, however, that the points to which my noble and learned Friend has directed the attention of the House have little or no bearing on the question at issue. It appears to me important in considering this case, that we should first of all distinctly understand what are the facts upon which our decision is to be founded. In the first place, it is said this is a Chinese, and not an English vessel. Now, I shall make no concealment upon this subject. I will take from the papers laid before your Lordships what I believe to be the true facts of the case. I think it appears from these papers very probable and I will assume this ship to have been built by a Chinese, say in Canton, that it was afterwards sold by a hong in Canton in such a way that a Chinese resident in Hong Kong became the purchaser. There appears to be some inconsistency, some mystery, in the history of this transaction, but at all events the result was that a man with a Chinese name, a resident in Hong Kong, became the purchaser of this ship. That, I think, is clear. It was perfectly clear also that the lorcha was manned by a crew consisting almost entirely of Chinese, but with a British master. [Lord LYNDHURST; A nominal master.] That is quite true, but the object was to give a right to a colonial register, and such a right was validly created. Now, what was the Supplementary Treaty, the alleged infraction of which gave rise to this dispute? The real meaning of the article quoted by the noble Lord—and I am convinced that my noble and learned Friend (Lord Lyndhurst) will not contradict me—was not merely to provide positively, and according to the express words,

that if natives of China have committed offences against their own Government and fled to Hong Kong or to British ships they shall, when discovered by the English officers, be delivered up by them to the Chinese authorities, but also to provide negatively that they should not be seized by Chinese officials without the intervention of British authorities; *i. e.* that no Chinese functionaries shall enter a British vessel for the purpose of seizing them; for it provides that where the Chinese authorities have ascertained or suspect that an offender have taken refuge under our flag “a communication shall be made to the proper English officer in order that the said offender may be rigidly searched for, seized, and on proof or admission of guilt, delivered up.” That is the obvious meaning of the article, and it is made clear by the further provision that if an Englishman escapes into China the Chinese authorities shall take care to deliver him up to the English authorities. Here is a treaty, then, that no Chinese authorities shall enter into British ships in order to seize supposed Chinese criminals, except through the instrumentality of the British consul. Now, what is alleged is, that this lorcha, being within the meaning of the treaty a British ship, did go within the Chinese waters, and was forcibly boarded by Chinese authorities, without the instrumentality of the British Consul. Now, had the Chinese a right to do that? I assume it as a fact that the British flag was flying at the time. There is really no room for dispute as to this fact—for there is the clearest evidence of it, both English and Chinese; and when the first complaint was made to Commissioner Yeh of this, among other grievances, the Commissioner, in his reply of the 10th of October, did not deny it. It was only four or six days afterwards that he said, “I am told it is not so, and that there was no flag flying;” but this was evidently an afterthought. Was this or was it not an infraction of the treaty? Certainly; for, as between us and China, the *Arrow* was undoubtedly a British ship. I say that if the British Government authorizes a ship to go into a foreign port and carry the British flag, as between us and the foreign country, that ship is certainly a British ship. It may be that we had improperly authorized that vessel to use our flag, and that the foreign country may have a right to complain of our conduct in giving to the ship privileges to which she was not entitled, and that would give that foreign

country a right to seek redress from you ; and if in this case Yeh had represented this to Sir J. Bowring, and that officer had refused to attend to such a representation, he might have laid himself open to grave censure. That, however, was not the course taken by the Chinese authorities. They said, "We will of ourselves decide that the *Arrow* is not authorized to carry the British flag." Now, I have listened with attention to the noble Earl's very powerful, very able, and in some respects very touching speech, but let me caution your Lordships not, by sanctioning such a principle as I have just indicated, to involve yourselves in difficulties the depth or the end of which I defy any man to fathom or see. This may be a case of comparatively small importance, but if we once yield to the notion that, having entered into a treaty of this kind with a foreign country, the authorities of that country may forcibly board a vessel and decide the point of nationality for themselves, who shall say to what important consequences this will lead ? Therefore, my lords, even had this been entirely a foreign vessel, and unentitled to a British register, we, by the law of nations, were justified in the steps which we took. If we suffer an outrage from these semi-barbarous States without resenting it, those most familiar with the usages, the habits, and the feelings of those people assure us that the consequences will be such as we can hardly anticipate. Once admit that the British flag was hoisted and was by the authority of the Chinese Government hauled down, and I care not for the purpose of my argument whether they had a right to enter the ship or not ; they hauled down the flag, and the consequences must be upon their own heads. I believe I have argued this point upon perfectly sound principles of international law ; but I do not think I am driven to any such extreme argument. There are strong grounds for contending the *Arrow* was to all intents and purposes, within the meaning of the treaties between China and this country, a British ship. In conquered colonies it has always been the practice of the Crown, by virtue of its prerogative, to grant what I may call local licences. This has been the case at Gibraltar, Malta, Singapore, Malacca, and various other places, and such an exercise of the prerogative has never been questioned. In the case of the "Mediterranean passes" they have generally been granted on the authority of Or-

ders in Council, which shows that the facts have been brought deliberately under the attention of the Government. No doubt the practice generally has been to grant such passes to British subjects ; but this is to be accounted for by the fact that up to very recent times it has been the policy of the country that no one ought to have anything to do with British shipping except British subjects. This, however, was not an invariable rule, because in 1819 there was an Ordinance passed at Gibraltar under the sanction of the Privy Council here, in which authority was given to issue these Mediterranean passes, not merely to British subjects, but to any person who had been resident in Gibraltar for a certain number of years—showing clearly that this power has always been exercised as a prerogative of the Crown, and it has never been disputed. If that be so, it follows that within local limits the same might be done at Hong Kong. The authorities there made an Ordinance under the authority of which the *Arrow* was entitled to carry the British flag. The Ordinance says—

"It shall be lawful for Chinese residents within this colony to apply for and obtain colonial registers, provided the person or persons applying as owners be registered lessees of Crown lands within this colony."

I assume that the owner of the *Arrow* was such a registered lessee. Another qualification necessary is that the master should be a British subject, or a person conversant with the English language, and in the present case the master was a British subject ; so that both of the necessary qualifications were fulfilled. He, therefore, could not see what there was to prevent this from being considered a British vessel. [The Duke of ARGYLL: Within the meaning of the treaty ?] Certainly. There is no answer to it. It was a ship that the Crown had a right to authorize to trade, and did authorize ; the *lorcha* is one of the vessels expressly referred to in the articles of treaty—in fact, they are the only English vessels that trade there—they are always manned by Chinese sailors ; and to make a treaty relating to British vessels, and to say that these vessels are not vessels contemplated by the Article, would be very much like a *reductio ad absurdum*. Now, what are the facts of the case ? On the 8th of October the *lorcha Arrow*, which was under the protection of the British flag, was in the Canton waters, and while there a great outrage was committed.

Some Mandarins came on board, and took from the ship some supposed delinquents without the sanction of the consul and in defiance of the treaty, and hauled down the British flag. That is a short statement of the facts of the case with reference to the origin of the unfortunate affair—for I am willing to admit that it is unfortunate—everything which leads to bloodshed is of course unfortunate. But then comes the question, who was to blame in the first instance; because if an outrage was committed upon the British flag, which British officers could not pass over without loss of character, then the bloodshed and loss which may occur must be laid to the doors of those who were guilty of the outrage which rendered the exercise of force necessary. I shall not attempt to go through the details of the transactions which took place subsequently to the 8th of October. I have only risen with the hope of being able to satisfy your Lordships that the treaty has been violated, and that the duty of resenting that violation having devolved upon us, all the evils which have occurred, or which may occur, are not to be attributed to the Home Government or to the authorities abroad, but to those who, by committing an injustice in the first place, rendered an appeal to force not only justifiable but necessary.

EARL GREY: My Lords, before advertising to what has fallen from my noble and learned Friend the Lord Chancellor, I wish to say a few words with regard to a matter personal to myself, which was referred to in the speech of my noble Friend the Secretary of State for Foreign Affairs. My noble Friend accused me of having, on a former occasion, made an erroneous statement with regard to the effect of a certain despatch which I addressed to the General commanding at Hong Kong in 1847. My noble Friend further stated, that he felt surprise at hearing from me that I had, with so high an authority as the Duke of Wellington, sent out a despatch positively forbidding offensive operations to be undertaken against the Chinese, without authority from the Home Government. My noble Friend added, that he had entirely recovered from that surprise, because when he read the despatch he found that it contained no such order generally, but that the order referred only to circumstances which had recently taken place, and meant simply to apply to the then existing circum-

stances. Now, I venture to remind my noble Friend, that although it is possible that despatch may not be very well expressed, it may be susceptible of the interpretation he has now put upon it, yet there can be no doubt whatever that it was neither intended to bear the meaning he supposes, nor was, in point of fact, so understood. I say that there can be no doubt that it was not understood as laying down a rule limited to the particular time at which it was written, because my noble Friend will find in the papers upon the table of the House that in 1849—two years after the despatch referred to was sent out—Sir George Bonham wrote to Lord Palmerston reminding him that he was prohibited by orders from the Colonial Office from undertaking offensive operations without previous reference to the Government at home. The despatch was understood by the Cabinet of which my noble Friend was a Member, in the same sense that it had been by Sir George Bonham, and in the same that I put upon it on a former evening; for I find in the papers on the table that in 1853 Mr. Merivale, writing from the Colonial Office, by order of the Duke of Newcastle, sent a copy of it to General Jervois, “for his information and guidance,” which, according to official practice, implies a repetition of the order. My noble Friend stated, that he should view with the utmost alarm the issuing of such an order as I have described this to be, and that he considered it impossible with a due regard to the honour of the country so to restrict the British authorities in a distant country from acting without the previous sanction of the Government. I must say, that I hear with still more alarm that such an order exists no longer. What was the purport of it? The order did not apply to defensive operations, because they might at any time be rendered necessary in support of the honour of the flag; and our officers abroad must obviously always be at liberty to use force to repel force; nor did the order in question in the slightest degree interfere with their doing so, since it applied solely to offensive operations, which I do not think ought to be undertaken by subordinate officers on their own authority. I believe that according to the law of nations subordinate officers are not entitled to exercise such authority. Vattel lays down the principle that no nation is authorized to

make reprisals or to use force to obtain redress for an injury until every other means of obtaining redress have been exhausted; and among these means I think he mentions as one which ought not to be omitted, a direct application from the Government of the country injured to the Government of the country by which the injury is inflicted. Now, my Lords, only consider what is the danger of the principle for which my noble Friend contends; for observe, that if it holds good for China, it must hold good everywhere else, and I would ask you whether it would be safe to admit the principle that any consul or vice-consul in Central or South America, where, perhaps, they are more liable to receive insults than in China, shall have the power of levying war on his own responsibility, and without reference to the Home Government as to the expediency of adopting such a course? Such a principle, I confess, appears to me to be fraught with danger, and I think that the speech of my noble Friend shows the necessity which there is for this House to express their disapproval of such a principle by assenting to the Resolutions of the noble Earl.

But, passing from this personal matter, I will now address myself to what has fallen from the noble and learned Lord on the woolsack. I was very glad to hear my noble and learned Friend acknowledge, that unless we have a good case with regard to the *Arrow*, all our proceedings from first to last were wrong. He further stated, that if the *Arrow* was a British vessel, there can be no question that the Chinese had no right under the treaty to act as they did. So far I quite agree with him. I admit, that if the *Arrow* was a British ship, the Chinese had no right to board her, but they should have applied to the British Consul in accordance with the provisions of the treaty, for the surrender of any criminals they might suppose to be in her. The question, has or has not the Treaty of 1843 been violated by the Chinese, depends upon whether the *Arrow* was or was not a British vessel according to the right understanding of that treaty? Now, I will admit, that that is the point upon which the whole matter turns; but in making that admission, I cannot help expressing my astonishment at the principle enunciated by my noble and learned Friend on the woolsack, who says, that every vessel is a British vessel, as against

a foreign Power, which the British Government acknowledges. Now, my Lords, I can admit no such doctrine: it seems to me altogether impossible to maintain that when China has by treaty given certain special rights to British ships, she is bound to admit these rights in the case of a vessel which we may have acknowledged, without any good right, to be a British vessel. We are told by my noble Friend the Secretary of State that, at all events, the British flag was flying, and that it was hauled down. That, my noble Friend said, was indisputable. But, surely, if he had listened to the observations of the noble Earl opposite, he would have seen that that question was open to very considerable doubt; the evidence is contradictory, but on the whole I am inclined, for my own part, to believe that the British flag was not flying. The point, however, is immaterial, because no man pretends that any pirate hoisting a British flag without authority is thereby entitled to claim the privileges of a British vessel. The question turns upon this:—Was the *Arrow* entitled to hoist British colours? Upon this it appears to me, that the case is so clear and simple that I am at a loss to understand how there can be any doubt upon it. For 200 years it has been the practice of this country to declare what are British ships and what are not, and to give to them certain privileges which are withheld from other ships. The navigation laws have always been considered sacred, and no colonial legislature has authority to deal with any question arising out of them—a British Act of Parliament overrides all colonial laws be they what they may. In 1854 considerable alterations were made in the navigation laws, and the Merchant Shipping Act is express as to the character of ships that are to be regarded as British ships. The Statute was divided into several parts. Section 17 at the beginning of the second part of the Act provides that this part of the Act shall apply to the whole of Her Majesty's dominions, and it then goes on to describe in clear and distinct terms, which have already been quoted, what shall be deemed to be a British ship. That clause is followed by another, which declares that any ship anywhere hoisting British colours, and not owned by persons described in the Act, is *ipso facto* forfeited to Her Majesty. Am I now to be told that the enactment of the British Parlia-

ment is to be overruled in the river of Canton, where Hong Kong has no more jurisdiction than it has in Jamaica, by an ordinance of Hong Kong? There is a question of public policy and public principle of the greatest moment involved in this matter. Parliament has always reserved to itself the right to decide what are British ships and what are not, and for the best reasons; this is an Imperial question, nor is there any question which ought more distinctly and more properly to be so considered. By hoisting the British flag vessels become entitled to British protection, and we may be involved in difficulties of the most serious nature with foreign nations if that privilege be improperly granted. It is true that at all times certain small vessels within the waters of a colony have had fiscal privileges granted them by the colonial legislatures. I grant that there may have been such an exercise of power in former times; but never to set aside the rules laid down by the navigation laws as to what ships were to be entitled to the privileges of the British flag. And even if this had been done, no one can doubt the paramount authority of Parliament, and by the Act of 1854, Parliament, without any reservation of Crown colonies or any other place, expressly enacted that the rules which it laid down should apply to every part of Her Majesty's dominions in every part of the world. My noble and learned Friend (the Lord Chancellor) very truly stated that what we have to consider is, whether the *Arrow* was a British ship, as recognised by the treaty of 1843. Now, I beg to call your Lordships' attention to a very important point with reference to this question. By the general law of nations, if the *Arrow* had been an undoubted British ship lying in the Canton river, the Chinese authorities would have been perfectly entitled to board her, to seize Chinese subjects, and to have dealt with them as the laws of China require. In our own waters we do not go to the French or American consul in order to board a French or American ship; but the English authorities act at once—board the ships and take from them any persons found on board, whether American, French, or English, who are accused of offences against our municipal laws; and our merchant ships when they are in the ports of the United States or of France are in like manner subject to the jurisdiction of those countries. With regard to China,

however, that general law of nations is limited by the express stipulations of the treaty, which provide that Chinese subjects accused of offences against the laws of China shall not be taken out of English ships by the Chinese authorities without reference to the English Consul. It follows that unless the *Arrow* was not only a British ship, but such a British ship as was contemplated by the treaty, the Chinese were perfectly justified in what they did. And this was their argument. My noble Friend the Secretary of State said that the whole defence of the Chinese rested upon the allegation that the *Arrow* was not a British ship within the fair intent and meaning of the treaty; and he then proceeded to contend that this allegation of the Chinese authorities could not be maintained, because the 17th Article of the Supplemental Treaty expressly recognizes that description of vessels as British vessels. My noble Friend has in this argument fallen into an error. The 17th Article, referred to by the noble Earl, grants certain privileges as to the payment of tonnage dues to "British lorchas and other vessels" of a particular class, but it does not define what a British lorcha is. A lorcha is a vessel of a particular build; and it no more follows because there are some British lorchas that all lorchas are British, than that all sloops or all brigs are British because we have some vessels of these descriptions. We must, therefore, in the absence of any definition of a British ship in the treaty, endeavour to discover what was meant by the expression, and according to the ordinary rules for the construction of treaties, a British ship, for the purposes of this treaty, must be what was regarded as a British ship when the treaty was made. Now, by the law of England which was then in force, no ship could be a British ship or entitled to the privileges and protection of a British ship, which was not owned exclusively by British subjects, which had not been built within the Queen's dominions, and of which at least three parts of the crew were not British subjects. Such was the only description of a British ship with which the Chinese were acquainted, and the lorcha in question did not answer in any one particular to this description. Were you entitled without consulting them to alter the whole nature, character, and effect of the treaty by passing a law under which vessels of a totally different kind from those previously known

as British ships, were allowed to assume that character, and which enabled any Chinese subject, by a very simple process, to place himself entirely beyond the jurisdiction of his own Government? Were you entitled to extend an engagement, already in its nature sufficiently onerous to the Chinese Government, in a manner which I shall show would have been fatal to the power of China to enforce her own laws and maintain her own revenue? My Lords, you will find in a notification addressed to the Chinese inhabitants of Canton by Consul Parkes an explanation of the manner in which the Colonial Government of Hong Kong claimed the right of extending British protection to vessels of all descriptions. He says—

“It is competent for the owner of any vessel of any country when he shall have obtained the requisite security to make application for a colonial register. Under this the vessel hoists a British ensign and, the register once issued, she is regarded in all respects as a British vessel, while those on board her become alike responsible to British control, and entitled to British protection.”

Is it not somewhat extraordinary that a British consul, whose particular business it is to be acquainted with mercantile law, should thus, in the face of an Act of Parliament which says that no ship shall hoist the British flag or assume the British national character unless she is owned exclusively by British subjects, have published to the whole world that the system of the Hong Kong Government is to authorize any owner, belonging to any country, to hoist the British ensign and claim for his vessel the protection and privilege accorded to a British ship out of the jurisdiction of Hong Kong, upon condition that he provided the requisite security, and applied for a colonial register at Hong Kong. Under that system any Chinese subject, a pirate or a smuggler, might go to Hong Kong and obtain a colonial licence, and then claim that his vessel should be exempted from the jurisdiction of the authorities of his own country, unless they went through the ceremony of first applying to the British Consul. Let us consider how such a system would work nearer home. Suppose it were established that any British smuggler, by renting a small piece of land at Boulogne or Calais, acquired the right to have his vessel registered as a French ship, and that when once so registered no British custom-house officer should be entitled to go on board unless he obtained the preliminary sanction of the French Con-

sul—suppose, further, the Thames and the Mersey filled with vessels of that description, and I ask what chance we should have of maintaining the security of our property or collecting our revenue? Yet that is the precise position of the Chinese. If you alter the plain provisions of a treaty by a colonial ordinance, and allow vessels owned and manned by Chinese to defy the Chinese authorities in their own harbours, it is impossible for the latter to have the least chance of putting down piracy and smuggling. Accordingly we find that a large contraband trade in salt is carried on by Chinese vessels bearing colonial registers—there is no doubt that the opium trade is to a great extent conducted in the same manner, a fact which I hope will receive the serious consideration of the noble Lord (the Earl of Shaftesbury) who has given notice of a Motion on the subject of the opium trade. It will be for the noble Lord to consider how far that trade has been facilitated and increased by the existence of the ordinance in question. So long ago as 1842 and 1843 this country entered into engagements with China to put down smuggling, with this view the treaty of 1843 stipulates that no Chinese ship shall be allowed to go to Hong Kong unless it comes from one of the five ports, and that no British ships are to go to China except to one of the five ports. I am afraid that those engagements have been a dead letter, and that, while we are punishing with such cruel severity a supposed infraction of a treaty on the part of the Chinese, we on our part have put a very lax interpretation upon our own obligations. I say a supposed infraction, for I contend that under any fair construction of the treaty the *Arrow* was not a British ship; and let me point out to your Lordships that from first to last this is the argument of Yeh. It is urged in his very first letter to Consul Parkes, and again on the 14th of October he repeats that statement. He always returns to that point, and never admits that an infraction of the treaty had been committed. He says—“The whole question amounts to this—a lorcha built by Chinese purchased a British register; but that does not make her a British vessel.” How does Sir John Bowring, how do the British authorities meet this? Is there any argument to prove that by paying two fees of 25 dollars each a Chinese vessel can purchase a register and then become a British ship—any at-

tempt to show that, according to a fair understanding of the treaty, this ship is to be considered as having been under British protection? Nothing of the kind. All that we find is a mere naked assertion, a blustering assertion, that she is a British ship, and that the Chinese must apologize. I say a blustering assertion, and unfortunately an assertion directly in the teeth not only of the truth, but of what Sir J. Bowring by his own showing knew at the time to be true; because the noble Earl opposite (Earl Derby) has shown that before he wrote thus to the Chinese authorities he had written to Consul Parkes saying that this *lorcha* was not entitled to British protection. I cannot help thinking that this is a conclusive case upon the showing of my noble and learned Friend (the Lord Chancellor) himself, who said that if there was a flaw, if we were not entitled to demand redress, our whole proceedings were erroneous. At the same time it is impossible to avoid some reference to the nature of these proceedings, which I should have regarded as violent and cruel even if our original quarrel had been less questionable, and I am the more compelled to allude to them because I heard with extreme pain from my noble Friend the Secretary of State (the Earl of Clarendon) some rather incautious expressions, which seemed to give countenance to a doctrine which I have heard out of doors, but which I never expected to hear repeated, or even by implication sanctioned, in this House—the doctrine, I mean, that it does not much matter whether we were strictly in the right or not in the original quarrel, if a colourable opportunity has been afforded for us to punish the habitual insolence of the Chinese and make them feel our power.

EARL GRANVILLE: It is far from being my recollection of the speech of my noble Friend that he maintained such a doctrine.

EARL GREY: I never stated that my noble Friend had said this. I acquit him of having in plain words put forward any such monstrous doctrine; but I say that there were incautious phrases in his speech which gave more encouragement than I think ought to have been given by one standing in his position to an opinion which we have seen stated in the public newspapers, and which we have heard out of doors. I appeal to your Lordships whether such opinions have not been expressed; whether you have not heard it said that the immediate subject of dispute does

not much matter, “a rupture”—and these words were used by my noble Friend (the Earl of Clarendon)—“a rupture sooner or later was inevitable, and it has come.” My noble Friend said that in dealing with nations like the Chinese we must make them sensible of the law of force, and appeal to them in the manner which alone they understand. I do not think that is a correct question. I believe, and that opinion is confirmed by these papers, that instead of understanding only force, they are a nation very open to reason. Although inferior to ourselves in civilization, they are a nation among whom good government and good order were established ages before the nations of Europe emerged from barbarism. They are a people among whom the useful arts have made great progress, and who are singularly industrious and ingenious in their agriculture. With such a people our true policy is the policy of forbearance and conciliation. We might have hoped that by an extension of their intercourse with Europeans, by gradually becoming more accustomed to our notions, and by the influence of our religion, which was, I believe, likely to gain a footing among them, they might be brought to treat us in a very different manner; and that the insolence and bad feeling of which we complain would in time give way under the influence of Christian teaching. There was good reason to hope that such a policy would be successful, because after the use of force was distinctly prohibited in 1847 we find that it had already succeeded to a very considerable extent, and that, up to the time of this unhappy rupture, our trade and intercourse with the Chinese were on the whole going on very well and very satisfactorily. I was much surprised to hear my noble Friend the Secretary of State (Lord Clarendon) say that our relations with China were not amicable, and that for many years there had been no resident in Canton, official or non-official, who did not feel that the state of things there could not long continue. This seems to me to be very strange. I thought there was rather strong authority the other way, because when I turn to the papers I find that Sir John Bowring, writing to my noble Friend in 1852, while he was still restrained by those wise orders which he afterwards felt himself at liberty to disregard, said:—

“My three years’ abode in the factories has made me tolerably well acquainted with the people. The authorities know that during the period

of my residence in Canton there has been no interruption whatever of the public peace; and I am not aware that a single complaint has ever been made of the manner in which I have administered justice as between my countrymen and the natives of China; nay, I have been called upon to settle, and have satisfactorily settled, questions among the Chinese themselves, which they have referred to me for decisions in preference to their own mandarins. On my first reaching Canton, many representations were made to me of the dangers I incurred by leaving the neighbourhood of the factories. I know it was for some time the custom of the authorities to cause me to be followed by Government agents; but the practice has been long abandoned, and I have been in the habit of taking my walks in all directions within a circuit of twenty to thirty miles (avoiding entrance within the city gates), frequently alone, visiting and holding intercourse with the people, and without the smallest anxiety on my part, or the slightest incivility or interruption on the part of the natives."

This was the state in which things then were—trade going on perfectly smoothly without bitterness, all disputes easily satisfied, and the British residents allowed to walk about the country (against the express provisions of the treaty) free from incivility or insult, with the single exception that they are not to go within the city gates. My noble Friend stated that it was very important that there should be communications between the British and Chinese authorities; but these communications might take place without the city just as well as within it. If your Lordships will refer to the papers, you will find that when Sir John Bowring applied for an interview with Commissioner Yeh, the Commissioner was ready to meet him, but he appointed for that purpose the packhouse of the merchant Howqua, without the city. Sir John Bowring's dignity would not allow him to submit to this, and the interview did not take place, solely because Sir John Bowring's dignity would not allow him to go anywhere but to the official residence of the Commissioner. Therefore there is no object to be gained by enforcing a right of entrance into the city. On the other hand, you have to consider what have been the consequences of the collision which has taken place. The noble Earl who introduced this Motion very eloquently described the sufferings inflicted upon the Chinese by the bombardment of their city and the destruction of life and property; but I fear that the injury caused by the British troops is the smallest part of the calamity which has been inflicted upon them. It appears from these papers, that in consequence of their being compelled to withdraw their troops to defend themselves, the banditti

Earl Grey

have got the upper hand in the country districts, and a large extent of territory has been laid waste by them. My Lords, can you contemplate without emotion these facts? You admit that the Chinese empire is only partially civilized and requires the restraints of law. You have dissolved the restraints of all law and subjected that great country to all the miseries of anarchy. It is impossible that can happen without your trade suffering. We shall suffer not only in one of the most important branches of our trade, but we run the risk of being cut off from the almost exclusive supply of tea, an article which has become almost a necessary of life to our population, and one of the main items of support to the revenue. But what we shall suffer ourselves is nothing as compared to the injury to the cause of humanity. My Lords, I cannot contemplate without shuddering the amount of human suffering, misery, and distress which will be created by the state of things which the English Government has done its best to produce in China. And bear in mind, as has been so eloquently depicted by the noble Earl opposite, that it is not only the mischief done to our commerce—not only the mischief done to the cause of humanity—but there is the fatal injury done to the religion which this country professes. Can we believe that the religion we profess can be recommended to an unbelieving people by such an example as this?

I have now stated to your Lordships the judgment which, after a careful and anxious consideration of the papers before us, I have formed upon these proceedings in the Canton river; I have done so in language which may appear exaggerated to some of your Lordships, but which is tame and cold compared to that which I feel that the facts would have justified my using. I now come to the question, What, under these circumstances, is the course which it is the duty of this House to adopt? My Lords, an unjust war has been waged in China, and has been carried on with a fearful destruction of the lives and properties of the people by means which it would be difficult to reconcile with those rules which, in modern times have mitigated the horrors of war when carried on by Christian nations. This was the act of the British Plenipotentiary on the spot, contrary to the orders, as far as we know, given to him by the Government at home. The Government are not, therefore, in the first instance, responsible. But Her Majesty's

servants have advised Her formally to approve the acts of the Plenipotentiary. I cannot help believing that they have done so precipitately, and that further consideration would have induced them to condemn the proceedings which they have unfortunately approved. Nevertheless, Her Majesty's Government have approved of this conduct, and in approving of it they have made themselves responsible for everything that has been done. The papers describing these proceedings have, by Her Majesty's command, been laid before your Lordships; and, therefore, if you take no notice of them—if you fail by some distinct vote to record your disapprobation of that conduct, you must be held, according to the rules and practices of Parliament, to have given to it your tacit assent. By adopting the Resolutions which have been proposed by the noble Earl opposite, the House will relieve itself from any responsibility for the blood which has been shed, and, on the other hand, by rejecting those Resolutions, you will deliberately assume that responsibility collectively and individually. I know it has been said, if not within these walls, at least outside this House, that such is not the question your Lordships have to consider; we are told that we ought not to consider whether Sir John Bowring has done right or wrong, but that the question we are now called upon to decide is only whether our adopting or rejecting Resolutions, which involve a censure of Her Majesty's ministers, will, upon the whole, under present circumstances, be best for the public interests. And I have been further asked what is the practical result I expect from the adoption of these Resolutions. My Lords, I might say in answer to that question, that if no other advantage were to follow from our affirming the Resolutions, this good might at least be expected from them, that they would lead to the instant recall of Sir John Bowring and the immediate abandonment of the wicked attempt to coerce the Chinese, by the extremities of suffering, to submit to unjust demands. But, my Lords, I refuse to consider the matter in this light; I say that there are higher considerations which ought to determine our votes. A great wrong has been done, the arms and power of this great nation have been abused in waging an unjust war and destroying the lives and property of an innocent people; and it is our duty openly to declare our disapproval of such deeds, since it is thus only that we can relieve

ourselves from the responsibility which will otherwise attach to us. This is the duty we have to perform, and from which we are not at liberty to shrink; we are bound to consider whether as men, much more as Christians, and as Christians who believe the holy precepts of our religion to be no less binding upon nations than upon individuals, we will so far as lies in us sanction the injustice that has been done. Regarding the question in this light, can there be any doubt as to the vote which we ought to give? For my part, my Lords, entertaining none, I shall cordially support the Resolutions of the noble Earl.

THE DUKE OF ARGYLL said, that the debate had, to a great extent, been conducted on technical and legal grounds, and there seemed to be an impression on many minds that the defence of the Government must rest on grounds equally narrow and technical. It was his desire to prove that although they might have been compelled by the tactics of their opponents to descend to those grounds, they could challenge the decision of the House on the broader considerations of right and justice. The relations between England and China—as indeed the relations of all civilized nations with China—bore no analogy to the relations subsisting between European States. Those relations with China had exclusive reference to trade and commerce. At the end of the war with China, England obtained from that country the cession of an important port, which was created into the colony of Hong Kong, solely for the purpose of fostering British trade with China. That trade, in so far as it was a local trade, could not be carried on in ordinary British vessels; that was, British vessels within the sense of the Imperial navigation laws. To a great extent that trade must necessarily be carried on in local vessels, chiefly manned by Chinese sailors, although generally commanded by an English captain, and it was with a special view to the peculiar circumstances out of which this necessity arose, that we had entered into the Supplemental Treaty, to which so much reference had been made. The noble Earl who spoke last, (Earl Grey), in referring to the 17th Article of the Supplemental Treaty, had contended that it gave no definition of a British *lorcha*, and had argued that in the absence of any definition they must refer to the Navigation laws. He (the Duke of Argyll) contended on the contrary that this conclusion was a *reductio*

ad absurdum. It was clear that a British lorcha, the expression used in the treaty, was an expression which the Chinese fully understood and which was known and common to both parties. Was it possible to suppose that the Chinese would depend upon, or could refer to, the English Navigation Laws for a definition of a British lorcha? No; by British lorcha must have been meant such lorchas as by the known practice of the British authorities were empowered to sail under their protection. It was, however, a mistake to suppose that the treaty did not define a British lorcha, for it was clear that by that term was meant a lorcha having British papers. The 17th Article specially refers to the papers which a British lorcha must carry. But the noble Earl admitted that the treaty was an onerous one as against the Chinese, and proceeded to argue that this made it doubly unjust to attempt to render it more onerous still by the ordinance subsequently issued by Sir John Bowring in reference to the character of this class of vessel. No argument could be more unjust, or more directly at variance with the facts. The fact was, at the time of the framing of the treaty, the practice had become exceedingly lax as regarded the granting of British letters, and the greatest abuses had followed. What took place subsequently? The British authorities came forward and said, "We admit the existing practice, under which we grant the British flag, is liable to very great abuse, and we proposed this Ordinance for the purpose of rendering our practice more strict and regular for the future. And such was not only the intention but the effect of the Ordinance." So far, therefore, from those ordinances having been passed for the purpose of fostering piracy or smuggling, they were expressly recommended to the home Government, in order to put a stop to local abuses. How, therefore, could it be said that they were intended to protect smuggling? Sir John Bowring wrote that it was of the highest importance to the development of our trade that we should, to a certain extent, recognise as our subjects those who took up a permanent residence at Hong Kong, adding, an opinion of the local Attorney General, that according to strict and technical interpretation there were not ten Chinese in the colony, who could legally be considered British subjects. It must be remembered that since the colony of Hong Kong had been created great numbers had immi-

grated, and it was essential that those who took up their permanent residence there should be recognized. According to the terms of the ordinance, Chinese who connected themselves with the colony of Hong Kong by residence or property were entitled to receive British registers for vessels, provided they were commanded by an Englishman, or one who understood the English language. How could it be said that there was any intention by that ordinance to defraud the Chinese of any rights, or that its provisions were in any respect unreasonable? The noble Earl who had just sat down (Earl Grey) had fallen into a mistake in reference to what had fallen from the noble and learned Lord on the woolsack with respect to international law. His noble and learned Friend said, that the law was that a ship was a British ship if she was authorized to carry the British flag by the public authority of the British nation—that made her to all intents and purposes a British vessel. What! said the noble Earl, do you mean to say that a smuggler by hoisting the British flag had a right to sail unsearched in the waters of Canton? Undoubtedly not, the assertion of his noble and learned Friend involved no such consequence. If the Chinese authorities believed a vessel to be a pirate, or to bear her flag fraudulently—that is to say, if they believed her not to be that which she pretended to be, they had an undoubted right to go on board and search her. The retort of the noble Earl raised up the whole question of the right of search. If a vessel carrying American colours was boarded, and she proved to be a *bonâ fide* American vessel, then the American Government had a ground of complaint. But if the vessel had no authority for hoisting that flag, its mere presence without lawful authority would not prevent a seizure. But this had nothing to do with the case now in question. It was not pretended that the *Arrow* was either a smuggler or a pirate. She was a well known and regular trader, and indisputably entitled under the ordinance to carry British colours. [The Earl of HARDWICKE: She had no papers.] She had papers, but they were not on board, it being a rule applicable to her class that whilst in the waters of Canton such papers should be placed in the hands of the Consul, where, accordingly, the papers of the *Arrow* had been duly deposited. If the Chinese had doubted this, they should have applied to the Consul,

who possessed the papers, and could have convinced them upon that point. His argument was that, supposing even there had been a doubt as to the legality of the register of the *Arrow*, the Chinese had no right to board the vessel without first inquiring whether she was not a *bond fide* British lorch within the meaning of the Supplemental Treaty. He did not wish to enter upon a discussion as to the legality of the ordinance, although even upon that lower and more technical ground their opponents had failed to make out their case. He did not dispute the position of the noble and learned Lord (Lord Lyndhurst) that by such ordinances a Power may give what rights it pleases as against its own subjects, but could not confer any rights on the subjects of another Power against their own Sovereign. But this principle had no bearing on the present question; because its operation was suspended by the terms of the particular treaty they had made with China. It was especially for the protection of Chinese when serving on board of British craft, against their natural Sovereign in Chinese waters, that this Supplemental Treaty had been made. Under the Supplemental Treaty one great object was to give such rights, and special mention was made of a right to protect Chinese subjects against the claims of their natural Sovereign. Then came the question whether the *Arrow* was a British vessel? But how was this question to be decided? Was it by the intentions of the treaty; or by technical arguments upon an Act of Parliament of which the Chinese had never heard? Even on this technical plea, raised on the terms of the Imperial Act, the Board of Trade came to the conclusion, that it was never the intention of the Merchant Shipping Act to override any local or colonial Act regulating local and colonial trade; and this ordinance had reference to local trade, and had special reference to the trade with China only. But even if this were not so, this ordinance having been passed before that Act actually came into operation, it could not be held to contradict its provisions. The noble Earl who spoke last had expressed astonishment that the Secretary of State for Foreign Affairs should have quoted the case of the Mediterranean passes. Those passes, he said, had been given under altogether peculiar circumstances, and with reference to a special agreement with the Barbary States. But this ordinance also referred to a local trade

in the waters of China and to a special treaty between this country and China. Although he (the Duke of Argyll) attached very little importance to the purely legal argument, there was one point bearing upon it to which he would direct the attention of the House. The Alien Act passed in this country several years ago provided that colonial legislatures could confer on residents in our colonies, not merely all the privileges of British subjects, but any part of them; so that, the colonial legislature could bestow such portions of those rights as were necessary for local purposes. A colonist, therefore, though not fully naturalized so as to be entitled to own a British vessel under the Navigation Acts, might be so far naturalized as to have this privilege conferred upon him by the authority of the colonial government. That Act, he thought, would cover the ordinance of Hong Kong, the Government of which had the power to do all that was necessary for local purposes; and this ordinance was framed with a special view to local conditions. He had listened with great admiration to the speech of the noble Earl opposite (the Earl of Derby); but a large part of it consisted of an appeal to the feelings of the House, which was not justified unless he had previously made out his case on the grounds of law and argument. That, he contended, the noble Earl had wholly failed to do. The doctrine was a sound one that the Government was bound by the acts of its agents, and he maintained that the conduct of those agents in this case had, on the whole, been right. Sir John Bowring might have attached an exaggerated importance to our entrance into Canton, but it was unfair to hold him responsible for the subsequent events, which were entirely attributable to the breach of treaty committed by the Chinese. On the other hand, when the rupture actually occurred, it was only natural that Sir John Bowring should have been anxious to secure the settlement of a long-pending question which threatened to prove a fertile source of future disputes, and had an important bearing on the settlement of such disputes when they arose from other causes. It would certainly have been unjustifiable in our representative to pick a quarrel in order to bring about such a result; but the papers contained no indication of any such intention. Force had been resorted to in consequence of the wanton conduct of the Chinese au-

thorities, who, according to the substantial right and justice of the case, were therefore alone responsible for all the bloodshed that had ensued.

THE EARL OF CARNARVON moved the adjournment of the debate. It was now midnight, and even if the discussion were prolonged for a few hours more it could not be satisfactorily concluded without another sitting.

Moved, that the debate be further adjourned to Thursday next.

EARL GRANVILLE trusted that the noble Earl would not press his Motion. Considering the length of time usually occupied by their debates did not exceed two hours and a half each evening, and that the other night a noble and learned Lord postponed a most valuable Motion on an important subject because he declined to address benches that were nearly empty, it was to be hoped, now that there was such a full attendance of their Lordships, the House would not shrink from devoting more of its time to the discussion of a great question like the present. That House had a high character for its debates, which was due, in some degree, to their eschewing the practice, followed elsewhere, of adjourning before their deliberations were concluded. This prevented the spirit of the debate from evaporating, and it also sustained that public interest which was apt to flag when people out of doors had to wade, day after day, through columns of protracted discussions. He trusted, therefore, that the House would adhere to precedent, and not grudge the sacrifice of a considerable portion of one night's rest in order to allow this question to be brought to a full issue.

THE EARL OF DERBY quite agreed in the desirability on great occasions of securing a numerous attendance of Peers, and he had regretted to witness the exceedingly small number, on several occasions, who took part in legislative affairs. He also admitted that they ought to show a readiness to devote ample time to their discussions; but for that very reason it would be idle to prolong that important debate further into the night, inasmuch as if they sat two or even three hours more they could not well bring it to a close without an adjournment. Many noble Lords capable and desirous of enlightening the House on the question before it had not yet spoken, and if twenty-four hours were given for reflection on their decision such an opportunity might, he hoped,

The Duke of Argyll

not be without its effect upon the minds of many noble Lords. Two of his noble and learned Friends, one of whom was anxious to address their Lordships, had left the House in the full anticipation that the debate would extend to another night; and with a view, therefore, to afford adequate time for a full discussion he hoped that the noble Earl (Earl Granville) would not resist the proposed adjournment.

EARL GRANVILLE said, he should be sorry to waste the time of the House by repeated divisions.

This observation of the noble Earl was understood to convey an assent to the adjournment, and several noble Lords left the House; when

EARL GRANVILLE said, he understood that the two noble and learned Lords referred to by the noble Earl opposite as having gone away had paired before leaving.

THE EARL OF DERBY said, that was quite true, but the pairs of the noble and learned Lords applied only to that night, and would not prevent their speaking at another sitting.

THE EARL OF HARDWICKE said, there would be great difficulty in resuming the debate, because he knew that many noble Lords had left the House under the impression that the debate was adjourned.

EARL GREY (who now hastily re-entered the House): I can confirm the statement just made by my noble Friend. I know that several noble Lords have left the House, thinking that the debate was adjourned, and I myself was just going out of the lobby under that impression. If my noble Friend above me (Earl Granville) had divided on the question of adjournment I was prepared to vote with him on the ground that the Motion was made too early; but now the question is very different, and after having once agreed to an adjournment, I hope he will not persist in proceeding with the debate.

EARL GRANVILLE: Early in the evening the noble Earl opposite (the Earl of Derby) informed me that it was likely that a Motion to adjourn the debate would be made, and I then stated to him my objections to an adjournment, though I said I should not go to a division on the point. When, therefore, the noble Earl stated just now that two noble and learned Lords had gone away under the impression that the debate was to be adjourned, I acceded to the Motion; I am now informed that they have not gone away without having

first paired, and I am assured that no noble Lords have gone away without taking that precaution. That being the case, I do not feel bound by the assent which I gave to the Motion just now, and I shall not agree to it without going to a division.

THE EARL OF DERBY: I hope my noble Friend will reconsider his decision. In this House we have always been accustomed on all sides of the House to hold ourselves bound by an honourable understanding. My noble Friend having told me that, though he had great objections to the adjournment of the debate, he did not mean to divide the House on the question, I communicated that assurance to several noble Friends of mine, and in consequence of it they went away. Under these circumstances I hope my noble Friend will not insist on resuming the debate.

EARL GRANVILLE: If the noble Earl will assure me that any noble Lords have left without pairing in consequence of that understanding, I will agree to an adjournment.

THE EARL OF DERBY: I am told that more than one of my noble Friends have left without pairing.

THE EARL OF HARDWICKE: I think I may say that Lord Fitzwilliam has gone away without pairing, understanding that the debate was to be adjourned.

EARL GRANVILLE said, he would not persist any longer in his opposition to the Motion under those circumstances.

On Question, *agreed to*: Further Debate accordingly adjourned to Thursday next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 24, 1857.

MINUTES.] PUBLIC BILLS.—1^o Carlisle Canonries; Registration of Long Leases (Scotland); Commissioners of Supply. (Scotland) Act (1856) Amendment.

CIVIL SERVICE APPOINTMENTS IN

INDIA.—QUESTION.

MR. DEASY said, he would beg to ask the right hon. the President of the Board of Control whether any reduction had taken place or was contemplated in the number of appointments in the Civil Service in India open to public competition.

MR. VERNON SMITH said, there had

been no reduction in the number of appointments, nor was any contemplated; and, indeed, there could not be, as the number was fixed by Act of Parliament which were to be open to competition. With regard to the cause of there having been a decrease in the number of vacancies, it resulted from accidental circumstances, such as there having been fewer deaths occurring in the service.

MASTERS AND WORKMEN.

MR. PELLATT said, he would beg to ask the hon. and learned Attorney General whether it was the intention of her Majesty's Government to bring in a Bill to consolidate the Statute Laws relating to Masters and Servants, and to Masters and Workmen?

THE ATTORNEY GENERAL, in reply, said, the Statutes relating to masters and workmen had been consolidated by the Statute Law Commissioners, and a Bill with that object was under consideration, and he believed would be introduced into Parliament in the course of the present Session; but he was not aware that the Government had any other measures on the subject in contemplation.

FUSION OF LAW AND EQUITY.

QUESTION.

MR. J. G. PHILLIMORE said, he wished to inquire of the hon. and learned Gentleman the Attorney General whether Her Majesty's Ministers would object to institute an inquiry (by a Committee of that House or otherwise) into the means by which the distinction between suits at Law and in Equity, which had been removed from the jurisprudence of the United States, might be abolished?

THE ATTORNEY GENERAL said, he should be exceedingly glad to promote any inquiry which would be likely to terminate in a result so desirable as the abolition of the distinction which now existed between the principle on which suits at Law and Equity were founded—for that he believed would be the foundation stone of any effectual reform in our system of jurisprudence. But it did not appear to the Government that it was a subject which should be considered by a Committee of that House. The hon. and learned Gentleman's question included the words "or otherwise," and he could say that when the Department of Public Justice, which was

under the consideration of the Government should come into operation, the subject would be one which it would have to consider.

HEALTH OF TOWNS—QUESTION.

MR. PALK said, he would beg to ask the President of the Board of Health, when he would bring in a Health of Towns Bill; and whether the Bill would carry out the recommendations of the Committee on the Board of Health?

MR. W. COWPER said, he had already given notice of his intention to ask for leave to bring in a Bill to amend the Public Healths Act, and he hoped to do so early in March, if he could. The Bill would be the same as that which had been agreed to by the Select Committee, only containing certain alterations which had been suggested, and which he thought the Select Committee would have been disposed to adopt.

CHIEF CONSTABLES IN COUNTIES.

QUESTION.

MR. PALK said, he would now beg to ask the right hon. Baronet the Home Secretary a question with regard to the appointment of chief constables in counties. He wished to know whether if a gentleman who was appointed to that office was in the commission of the peace, that was considered to invalidate the appointment?

SIR GEORGE GREY said, that the fact of a gentleman being in the commission of the peace for a county did not absolutely invalidate his appointment as chief constable. The question arose when the right hon. Baronet the Member for Carlisle (Sir J. Graham) was Home Secretary, and it was determined that the holding of the office of chief constable was incompatible with the remaining in the commission of the peace. A case had lately arisen in Kent, in which he (Sir G. Grey) had acted in the same way, and the appointment was not confirmed until the gentleman's name had been removed from the commission of the peace.

THE IRISH MILITIA.—THE SARDINIAN MEDALS.—QUESTION.

MR. ESMONDE said, he would beg to ask the First Lord of the Treasury whether it was the intention of Her Majesty's Government to call out for training the Irish militia, and if so at what period?

The Attorney General

He would also beg to ask when the issue of the Sardinian Medals and the Order of the Medjedjie might be expected?

MR. FREDERICK PEEL said, that a portion of the Irish militia would be called out for training and exercise in the course of the present year, but he could not say at what time. With regard to the decorations spoken of by the hon. Member, the list of those entitled to them was being prepared, but was not yet complete.

GENERAL BEATSON—QUESTION.

COLONEL DUNNE said, he wished to ask the hon. Under Secretary of War whether a Court of Inquiry ordered to assemble to investigate charges affecting General Beatson and other officers of rank was to be secret?

MR. FREDERICK PEEL said, that the Court of Inquiry into the charges brought by General Beatson against General Shirley would be, as was usual with Courts of that nature, a close Court, that is, it would not be open to the public, but the parties to the inquiry and their witnesses would be allowed to be present. It should be remembered that it was a preliminary inquiry, and was analogous to the proceedings of a grand jury.

INDUSTRIAL MUSEUM, EDINBURGH.

QUESTION.

SIR JAMES FURGUSSON said, he would beg to inquire whether there would be any objection to lay upon the table a Copy of the Report of the Government Officer sent lately to Edinburgh to report upon the proposed site of the Industrial Museum?

MR. COWPER said, there was no such Report as the hon. Gentleman supposed. An officer connected with the department of science and art had been lately sent to Edinburgh to inquire into the subject of the erection of a building which was intended for an Industrial Museum, on a site which had been purchased for that purpose, but it was no part of his duty to inquire into the question of the selection of the site.

JOINT-STOCK BANKS—QUESTION.

MR. WILKINSON said, he would beg to ask the Chancellor of the Exchequer whether it was the intention of the Government to introduce any measure during the present Session, either by repealing the

exemption clause in the Joint-stock Act of last year, or otherwise, which should have the effect of preventing a recurrence of the state of litigation which had taken place in the cases of the Tipperary and Royal British Banks?

THE CHANCELLOR OF THE EXCHEQUER said, the Government had prepared a measure on the subject of Joint-stock Banks, which would be introduced by the Vice President of the Board of Trade as soon as the business before the House would permit.

REPRESENTATIVE SYSTEM.

COMMITTEE MOVED FOR.

SIR JOSHUA WALMSLEY, on rising to move for "a Select Committee to consider and report upon the most practical means for lessening the existing inequalities in our Representative System, and for extending to the unenfranchised that share of political power to which they may be justly entitled," said—The question I desire to raise has no party objects, but is simply dictated by an earnest desire to ameliorate the political condition of a very numerous body of men whose industry, forbearance, and loyalty entitle them to the utmost consideration at our hands. I am free to admit that the proposition would have been much more appropriately in the hands of the Government than in those of an independent Member, and this is rendered more especially so from the fact that most, if not all, the Members of the present Government have already assented to an extensive measure of Parliamentary reform. Session after Session has, however, passed without any sign of its re-introduction, and as the subject is of too much importance to be allowed to remain in abeyance, I would ask that indulgence which the House usually bestows on those most in need of it, whilst I endeavour, as briefly as possible, to show the necessity for the objects of the present Motion. Were the question of Parliamentary reform to be decided on its own merits, on the abstract principles of right only, there would be less difficulty in framing a measure in which most might concur; this is, however, not so. The claims of existing interests, and the demands in favour of prescriptive rights, supported by powerful influence, have so surrounded the subject with difficulties as to render it almost impracticable to carry out any comprehensive measure of Parliamentary reform

which does not partake more or less of expediency. Under such circumstances, and at the instance of many of those most earnest for an extension of the franchise, instead of seeking a specific measure upon which there might be a great diversity of opinion, I would ask the House to appoint a Select Committee to consider and report upon the most practical means for lessening the inequalities in our electoral system, and for extending to the unenfranchised that share of political power to which they may be justly entitled. And whatever difference of opinion may exist as to the policy or impolicy of particular measures, there is none as to the necessity for some amendment in our electoral system. All parties, and every combination of party, whether here or elsewhere, acknowledge its imperfect working and desire to see it improved, and if this be really so, the question would seem to be narrowed into one of degree and to become rather a matter of detail than one of principle. Nor is it a question which can be wisely or safely delayed, for it must be evident to all who have given attention to the subject, that legislation is rapidly approaching a dead lock, and becoming impracticable; that we must either progress or retrograde, either yield more power into the hands of the present governing classes, or extend to the people generally that share of political power to which their numbers and intelligence entitle them. At no period has popular intelligence made more rapid progress than during the last few years. Every portion of our social system has advanced in a high degree. The arts, science, commerce, manufactures, have each made rapid progress, but the political position of the industrial population remains unimproved, whilst it is well known that a large portion of the unenfranchised are as well fitted for its independent exercise as the majority of those who now enjoy the right. Then, with respect to numbers, our population and other returns show that out of 28,000,000 of souls in the United Kingdom, 5,500,000 of adult males, and upwards of 4,000,000 of inhabited houses, there are only about 1,000,000 of electors, and of these large numbers are prevented by bribery, intimidation, and other influences from exercising their votes in accordance with their convictions. Some assert that the people are indifferent to the possession of the franchise. Were this so, it would be a great national calamity; but I believe the asser-

tion to be an error founded on a misconception of their real sentiments. They may have evinced indifference for measures not calculated to meet their requirements, but no class has made greater sacrifices to obtain their rights; and it is well known that they are sensitively alive to the political degradation under which they labour, and would hail with enthusiasm any really practical measure calculated to bring the mass of our artisans and mechanics within the electoral pale. No doubt there are those who would be content with a moderate instalment of that which is due, in the partial lowering of the qualification, the redistribution of members, and the removal of the rate-paying clauses, provided they could include the protection of the ballot. I apprehend, however, that any measure of enfranchisement falling short of household suffrage would fail to meet the necessities of the case or the requirements of the unenfranchised. Even household suffrage itself would exclude many who ought to have a vote, but it would enfranchise the great body of the adult males, increase the number of voters at least threefold, and be so close an approximation to the abstract principle of right as to remove much of that spirit of antagonism which exists between class and class in this country; and we should not deny that to our own citizens which we have freely conceded to our colonial fellow-subjects. At present a deep-seated conviction prevails that the restricted character of the franchise, the unequal distribution of Members, the existence of numerous nomination boroughs, and the want of protection to the voter, are the sources of many of our social and political evils, and have been the means of placing the balance of political power at the will of the few rather than under the control of the many. No one will, at least, question the fact that there is an undue proportion of the aristocratic element, not only in the Government, but in the House itself. We find twelve out of fifteen Members of the Cabinet either Peers in their own right or the near connections of Peers; and not less than 230 seats in this House are occupied by the nominees, sons, or near relatives of Peers, many of them representing close boroughs or large territorial interests. In fact, the electoral system might have been contrived to place a monopoly of political power in the hands of a privileged few. It embodies no fixed principle; area, population, and property are alike disre-

garded. Small and unimportant boroughs are placed upon a par with the most populous and influential. A borough with 2,800 and one with 500,000 souls have the same number of representatives. 77 boroughs have 124 Members—their aggregate population is less than that contained in one single borough. One moiety of the Members of this House are said to be returned by 180,000 electors and to represent £7,000,000 of assessed property, whilst the other half represent 800,000 electors and £77,000,000 of assessed property. In the English counties, including the unrepresented towns, there are 10,000,000 of souls, £42,000,000 of assessment, and 144 representatives; but in the boroughs, exclusive of the unrepresented towns, there are 8,000,000 of population, £22,000,000 of assessment, and 323 representatives. If we, however, compare the counties with each other, the anomalies and inequalities are still greater. One county, with a population of 2,000,000, and an assessment of £8,000,000, has 14 Members; whilst a contiguous one, with 163,000 population and £700,000 assessment, has 11 Members. Examine the representation of the counties as a whole. We shall find that 24 of them have 86 Members more than their relative proportion, tested by population, property, houses, or number of electors; whilst 10 have 90 Members less than such relative proportion. Another grievance, and not a light one, arises out of the fact that not less than 29 towns and districts, containing from 10,000 to 600,000 souls each, have no representatives. I have numerous tables of a similar character, but will not trespass on the time of the House with them at present. One fact is of itself sufficient: that out of 28,000,000 of souls we have only 1,000,000 of electors. What valid objection can be offered to this Motion I am at a loss to conceive, save the usual stereotyped one—that it is an inconvenient season: and I would venture to urge that the patience, moderation, and loyalty of those who would be benefited, are grounds that should not be disregarded in the consideration of the question. It may seem unnecessary to cite authorities in favour of the rights of those who are taxed to a voice in the selection of their representatives; but there are those who regard this right in the light of a privilege—and in reply to such I would ask leave to read three or four sentences from the speeches

and writings of those distinguished men who have long been regarded as authorities on this most important subject. Locke writes thus:—

“The supreme power cannot take from any man any part of his property without his own consent. They must not raise taxes on the people without the consent of the people. It is the interest as well as the intention to have a fair and equal representation; whoever brings it nearest to this is an undoubted friend to an established government, and cannot miss the consent and approbation of the community.”

Sir William Jones, speaking of the feudal system, said:—

“Narrow and base as it was, and confined to landed property, it admitted the lowest freeholder to that inestimable right without which it was a banter to call a man free. The right of voting in the choice of deputies to assist in making laws which may affect not only his property but his life, and, what is dearer, his liberty, and which are not laws, but tyrannous ordinances if imposed without his suffrage in person or by deputy.”

Lord Chatham said:—

“To be taxed without being represented is contrary to the maxims of law and the first principles of the constitution.”

Edmund Burke said:—

“The virtue, spirit, and essence of a House of Commons consists in its being the express image of the nation. It was not intended to be a control on the people, but as a control for the people.”

Charles James Fox asserts that

“To extend the right of voting to householders is the best and most advisable plan of reform. It is the most perfect recurrence to first principles. I do not refer to the first principles of representation, but to the first known and recorded principles of our constitution. That Government is alone strong which has the hearts of the people; and will any man contend that we should not be more likely to add strength to the state if we were to extend the basis of popular representation? Would not a House of Commons freely elected, and which was in truth the representation of the people, be most likely to ensure the support of that people?”

The Duke of Richmond says:—

“Every man not labouring under natural or moral disability had an inherent right of suffrage, paramount to all considerations of civil or political expediency.”

Lord John Russell has observed that—

“The ancient constitution of our country declares that no man shall be taxed for the support of the state who has not, by himself or his representatives, consented to the imposition of those taxes.”

I trust these authorities not only show the necessity for the course proposed, but that it is a wise, safe, and consti-

tutional one. It will be remembered by many now present that, so soon after the passing of the Reform Bill as the year 1839, that Act was found to work so unsatisfactorily that the late Mr. Hume endeavoured to amend it by the introduction of a Bill for household suffrage, thus early proving the truth of the words of the late Earl Grey, who, in speaking of the Reform Bill, said the Whigs would in a few years become unpopular for having introduced so aristocratic a measure. In the years 1848-9, and again in 1850, Mr. Hume renewed his efforts, on each occasion seeking such an extension of the franchise as, in his own words, was calculated to unite the estates of the realm, to infuse new vigour into the constitution, and to make the House of Commons that which it was intended to be—the full, vigorous, and effective representation of the people of the United Kingdom. Subsequently, the noble Lord the Member for the City introduced a less comprehensive franchise, in which he proposed to lower the qualification in boroughs to a £6 assessment, and in many respects the Bill of the noble Lord was a great advance on previous legislation. His propositions, to abolish numerous nomination boroughs and to remove the ratepaying clauses of the Reform Act, were just and comprehensive, and the country is deeply indebted to the noble Lord for his consistent efforts to ameliorate the political condition of his fellow-men. But I am constrained to say that his proposed measure of enfranchisement was meagre in the extreme, and not calculated to produce the support necessary for carrying the other portions of his measure. Any qualification based on assessment must almost necessarily be unsatisfactory. It varies in almost every parish, and not unfrequently whole streets of voters are disfranchised by a composition between the landlord and the parish authorities. If the noble Lord supposed that a £6 assessment in boroughs would embrace the great body of our artisans and mechanics, it was an error which I trust he will see fit to correct. If, on the contrary, he was aware of the restrictive character of the qualification he proposed, “it was keeping the word of promise to the ear, but breaking it to the hope.” I do not know that I can better illustrate such a qualification than by showing what would have been its effect in the borough I have the honour to represent. In the borough of Leicester

there are about 4,000 voters; 2,500 household, and 1,500 freemen. A £6 assessment would only have added 610 household votes out of a population of 70,000 souls and 14,000 houses, and the Bill of the noble Lord, by ultimately removing the freemen, would have reduced the present constituency by 900. Whereas a £6 *bonâ fide* payment of rent would have added 4,000 householders to the register—more than doubling the constituency. I have ventured to dwell on this point that the House and the country may be fully aware of the difference between assessment and *bonâ fide* rent. I have been blamed by some parties for bringing forward this question. They say that it is not in season—that it is out of season. Now, I want to know when it will be in season? Will it ever be in season? Certain speeches which I heard the other day induce me to think that there does not exist any desire to bring forward a new Reform Bill. Now I boldly assert that it is unjust to the people of this country to keep 4,500,000 of them unfranchised, when they are paying rates and taxes in an equal or greater proportion than many of those who have the right of voting. I appeal to the justice, the good sense, and the honesty of the Members of this House to give me their support on this occasion. I ask them to unite in some plan of reform, or at least to consider whether they cannot in some way or other extend the franchise to those who are fully entitled to its exercise. I am fully persuaded that the granting of a Committee would be considered a great boon by the country, and that the result would be such an adjustment of the question as would give satisfaction to all parties and to every portion of the community. I do not give up one jot or tittle of my opinions. But I know that every man who wishes to carry any question, who wishes to make any progress, must yield more or less to the opinions of others, and it is with that view that I ask the House to appoint a Committee to consider this important subject.

MR. HADFIELD, in seconding the Motion, said the hon. Member for Leicester deserved the thanks of the country for his perseverance in endeavouring to remove the evils of which the people complained. The hon. Member had been driven to move for a Committee. No doubt a Bill would have been better if the Government would have supported it—so that they might have had the whole matter discussed and placed

before the House and the country. The time had arrived when a measure of reform should be passed, and it was to be hoped that ere long the pressure from without would force the Government to bring in a Bill worthy of general acceptance. Last week an attempt was made to give the franchise to £10 county householders; but, under very peculiar circumstances, the Motion was rejected. His hon. Friend the Member for Bristol (Mr. H. Berkeley) asked the House once a year to give voters the ballot, but that also was refused, and a Motion for manhood suffrage would not be tolerated. His hon. Friend the Member for Leicester now asked for a Committee for the purpose of ascertaining how this great injury to the people could be removed, and he (Mr. Hadfield) thought the Government ought to undertake to deal with the question, and bring in a Bill which should be worthy of acceptance by the House. The present limited franchise could not be supported upon any ground of reason or justice. There were only about 420,000 Borough Electors and about 750,000 County Electors; from these, however, at least 25 per cent. would have to be deducted for double and treble entries. He himself had votes in four counties and the names were entered as often as there were votes registered, so that probably there were not more than 900,000 electors out of a population of 28,000,000. While the landed interest, the army, the navy, and the law were amply represented, the working men, amounting to 5,000,000 or 6,000,000, had not a single representative of their interests. What was the result? While the represented classes were relieving themselves of £9,000,000 in the shape of the income tax, they were by the decision of last night imposing for the next three years £4,964,000 upon the country in additional taxes on tea and sugar, and this burden would be mainly thrown upon the non-electors. The House took advantage of their absence, and imposed taxes to which they did not assent. In the borough of Sheffield there were 27,658 householders, while the total number who polled at the last election, though there were four candidates, was only 4,034. This was a question much considered by the people, and their anxiety to obtain the franchise ought to be encouraged in every way. Within the last twenty-five years they had improved in intelligence and independence, and they might now be considered emphatically as the strength of the country; and

the House of Commons would do its duty better if it were mounted on the broad shoulders of a widely extended constituency, and its acts would command a more general respect. It had been said that the question was out of season. In the estimation of some people there never was a convenient season for the discussion of such matters. But in his opinion a more fitting time for the consideration of a rational measure of reform could not be found; and he earnestly implored the noble Lord at the head of the Government—now at the zenith of his fame—to introduce a great measure of reform which would give the people a proper station in Parliament and create for himself a name which would never be forgotten.

Motion made, and Question proposed—

“That a Select Committee be appointed, to consider and report upon the most practical means for lessening the existing inequalities in our Representative System, and for extending to the unenfranchised that share of political power to which they may be justly entitled.”

SIR GEORGE STRICKLAND said, the House did not contain an older or more consistent reformer than himself, and therefore he felt anxious to state the reasons why he could not support the Motion of the hon. Member for Leicester. The Motion did not indicate any specific plan for remedying the anomalies and inequalities which the hon. Member had so ably pointed out in his speech. Now he (Sir J. Strickland) considered it the duty of every Member who moved for a Committee, to state precisely and distinctly the object which he might have in view; for the appointment of a general and indefinite Committee like that now proposed only led to a waste of time; and therefore he thought that if the hon. Member should succeed in carrying his Motion, instead of promoting reform and a rational extension of the suffrage, he would delay the carrying of any such measure. He (Sir G. Strickland) was a reformer when it was odious and almost dangerous to utter his sentiments. He was an earnest supporter of the first Reform Bill, and an advocate for the destruction of rotten boroughs and the extension of the franchise. Down to the present time he had acted on the same principle. He had supported the Motion for the extension of the franchise to £10 householders in counties, and the various Motions which had been brought forward for the institution of the Ballot. But he could not sup-

port the Motion then before the House. This might be an exception to the rule, but generally speaking he considered fishing Committees to be Committees for finding brains for the persons who moved for them—and thought it would have been much better if some specific measure had been introduced by the hon. Member. He had no fear of a wide extension of the suffrage to the people, because he believed them on the whole to be the best educated, the most intelligent, the most enlightened, people in the world, and better deserving of freedom than the people of any other nation. However widely freedom and liberty might be extended to them they would make good use of it, and therefore he was of opinion that no person could be wrong in bringing forward a clear, specific, and intelligible Motion for a gradual and wide extension of the suffrage. But that object he was quite convinced could not be accomplished by the Motion then before the House.

MR. STAFFORD said, the debate had been chiefly remarkable for the discrepancies between the three hon. Gentlemen who had addressed the House in favour of the Motion. The first, the hon. Gentleman who had moved it, had criticised very freely the specific proposal of the Bill of the noble Lord the Member for the City of London; the second regretted that the constituency, limited as it was, only very partially availed itself of the privilege of voting; while the third, a veteran and thick-and-thin reformer, opposed the Motion altogether on the ground of its vagueness, coupled with the remark that fishing committees were only schemes for finding brains for their movers. It was edifying also to witness the immense excitement and enthusiastic appearance of the benches opposite whilst being addressed by chosen instruments—by the most practical and most influential and weighty Members—in favour of a scheme which was to unite and conciliate all opinions, and enable reformers to act as an united party. The House had just witnessed a specimen of the manner in which that party was prepared to act; and it was very clear that this attack upon the institutions of the country was predestined to be a failure. The hon. Member for Leicester had been blamed for not bringing forward a specific plan; but he (Mr. Stafford) thought the hon. Gentleman had done quite right in moving for a Committee, because if the House should agree

to a Committee there could not be a better opportunity than the present for appointing it, and the hon. Member would be lucky if he should have the opportunity of naming some hon. Gentlemen whose recent conduct entitled them to be nominated Members of the Committee, or even to form the whole of it. Of course the Members who served on it ought to be men of impartial minds, who would keep their judgment in equilibrium, without feeling a bias either one way or the other; and he could point out to the hon. Member for Leicester several hon. and right hon. Gentlemen who would answer that description, and who would therefore make capital Members of his Committee—if he got it. When the House decided the other evening on the specific plan of reform presented to them by the hon. Member for East Surrey (Mr. Locke King), fifteen Gentlemen who were Members of the Government were absent from the division. These hon. Members had their minds in a nicely balanced state; their minds were precisely and accurately balanced, between their past professions and their present places. Of course, if the Committee were appointed it would have power to send for persons, papers, and records; and he presumed that the records for which the Members sent would be their own speeches, the papers would be their election addresses, and the persons would be the constituents who had been simple enough to believe their professions. But hon. Members opposite, in bringing forward this plan, must consider the ultimate result. In the case of the Motion of the hon. Member for Surrey, which was for the extension of the franchise, the instantaneous result was, that several large towns were, on that occasion, placed in Schedule B, and had only one representative left to vote on a great constitutional question. He found, for instance, that the constituencies of Leeds and Forfarshire, of Lewes and Aylesbury, of Newport and St. Ives, of Gloucester, of Middlesex, of Marylebone, of Wolverhampton, and of Liskeard, and of the borough of Ennis, were all placed in Schedule B on that occasion. This style of proceeding should cause hon. Members opposite to pause before they brought forward Motions of this description. He would ask the hon. Member for Leicester whether it was his intention to divide upon his Motion. [Sir J. WALMSLEY, Certainly.] Then he (Mr. Stafford) would

Mr. Stafford

suggest to the hon. Gentleman that he would place some of his Friends in a very awkward position, and might probably disfranchise some of the constituencies which they now represented. The hon. Member for Leicester was a comparatively young reformer, and veteran reformers knew much better how to deal with matters of this kind, for they were acquainted with circumstances which, doubtless, were not within the knowledge of the hon. and innocent Member for Sheffield (Mr. Hadfield). When the hon. Member for East Surrey (Mr. Locke King) recently proposed an extension of the franchise, the noble Member for Portsmouth (Viscount Monck) had been seen nimbly running about the House, exercising his plastic powers and winning manners in obtaining support for Her Majesty's Government in opposition to the Motion; but on that occasion several Members of the Administration were absent. The right hon. Gentleman the President of the Board of Control was listening to a debate on Indian affairs in the other House of Parliament. Where was the Attorney General for England, who had recently made such great promises to his constituents, on that occasion? He was absent; and the Attorney General for Ireland, on the principle of justice for Ireland, was absent also. The Chancellor of the Duchy of Lancaster was engaged in very important business out of the House; and Marylebone, Wolverhampton, and Middlesex, were represented on the division by only one Member each. He should like to know upon what occasions, and to what extent, might Members of the Cabinet and of the Government refuse their support to the noble Lord (Viscount Palmerston), who seemed, on the Motion of the hon. Member for East Surrey, to have had only a majority of one, comparing the Members of his Cabinet who voted with those who stayed away? It would be well, when subjects like this were discussed, if allusion were made more frequently, not to the conduct of the constituents, but to the conduct of the representatives. If reformers thus neglected or forgot their pledges—if the reins of Government were so lightly held as to permit so large a discretion to Members of the Government upon questions of such importance as a change in the franchise—might it not be expected that in a few weeks the Government would be divided against itself, and that the noble Lord (Viscount Palmerston)

would be left to go into the lobby leaning on the arm of his recent eulogist, the hon. Member for Essex (Sir J. Tyrell)? It would be satisfactory to learn from some of the hon. Gentlemen opposite, when they expected to carry on the broad shoulders of the people their measures of reform, and how long they would be content to support a Government which was scarcely able to resist successfully, without the aid of its opponents, such propositions as that now before the House?

MR. T. DUNCOMBE said, it was not his province to account for the absence of those Members of the Government (to whom the hon. Member for Northamptonshire had referred) from the division the other evening, but he must say, he thought they had fully done their duty last night by assisting to place hon. Gentlemen opposite in a minority. He rose, however, for the purpose of saying, that it was not in his power to support the Motion of his hon. Friend the Member for Leicester. Nothing would afford him greater pleasure than to vote with that hon. Gentleman, if he did not think that he would thereby rather damage than advance the cause of reform. He (Mr. Duncombe) regretted most deeply the opposition which was offered the other evening by his noble Friend at the head of the Government to the Motion of the hon. Member for East Surrey (Mr. Locke King). He regarded that opposition as ill-timed, ill-advised, and most ungracious towards those who gave the noble Lord's Administration a generous and independent support; but if the noble Lord were to adopt the same course to-night in resisting the Motion of the hon. Member for Leicester, he (Mr. Duncombe) would think he was equally right as he was wrong on the former occasion. Although he had heard the speech of the hon. Member for Leicester, he could not, for the life of him, understand what that hon. Gentleman expected from a Committee. Supposing the House to assent to the Motion, he presumed the Committee would be composed of hon. Gentlemen from both sides of the House. The hon. Member for Northamptonshire (Mr. Stafford) would probably be placed on the Committee, and, from what he had said to-night, would, no doubt, afford them material assistance. The first question that would arise would, probably, be whether the Committee was appointed to inquire into the inequalities of the representative system in England and Wales, Scotland, or Ireland—for

those countries were governed by three Reform Acts, which established different franchises. His hon. Friend (Sir J. Walmsley) would probably say, "Well, I never thought of that." Some Member of the Committee might ask, "Is reform necessary at all?" because his hon. Friend (Sir J. Walmsley) proposed, by his Motion, to extend "to the unenfranchised that share of political power to which they may be justly entitled." Why, what has become of the great principle of Reformers, that representation should be concurrent with taxation? Why not say the parties who "are" entitled, not who "may be" entitled? He (Mr. Duncombe) did not like such mawkish language. What were the practical means of carrying out the scheme of the hon. Member for Leicester? What were the practical means of lessening the existing inequalities in our representative system? The hon. Member for East Surrey (Mr. Locke King) proposed the other night a practical means of getting rid of that great blot of the Reform Bill the Chandos clause—namely, by moving for leave to introduce a Bill for equalizing the franchise in the boroughs and counties. Some Reformers, and among others the late Mr. Hume, made a great mistake in voting for that clause. That hon. Gentleman (Mr. Hume) supported it because he believed the admission to the franchise of £50 tenants-at-will would ultimately facilitate the adoption of the ballot. The conduct of Mr. Hume showed, however, the danger of voting for evil that good may come, for now they could not get rid of the Chandos clause, and they were about as far from obtaining the ballot as ever. The ballot had been made an open question. But what was an open question, after all? It was a contrivance for the purpose of deluding constituents without advancing the cause. The result was, that although the hon. Member for Bristol (Mr. H. Berkeley) had carried his Motion in favour of the ballot by frequent majorities, they were not a whit nearer the ballot than when the Reform Bill passed. He said, that a great principle was involved in this question of the representation, and he was not prepared to insult, in their just demands, the 4,500,000 persons of the working classes, by referring their claims to a Committee upstairs, as if it was a Railway Bill, or a Cemetery Bill, or a Gas Bill. No—the question was too large not to be discussed in the light of day, and the more it was so discussed the greater would

appear to be the title of the people to representation and enfranchisement.

MR. WARREN: Only one word. Only think of referring the British Constitution to a Select Committee. I am so tickled with the idea that I have nothing else to say.

MR. W. J. FOX said, there were considerable differences of opinion on this question, and he thought that a Select Committee was the readiest and fittest mode of bringing these differences to a settlement; and he believed they might approximate to such an agreement as might be acted on. The mode in which his hon. Friend the Member for Finsbury had made his objection had greatly disappointed him—his plan would only serve to bring into collision opinions which were known to be hostile; but were they brought together in the quiet discussion of a Select Committee, they might possibly approximate, as they had actually done in the great Education Question, and devise some practical course of action. It could scarcely be denied that our representative system was characterized by egregious inequalities. Representative institutions, from their very nature, required frequent alteration and development, and a representative Government must necessarily extend and adjust the franchise, to meet the growing requirements of the people. Some places, which were opulent and populous, fell into poverty and decay, and others, from small beginnings, became great and influential. As education spread, too, a greater number of persons could be admitted with safety within the pale of the constitution. Unless changes of this kind were made, what happened? Imperfect representation, which was the parent of agitation. In a representative Government the people must either be ruled by an adjustment from time to time of the representative system, or they must be ruled in the very worst way, by successive yieldings to external agitation. Many of the great questions of modern times had been carried by agitation; for example, the abolition of the slave trade, the repeal of the Test and Corporation Acts, Roman Catholic Emancipation, the Reform Act of 1832; and, lastly, the repeal of the Corn Laws, and the establishment of free trade. But these agitations involved a great expenditure of time and money; and the result of pursuing such a course was, that the people lost confidence in those in whom it was desirable they should have the greatest con-

fidence. Occasion was given for the rise of demagogues; and the people were initiated in the arts and tricks of faction. It had been objected, that with regard to reform of the representation, the people were in a state of apathy. Now, was this certainly the case? He believed that, although a desire for representative reform had not been demonstrated by monster meetings, there was a strong, deep, pervading feeling in favour of the desirableness and necessity for a change. He should support the Motion.

VISCOUNT PALMERSTON said, that one objection which is often made to those who proposed a Committee, certainly could be made to the proposal of his hon. Friend. It was often objected to those who propose a Committee, that when they get their wish they were unable to bring the Committee to any concurrent opinion on the subject which they desire to submit to it; but if they were to judge from the success of his hon. Friend in bringing the House to an almost unanimous opinion on the Motion he had made, that objection certainly could not be raised on the present occasion, for he had succeeded in ranging in wonderful unanimity of opinion on the same side those who were for a comprehensive reform, those who were for gradual reform, or what was called bit-by-bit and step-by-step reform, and those who were opposed to reform in the abstract. He, therefore, submitted to his hon. Friend that he should be content with that achievement, and not endeavour to produce a similar concurrence of opinion among the Members of any Committee that might be appointed in pursuance of his Motion. He was content to rest upon the argument, which he thought unanswerable, that had been urged against the proposal of this Committee—that the matter was of too great importance, and one of too wide a range, and affecting too many material interests to be thrown loose upon the chance decision of a Committee. It was one which those who brought it under the consideration of Parliament were bound to embody in the shape of some distinct proposal for which they are responsible. Therefore, without stating the particular objections which he felt to many of the abstract propositions of his hon. Friend—without inquiring whether his proposal might be founded on a right view of the British Constitution—without inquiring how far they might assume that they sat there as delegates from particular places

rather than as representatives of the people at large—without inquiring whether his principles, if carried to their greatest extent, would or would not lead them to the arrangement of electoral districts—without, in short, stating the different objections which he might feel to much that had been said, he thought the House would see that the general concurrence of opinion was against the Motion of his hon. Friend. Whether he would think it right to press his proposal to a division or not would depend on his own discretion, but he thought the House would be of opinion that a Committee was not a convenient mode of discussing a question of that kind, and was not the method which should be followed by any person who wished to introduce changes into the representative system of this country.

SIR MAURICE BERKELEY said, the Government were no doubt obliged to the hon. Member for Northamptonshire (Mr. Stafford) for the very kind counsel which he had given them. He had a recommendation to give in return. He would advise the hon. Gentleman to offer himself as a witness before this Committee, should it be appointed, as no doubt he would be able to give particular information on the subject and especially upon Government patronage.

MR. LOCKE KING observed, that there was no precedent for a Committee of Inquiry on this question, and hoped that his hon. Friend would not press his Motion to a division.

MR. WARNER reminded the House that the hon. Member had brought in a Bill on the subject in the last Session, and the House was counted out. He hoped he would take an early opportunity of bringing in that Bill again, and that it would meet with a better reception, seeing that they were so near a dissolution.

SIR JOSHUA WALMSLEY said, the noble Lord at the head of the Government had referred to his having spoken of electoral districts. Now, he carefully avoided alluding to any specific change. He was not at all disappointed at the objections which had been taken to the Committee. If he had brought forward a Bill, it would have been equally objectionable. He brought forward a Bill on a previous occasion, and it was not listened to: there was not a House. Whether it was flog high or flog low, it was precisely the same thing. When the people were peaceable they could get neither Bill nor Committee.

But, as soon as the people demanded it with a loud voice, then they might possibly get a Bill. The hon. Member for Finsbury (Mr. T. Duncombe) had asked him whether he would deal with England, Scotland, or Ireland. He answered, that he would place them on a footing of equality. The hon. Member had spoken of his insulting four millions of people. He begged to say that he offered no insult to them; his anxiety—and the hon. Member knew it—was to give to all who were entitled to it the franchise equally with himself. He would not yield even to the hon. Member in his desire to do what was just towards the people; but, if the hon. Gentleman were really in earnest, why did he not bring forward a measure himself?

Question put—

The House divided:—Ayes 73; Noes 190: Majority 117.

RAILWAY ACCIDENTS.

COMMITTEE MOVED FOR.

MR. BENTINCK rose to move for a "Select Committee to inquire into the causes of Accidents on Railways, and into the possibility of removing any such causes by further legislation." He should detain the House but a very few moments while he explained the motives which induced him to make that Motion. It would be recollected that a short time ago he put a question to the Vice President of the Board of Trade (Mr. Lowe), with a view of ascertaining whether it was the intention of the Government during the present Session to introduce any measure for the better prevention of railway accidents. He would not trouble the House with the details of the answer he received upon that occasion; but its effect was, that, in consequence of the diminution in the number of accidents within the last four or five years as proportioned to the great increase of railway travelling, the Government did not feel called upon to legislate upon the subject. Now, it appeared to him that that answer was capable of a construction which he felt sure the right hon. Gentleman never intended it should bear; for although it might be perfectly true that a very small number of accidents occurred in proportion to the enormous numbers that travelled by railways, and although it might also be perfectly true that the number of cases of accident were on the decrease, still it seemed to him that a very strong case for the interference of the

Executive would be proved if it could be shown that nine out of every ten accidents might be prevented by further legislation. Giving every credit to the Gentlemen who were at the head of the great Railway Companies of the kingdom for a desire to adopt every means available for the avoidance of accidents, still every one must be aware that Railway Directors were to a certain extent under the control of shareholders, and unfortunately those gentlemen often preferred increased dividends rather than incur the extra expense necessary to diminish the risk of accidents. Having said that much, he should not trouble the House any longer, as he had reason to hope the Government did not intend to oppose the appointment of a Committee.

Moved—"That a Select Committee be appointed to inquire into the causes of accidents on railways, and into the possibility of removing any such causes by further legislation."

MR. HADFIELD did not think it possible for human invention to devise any means by which the watchfulness now exercised by Railway Directors for the prevention of accidents could be augmented. He thought the answer given by the right hon. Gentleman the Vice President of the Board of Trade on a former occasion to the hon. Member, fully demonstrated the extraordinary security now enjoyed by railway travellers. He very much doubted the policy of appointing such a Committee.

MR. PALK said, that, as a matter of opinion, he regretted it was not in his power to agree with the hon. Gentleman opposite as to the peculiar security of railway travelling. He thought there were other places somewhat safer than a railway carriage; and he, therefore, could not but feel regret that Government had not interfered more than hitherto had been done with railways. It should be remembered that the railway interest was the greatest monopoly in the country; the companies were the sole carriers of goods and passenger traffic, and they had exercised the great power which their wealth had given them, not for the accommodation of the public, but for the profit wholly and entirely of the shareholders. In his opinion, Government ought years ago to have stepped in, and had they done so the country would have been saved the great national nuisance of the "break of gauge." Upon that point he might mention that it was much easier sometimes to travel round by London than to go across the country

a much shorter distance. He certainly thought that before a Committee some means might be devised for lessening the number of accidents which occurred on railways; and if, in the course of evidence taken, any suggestion should appear by which railways companies should be made to accommodate the public more than they did at present in the matter of running trains to correspond with arrivals and departures on adjoining lines, he thought the country at large would be greatly benefited; and although he had no great knowledge on railway matters, not possessing a single share in any line, he might be allowed to say that an amicable understanding between companies would be productive of greater benefit to themselves than the battle of the gauges which Parliament was obliged to witness Session after Session.

MR. HEYWORTH said, he was of opinion that the statistical facts quoted the other day by the Vice President of the Board of Trade were of more consequence than the theories of the hon. Gentleman. He believed that railway travelling was accompanied with less risks than any other kind of travelling, not even excepting travelling on foot. It should be remembered that no persons were more interested in preventing railway accidents than railway directors, and he felt sure that if the hon. Gentleman who brought forward this Motion had any suggestion to make, it would be readily entertained by railway companies; but he objected to the appointment of a Committee to do that which was purely within the province of the directors.

MR. D. WADDINGTON hoped that the Committee would be agreed to. At the same time he must observe that there was an idea very generally prevalent that companies were indifferent to the lives of passengers; that idea, according to his experience, was very ill founded. Unlike the Gentleman who sat below him (Mr. Palk), he did not believe that railway directors merely looked to the amount of dividends; he knew well that they had regard, above all other considerations, for the lives and safety of those entrusted to them, and the result of a Committee's deliberations must bring that to light. Now, if the Committee were not granted, the effect would be that, supposing an accident to occur which was attended with lamentable loss of life, it might be fairly urged that, had the Committee got the system adopted upon

some particular line, it would have been brought into general use, and thus the accident in question might have been avoided. It would also be found that, although parsimony was the rule in some instances, liberality was the rule in others; and he believed that it would be made fully clear that commercial parsimony was a false economy. As one who had taken a considerable interest in the management of railway matters, but as no longer connected with any railway, he could not avoid making these few observations upon the subject now before the House.

MR. LOWE said, the Government had no objection whatever to the appointment of this Committee, and he hoped that the hon. Gentleman (Mr. Bentinck) would be able to devise some plan whereby railway travelling might be made safer. He, however, should not deal candidly with the House if he refrained from saying that the interference of any department of the Government in matters of this sort would not be attended with the good results which the hon. Gentleman anticipated. He believed that Lord Campbell's Act had been of great service to the country, because it made the interests of railway proprietors, and of those who travelled upon their lines, identical. He thought that railways were at present managed in a comparatively satisfactory manner, but he should be glad, indeed, if the hon. Gentleman should succeed in devising any plan for the more effectual prevention of the evils of which he had complained.

MR. CROSSLEY thought the great source of accidents was the non-adoption of the American plan of allowing a communication between the passengers and the engine-driver. A brother of his was once in a carriage on the Great Northern line, which got off the rails, and was dragged along in that way for four miles, before the attention of the driver could be attracted to the circumstance.

MR. MONCKTON MILNES said, that, owing to the recommendations of a former Committee, a cord had been made to run along the bottoms of the carriages of the Great Northern Railway, but it would be more than a passenger's life was worth to attempt to make use of it in case of an alarm of accident—it only admitted of guards using it as a means of communication. He thought that the Committee might be of great advantage if it confined itself to listening to the suggestions of

practical engineers, carefully avoiding to enter into the question as to the means by which Government could compel the prevention of these accidents.

MR. BARNES cordially supported the Committee, but observed that it was the House itself that interfered formerly to prevent many wholesome restrictions upon companies from being carried out—restrictions devised when the Marquess of Dalhousie was at the head of the Board of Trade.

MR. J. EWART believed that railway directors were anxious to do everything in their power to add to the safety and comfort of their passengers, and that they would be glad to receive any suggestions with that object. Every feasible plan for preventing accidents had been tried on the North-western lines.

MR. ALCOCK thought it would be desirable that the Committee should extend its inquiries to ascertain how far railway companies had in certain instances been guilty of a breach of faith with the public in not carrying out the powers conferred on them by Act of Parliament? At present the railway department of the Board of Trade was a perfect farce in respect of its power of enforcing on railway companies that which common justice and in many cases common decency required. When the railway from Reigate to Reading was proposed, eleven years ago, a promise was given that a junction should be formed with the South-western line. That pledge had, however, never been redeemed, and the Board of Trade was quite powerless to compel its fulfilment.

MR. CAYLEY said, he did not anticipate much good from the labours of the Committee. It was not in the nature of things that they could travel at the pace of express trains with perfect security; and if the public insisted on extreme speed, it must pay the penalty by incurring some risk. The companies were sometimes rather hardly dealt with under Lord Campbell's Act, which inflicted very heavy penalties on them for accidents due in some measure to the public taste for too rapid travelling.

MR. JAMES MACGREGOR thought that if the Committee gave satisfaction to the public mind it would do no harm, and might be of some good. Trains were often despatched in such quick succession that the public must trust for its safety, not so much to any communication between the

passengers and the guard, as to the enforcement of sound discipline among their servants on the part of the railway companies; and any attempt to enforce precautions, under such circumstances, must prove fallacious.

Mr. PRICE thought that no great benefit would result from the labours of the Committee. He hoped, at all events, however, that gentlemen acquainted with railway matters would be nominated on it.

Mr. PACKE said, he believed it was to the want of punctuality in the starting and arrival of trains that accidents were mainly attributed in this country. On the Continent, much greater punctuality was observed, and he hoped the Committee would not overlook that consideration.

Mr. BENTINCK said, that when introducing the Motion, he had not deemed it necessary to strengthen his case by lengthened arguments because he was aware that the Government did not intend to offer him any opposition. The great majority of railway accidents arose from two causes—firstly, the irregular arrivals of trains; secondly, the starting of too many trains in the day. These were causes not beyond the control of the Directors, and therefore he thought a Committee might fairly consider how, by further legislation, they could devise means to diminish the number of railway accidents occurring in this country.

Motion agreed to.

Select Committee *appointed*, "To inquire into the causes of Accidents on Railways, and into the possibility of removing any such causes by further legislation."

CIVIL SERVICE (IRELAND).

MOTION FOR AN ADDRESS.

Mr. DEASY rose to call the attention of the House to the present mode of conducting the Examinations of Candidates for admission into the Civil Service; and to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions to have the Examination of Candidates for admission into the Civil Service in Ireland conducted as in England, by Examiners, whose character, acquirements, and experience in examinations render them peculiarly fitted for the duty."

He wished to disclaim any intention of casting any imputation on the Civil Service Commissioners, or the very respect-

Mr. James MacGregor

able gentleman whom they had to assist them in Ireland. The only fault he found was that an arrangement, meant only to meet a temporary purpose, had been prolonged and continued to a period when a more satisfactory scheme ought to be adopted. In the first Report of the Civil Service Commissioners they stated that they had obtained the assistance of gentlemen as examiners whose character, acquirements, and qualifications rendered them peculiarly fit for the task; some had given their continuous assistance, others had been called in as occasion required. It appeared that three were employed continuously and eight occasionally. The second Report, just published, stated that two gentlemen were employed continuously in conducting the examinations, eight occasionally, and twelve for special purposes in England. In Ireland there was a very unfavourable contrast to this state of things. The Commissioner stated that the duties of examiner in Dublin had been undertaken by R. Ball, Esq., LL.D; but that plan was only adopted as a temporary expedient. Examination papers were sent from London, to which the candidates returned written answers; and these were sent to London for the adjudication of the Commissioners, accompanied by a written Report from Dr. Ball. He wished to speak with every possible respect of that gentleman. He was a gentleman of great integrity; but the very difficult and responsible duty of deciding on the claims and qualifications of all candidates for admission into the Civil Service in Ireland, ought not to be delegated or entrusted to him alone. It was placing him in a position in which he ought not to be any longer continued; and it was due to the service and the public that gentlemen of higher scientific acquirements and of longer academical experience should be associated with him. Another objection to his being continued as sole Examiner was that he held a situation under Government. It was impossible that Dr. Ball himself could be influenced by that; but the public mind in Ireland was peculiarly sensitive on that point. The Reports of Dr. Ball had not been published, which left it uncertain whether the decisions were made by himself or by the Commissioners upon his Reports. This was not fair to the candidates, nor to Dr. Ball himself; it took away from him the responsibility of the decisions, and left the public in ignorance by

whom they were made. It was to supply for Ireland the same agency and machinery as was employed in England, and to obviate all ground for suspicion or complaint, that this Motion was made. There would not be the slightest difficulty in procuring for Ireland the agency he sought to establish. There were in Dublin many gentlemen of very high academical position, and of great literary attainments, whose services might be obtained by the Government.

MR. NAPIER seconded the Motion. He would also bear testimony to the great abilities and respectability of Dr. Ball; but it would be more satisfactory to all parties if the mode of conducting the examinations in England were adopted in Ireland. The great value of the system of competitive examination consisted in the manner in which it was conducted, and that depended in a great measure on the skill and experience of the examiners; and, though it might be open to the disadvantage of not always securing the man most fitted for the post, still it secured an educated man, and carried out the principle of merit being the only qualification for appointment. The system had had a great effect in giving an impulse to education throughout the country, and he should be glad to see it still further extended.

Motion made, and Question put—

“That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions to have the Examination of Candidates for admission into the Civil Service in Ireland conducted as in England, by examiners whose character, acquirements, and experience in examinations render them peculiarly fitted for the duty.”

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman who brought forward the Motion had stated with perfect accuracy the mode in which the examination for admission to the civil service was conducted in Ireland. The examination papers were prepared by the Commissioners in London; they were sent to Ireland, where the examination was conducted under the inspection of a local officer; and, after the examination was completed, the papers were collected and returned to the Commissioners in London, with the report of the person who had conducted the local examination. The hon. Gentleman had, however, omitted to state that the examinations in the provinces in England and in Scotland were conducted in a similar manner. There was no peculiarity in the system adopted in Ireland

except this, that as there were in that country a considerable number of examinations, instead of confiding their conduct to some local officer of the department, who might be accidentally upon the spot, a gentleman had been employed in Dublin to conduct the examinations regularly. That gentleman was Dr. Robert Ball, of whom he had received very high recommendations, and to whose qualifications the right hon. Gentleman opposite (Mr. Napier) had borne testimony, and it might, therefore, be confidently stated that the selection of that gentleman was a proper one, and that he was quite competent to conduct the examinations. It was most important to maintain unity in the standard of examination, and there ought therefore to be one system of examination and one standard enforced with regard to candidates for the civil service in different parts of the United Kingdom, and that result was obtained under the present system. It was, of course, important that that uniformity should be observed in Ireland, for, although there were there many public departments peculiar to that country, there were also branches there of the public services which had their central offices in London. Since the establishment of the system of examination 237 persons had been examined in Ireland for those public departments which had their central offices in London,—namely, 31 for appointments connected with the Customs, 149 for appointments to the Inland Revenue Department, 46 for the Post Office, 5 for the Admiralty, and 6 for the War Department, and these persons might, under certain circumstances, be transferred to any part of the United Kingdom. Only 47 persons were examined for those public departments which had offices exclusively in Ireland. He thought the House would see that, for the purpose of maintaining uniformity of standard, and of having the same description of examination for officers of Customs and Excise in Ireland and in England, it was most material that the examination should be conducted under the control of the same set of Commissioners. He thought, under these circumstances the hon. Gentleman would scarcely expect that he should accede to his Motion; but he (the Chancellor of the Exchequer) would say that the Government were most desirous that these examinations in Dublin should be conducted in such a manner as to give satisfaction to the candidates and their relatives, to conduce to the advantage of the public service,

and incidentally to afford a stimulus to education. If it could be shown that Dr. Ball was not equal to the duties which devolved upon him, and that he needed assistance in the discharge of his duties, the Government would be ready to consider the propriety of affording him such assistance. He did not, however, think that it would be desirable to establish an independent Board of Commissioners in Dublin, acting upon principles different from those adopted by the Board in London, and applying a different system of examination to all candidates for the civil service. He hoped that the hon. and learned Gentleman would rest satisfied on its being stated that the Government was desirous of acceding to the spirit of his Motion, and that he would not therefore press his Motion to a division.

MR. DEASY said, the numbers given by the right hon. Baronet furnished a reason for conducting the examinations in Ireland on the same principle as those in England. He must decline to withdraw his Motion.

MR. G. A. HAMILTON said, that the desire of the Government to carry out the spirit of the Motion was rather vague. Did the right hon. Gentleman mean that, after an inquiry into the subject, he would seek to preserve the principle of uniformity in the system by appointing, in addition to Dr. Ball, some other gentlemen as associates of the doctor in Dublin? If so, he (Mr. Hamilton) thought that the hon. and learned Gentleman ought to rest satisfied; but if the Chancellor of the Exchequer meant, by the spirit of the Motion, that the present system should continue, he was of opinion that his hon. and learned Friend ought not to be satisfied.

THE CHANCELLOR OF THE EXCHEQUER said, he did not think it desirable that the ultimate decision with respect to the examination should be taken out of the hands of the Commissioners in London, and vested in an independent body in Dublin. Dr. Ball simply conducted the examinations in Dublin, and did not decide upon the respective merits of the candidates; and if his unaided agency was insufficient for the proper conduct of the examinations, the Government would be quite ready to take into consideration the propriety of affording him some assistance.

Question put.

The House divided:—Ayes 35; Noes 44; Majority 9.

The Chancellor of the Exchequer

THE FRANKLIN EXPEDITION.

MOTION FOR AN ADDRESS.

MR. NAPIER rose to call the attention of the House to the communications with Her Majesty's Government respecting the Franklin Expedition, and the urgent nature of the claim for a further and complete search. He had been induced to bring forward this subject because it was one of peculiar and pressing interest to more than one of his constituents and friends, and among them the relatives of Captain Crozier, the friend and companion of Franklin, and that fact would account for so humble an individual as he was taking up this present most important question. In June last a memorial was sent in to the Government, signed by some of the most eminent and scientific men in the country in favour of a new expedition in search of Sir John Franklin and his gallant party. The object was one which deeply concerned humanity, and involved, he thought, to some extent the honour and the character of this country. He had hoped that the Government would have replied favourably to that memorial. It was not his wish to precipitate a hasty conclusion respecting it, but time pressed, and it was most important that, if anything was to be done, it should be done quickly. He was sure that the noble Lord at the head of the Government, and the right hon. Baronet the First Lord of the Admiralty, both took a deep interest in this question, and he could not but think that some weighty reason must have prevented them from giving a favourable answer. He might also state that the memorial to which he had referred was strongly supported by an interesting letter from Baron Humboldt, who added the weight of his name and authority in favour of a renewed and thorough search. He would briefly remind the House of what had taken place in reference to this subject up to 1854. Aided by America, an expedition was sent out by this country, which searched through a certain large and extensive circuit. No memorials whatever were found in that district. Some striking and interesting facts, however, came to light within a short period after Dr. Rae's visit to the Arctic regions. That gentleman went out on a geographical expedition in connection with the Hudson's Bay Company. The account brought home by Dr. Rae was, that in a spot which had not been searched certain memorials of the crews of the unfortunate vessels had been found, and that

this spot lay within a very limited area well mapped and charted. When this providential testimony reached them, and when they weighed the possibility of some of our gallant countrymen being still in that dreary region, one would think that a speedy search would have been instituted in accordance with the spirit and character and honour of England. But the sympathies of the Government were absorbed by the war which then broke out, and the only thing done was to institute an investigation through the medium of the Hudson's Bay Company, in order to obtain a corroboration of the facts communicated by Dr. Rae. This was necessarily an imperfect and ineffective search, yet it served to show that the Government were not disposed to rest satisfied with what Dr. Rae had done. The result of this expedition was to bring to light other memorials, and to strengthen the hope that perhaps some of the unfortunate individuals belonging to Sir John Franklin's party were still struggling for existence. Who would be so presumptuous as to say that at this moment some of those men might not be in those lonely regions still hoping that their brave and indomitable countrymen at home had not forgotten them, but would persevere in carrying out measures for their relief? He would not insult the noble Lord at the head of the Government, or the First Lord of the Admiralty, by supposing that the question of expense would for a moment weigh with them if they saw it to be a matter of duty to employ another expedition. Lady Franklin, with the true spirit of a woman, was prepared to devote such property as she had to a search for her husband in the event of the Government declining to do so; but she knew well the difference between an expedition undertaken by a private individual and one that would carry with it the weight and influence of the Government. She had written a touching letter to the noble Lord at the head of the Government upon the subject, and within a very few days afterwards the interesting circumstance took place of the American Government sending back the *Resolute* to this country; and the gallant officer who had been charged with the mission of bringing over that ship (Captain Hartstein) had volunteered to serve in any expedition that might be sent out. Would it not be humiliating to the spirit and honour of this country if it were left to an American expedition, or to one sent by Lady Franklin, to rescue some of the

gallant survivors of Sir John Franklin's party, or to discover some more interesting memorials of the two crews? He could well understand why in 1849 or 1850 a question of doubt as to the expediency of such an expedition as that which he now proposed arose; but let them consider what had taken place since then. In the first place, one of the rewards of the Arctic searches had been the discovery of the north-west passage by his gallant countryman Captain McClure. It had been over and over again stated that the Franklin expedition must have perished previously to 1849 off Baffin's Bay, because the first expedition was unable to get beyond Leopold's Island. However, so far were these speculations from being correct, that the next expedition sent out discovered articles which proved that Franklin and his companions must have wintered in Beechey Island four years after the time at which it was confidently stated they must have perished. Again, it had been stated that the Franklin party could not by any possibility have gone in the direction which it was afterwards proved they had taken; and several of the speculations as to their *locale* made before the Arctic Committee had since been falsified by evidence. In 1852, when Dr. Rae was going out on the geographical expedition, he stated that there was no chance whatever of the missing crew being where he was going. The space within which there was any use in searching had been reduced to very narrow limits. It lay within four degrees of latitude and five of longitude. Beechey Island had been several times reached without much difficulty, and so had been the mouth of the Fish River; so that they had Beechey Island on the one side and the Fish River on the other. Between these two points there was a distance of about 400 miles, and within this space indisputably lay the spot where the vessels and crews were about the year 1850. Would they, then, when they had this place mapped and charted, leave it unsearched so long as the fate of 138 gallant men lay unascertained? Would they do this when they remembered how these men had risked their lives for the purposes of science? On the ground of expense he took it an expedition could not be denied; and as for the risk, there were, to their honour be it said, a number of gallant officers, both British and American, willing to undergo all the risks and hardships that might be attendant on a search

for our devoted countrymen. And the risk was not at all what it had been in the case of the former expeditions. They had now a definite spot, mapped and charted, to which to limit the search; they had not only a strong hope, but a positive assurance, that within that limited region at least further memorials of Franklin and his comrades would be found. They had evidence which he thought conclusive to any plain man that a considerable number of the crew had been making their way towards the Fish River, and they must have left behind them some memorial. The carved stick was probably left to indicate the route taken, and, perhaps, some graves might yet be discovered, with the assistance of the Esquimaux, if interpreters were sent out. He was confident that had it not been for the accident of all our energies and sympathies being enlisted in the carrying on of a great war, at the time Mr. Anderson's expedition sailed, much more assistance would have been given to that gentleman. They could not tell what beneficial results might not follow the sending out of a properly equipped expedition, provided with the requisites for dividing into two parties to make a land search, and approach each other from opposite sides. If what had lately been stated with respect to some of the memorials already found was correct, it would appear that the north-west passage had been discovered before Captain McClure found it, by some of Franklin's party going down the Fish River. There was no want of the means of equipping another expedition. The Admiralty had vessels sufficient, including the *Resolute*, which had been so handsomely presented to us, fully equipped by the American Government. There were Arctic stores lying up as rubbish; and there were volunteers in abundance. He admitted that there was difficulty; but difficulty was no answer to duty. When we considered the calls made by the relatives of those gallant men, the claims of humanity, the demands of society, the testimony of eminent scientific men, and the touching appeal of Lady Franklin, he could hardly think that the First Lord of the Admiralty would feel it to be his duty to persevere in refusing to sanction another expedition. He would further observe that England had a mission to perform in favour of Christianity and civilization as well as of abstract science; and from the testimony of Captain McClure it appeared that considerable advantage

Mr. Napier

had been derived in his expedition from the presence of a Moravian missionary; and perhaps one result of sending out another expedition would be that these frozen regions would be opened up to civilization and Christianity. The press generally was in favour of another trial, and under all the circumstances he again expressed his hope that he should not receive an unfavourable and dispiriting answer from the First Lord of the Admiralty. As a matter of form he would move for the production of all Communications that had been made to the Government since the last Session of Parliament respecting the Arctic Expedition.

CAPTAIN SCOBELL thanked the right hon. and learned Gentleman for calling the attention of the House and the Government to this subject. He knew Franklin and Parry, and he had had conversations with many recent Arctic voyagers. He was a member of the Arctic Committee, and had heard and read everything that had been said and published on this subject for the last twenty years. He knew there was a responsibility in sending out men upon another expedition, because accidents might happen; but there were many volunteers ready to take the responsibility and risk. It should be remembered that the Government need not ask any one to go who was not a volunteer. Plenty of sailors might be got, and the Government could obtain a dozen competent officers to volunteer for another expedition. At present the risk was nothing compared with that of the previous expeditions, since former travellers had to penetrate from Beechy Island and to grope their way as they could along the whole north-western passage. If the Government, however, determined to send another expedition, there was not a day or an hour to be lost. Two expeditions ought to be sent—one by sea and one by land. He would send two small vessels; and his belief was, that if the expedition were perfectly equipped and immediately despatched, even if Franklin and his crew were not found alive, there would at least be found records and relics that would be gratifying to the country. If any of the crew reached the main land alive, they might remain among the Esquimaux for twenty years; and the country would never give up the idea that some were still in existence unless a final expedition were undertaken. If it were only to instil into the minds of men engaged in the service of the country that

nothing whatever would be left undone to insure their safety, he urged on the Government to undertake a new expedition. The opinion of scientific persons and of all who had thought on the matter was in favour of it. The *Resolute*, if not calculated to be sent out again, might be left an object of attraction for years in the condition in which the Americans had sent her over; but he begged to add his voice to the kindly and Christian appeal made to the Government by the right hon. and learned Member for Dublin University.

Motion made, and Question proposed—

“That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Communication made to Her Majesty's Government, since the end of last Session of Parliament, respecting the Franklin expedition, and the urgent nature of the claim for a further and complete search.”

ADMIRAL WALCOTT said, that from the convictions which he entertained on this subject, he was under the necessity of refusing to give his assistance to the right hon. and learned Gentleman the Member for the University of Dublin. The *Erebus* and *Terror* left England in 1845, with 136 officers and men on board. They had found traces of them on Beechy Island in the graves of three men who had been buried in 1846. No further tidings were heard of Sir John Franklin's party till the year 1854, when Dr. Rae obtained from the Esquimaux information that forty white men had been seen on King William's Island, thirty near the entrance of the Back or Great Fish River, and five in Montreal Island. Dr. Rae brought to England relics which he had obtained from the Esquimaux, and one of these was Sir John Franklin's badge of the Guelphic Order. Now he (Admiral Walcott) could not think that Sir John had ever parted with that to any one. In 1855, Messrs. Anderson and Stewart obtained, through the Esquimaux, several pieces of mahogany, and a bit of rope, on which was the Queen's mark, and the Esquimaux said that they had belonged to white men who had perished of hunger. He (Admiral Walcott) yielded to no man in a desire to recover Sir John Franklin and his companions; but he should confess that he could not see in the horizon any beacon to light him to that hope. He knew that there would be plenty of volunteers, Captain McClintock had volunteered his services for another expedition; but that gallant officer said, that

he believed 3,000 miles would have to be traversed in sledges. He (Admiral Walcott) was of opinion, that expense or risk should not be spared if there was a chance of rescuing gallant men; but all that zeal and enterprize could do had been done, all which humanity could dictate had been performed—even the disappointing problem of centuries had been solved: and as he did not believe there was the slightest chance of success in the present case, he could not consent to peril the lives of a number of British sailors in an expedition such as that proposed by the right hon. and learned Gentleman whose Motion was before the House. As to any benefit to be obtained in the way of scientific discovery, he did not think that the chances in this way were such as to justify such an expedition. By a former expedition the problem that remained in doubt had been solved; but it had also been ascertained that the north-west passage could never be turned to any useful purpose in consequence of the masses of floating or stationary ice which barred the passage to any practical navigation by shipping. Let this suffice. They would only send out new martyrs of a fruitless and unprofitable search, call up the remonstrances of the wise and the reproaches of the bereaved, already too audible; and realize anew that frightful spectacle of the British seamen perishing by inches of cold and hunger, to lie unburied on the frozen sea pale and intrepid, sad and unsubdued.

SIR CHARLES WOOD said, he was glad that the hon. and gallant Admiral had spoken before him, for in almost every word that fell from him he entirely concurred, and he was glad to have the gallant Officer's authority in confirmation of his own opinion, that we should but be exposing to unnecessary risk the lives of our gallant seamen, by sending out another expedition which we felt to be hopeless. The Government were not insensible to the appeal very naturally made by Lady Franklin for pursuing the search to the utmost possible limits, or to the appeal of those scientific bodies who had addressed the Government in favour of a further search; nor would the Government be insensible to these appeals, on the score of humanity, if they entertained the slightest hope that by sending out another expedition survivors might be found and their lives preserved. While such hope existed, no risk or expense had deterred successive Governments from sending out expeditions

in search of Sir John Franklin and his companions. At the same time, he was happy to bear testimony to the gallant and generous feeling which had animated our Transatlantic brethren in sending out expeditions with that object. But let the House consider what had been done. It was now twelve years since Sir John Franklin's expedition left England; and since then six expeditions had been sent out; and though it was quite true that no one grudged the money while a hope of saving life remained, yet there had been expended in public expeditions, independent of expeditions fitted out by private individuals, and those sent by America, not less than £610,000. However, it was not the expense which deterred the Government from sending out another expedition; but, believing that there was no hope of finding any survivor of Sir John Franklin's fatal expedition, they did not feel justified in exposing to the risks, inseparable from such explorations, the lives of other gallant officers and men, though he had not the slightest hesitation in saying that, to the honour of our gallant navy, volunteers would be found, both officers and men, sufficient for twenty expeditions. The Government had, in many respects, a most painful duty to perform, but he did not think that any reasonable person entertained the expectation that any of the men of Sir John Franklin's expedition could be found alive. They left the country twelve years ago; and, taking the account which Dr. Rae gave, the last tidings of them were, that in 1850 a party of thirty or forty were seen passing over King William's Island, near the mouth of the Great Fish River, and they must have perished in that year. He was afraid that the last survivor of the expedition perished in 1850. He might state, that no one of the Arctic officers with whom he (Sir C. Wood) had conversed upon the subject had ventured to say that the last of the crew lived beyond that year, however anxious some of those officers were to take part in another expedition. The right hon. Gentleman (Mr. Napier) was a lawyer, and he would know what weight was to be attached to a decision in a court of law upon evidence. Now, this very question of the probability of any of the crew in the expedition of Sir John Franklin being now alive, had been argued in the Court of Session in Scotland; and that Court, after considering all the best evidence that could be adduced, decided that every person in

that expedition must be presumed to have perished so far back as the year 1853. The right hon. Gentleman had said that a future expedition would run less risks than previous expeditions, because the area to be visited was limited, and mapped, and charted; but, however limited it might be, it was not mapped and charted, and yet, as it was supposed that Sir John Franklin's expedition perished there, it would be necessary for any new expedition that might be sent out to obtain information about him to run the very same risks which he ran; and it happened, moreover, that what the right hon. Gentleman called a limited area of five degrees of latitude, and four degrees of longitude was precisely that which was neither mapped nor charted. The right hon. Gentleman had assumed that all the ships belonging to the Franklin expedition had either perished or had been abandoned. If they had perished, the probability was that all on board had perished with them. If, however, they had been voluntarily abandoned, it was not probable that those who abandoned them would leave on board that which, after the necessities of life, was the most valuable part of their property, namely, those journals and records which it was their special duty to make and keep. He (Sir C. Wood) therefore did not think that any new expedition ought to be sent out on the ground urged by the scientific advocates of the expedition, that at least the journals or logs of the Franklin expedition might be obtained. If, on the other hand, those articles were taken away by the crew in abandoning the ships, he thought it was equally obvious that the last of the survivors would perish with the bags and journals about them; and it was not likely that the last survivor, before his death, could have deposited them in a place which he had deliberately selected as that which was best calculated to enable any other person to discover them; and where, within an area of 1,200 miles, were they to search for something which, when found, would not be worth the trouble and danger of the search? He thought the prospect, therefore, of any new expedition being able to discover any scientific records of the Franklin expedition was so slight, that he (Sir C. Wood) did not think that a new expedition ought to be risked, and as to discovering any of the men alive he believed there was no prospect whatever. Some more relics of the ships, such as pieces of wood and iron, oars of the boats, or

things of that kind, of which we already had an abundance, might be discovered; but it was very doubtful whether even any more of such relics could be met with. They were too valuable to the Esquimaux to escape their search, and the probabilities were that, if the ships had been abandoned, they had been visited and rifled. Would the Government, then, be justified under such circumstances in risking the lives of 150 men in a new expedition? He quite agreed with his hon. and gallant Friend (Captain Scobell), that if another expedition were determined upon, two ships at least should be sent out, and that the expedition should be furnished with the means of landing and of passing at least two winters on the spot; but he really believed that it would not be worth while to risk any such expedition. His hon. and gallant Friend had appealed to the Government to send out another and final expedition, but there was a very strong reason why the Government should decline the responsibility of sending out any such expedition. Five vessels had already been abandoned in the different expeditions sent out on the search for Sir John Franklin, the crews of which had been rescued by other vessels; and it was not impossible that any other expedition might meet with the same fate as the Franklin expedition, and then there would have to be renewed expeditions without end to discover the survivors, in order that such people as those to whom his hon. and gallant Friend had alluded, namely, those who supposed that a portion of the Franklin expedition might be living, for the next ten or twenty years, might be gratified. But the lapse of time since that expedition sailed was so great that he (Sir C. Wood) believed there was no possibility of there now being a survivor. He had never felt that the risk of life which Arctic voyages involved was justified by the scientific results which might be attainable by such expeditions. He regretted at the time when the Franklin expedition was determined upon that the Government should have consented to risk so much for so little as the mere discovery of what was called the North-west Passage. He still remained of the same opinion. He regretted that the expectations of so many people who were interested in the question should be disappointed by the avowal; but, he must say again, that he was most unwilling to incur any fresh responsibility with regard to that expedition, and was obliged to say that

Her Majesty's Government could not give any encouragement to the proposal to send out another expedition.

MR. LINDSAY said, that he once thought on this subject as the right hon. Baronet the First Lord of the Admiralty did now, but he had recently been much in communication with Arctic officers, and from them he learnt that there was not only much to be gained in a scientific point of view, but that there was a possibility of some portion of the crew of the Franklin expedition being still alive. The enterprise originally undertaken for the discovery of a north-west passage, might have been one of doubtful advantage; but considering that the country had already spent £610,000 in exploration of the Arctic regions; that there was now only a very small territory in those regions which remained unexplored; that Franklin or some of his companions might possibly be living with the Esquimaux Indians in the neighbourhood of the very spot where traces of them had been found, he thought it behoved this great maritime nation to continue the exploration of that small spot of which we knew nothing. America expected, and the whole civilized world expected, that we should make at least one more effort. He would suggest that as Government had a great number of small steamers unemployed, and a large quantity of Arctic stores, which were at present utterly worthless, if they did not like to take the responsibility upon themselves of fitting out another expedition, they should place a couple of these steam vessels at the disposal of any body of scientific or mercantile men who would be willing to bear the other expenses of the expedition and the responsibility of finding proper crews. If they intimated their readiness to do that, he felt satisfied in his own mind that the necessary funds would be at once raised, and the expedition sent forth without delay. But if that course was to be adopted, it must be adopted at once, or it would be useless.

MR. MONCKTON MILNES said, he did not think the country would accept as final the decision of the First Lord of the Admiralty. A great problem in geographical science had been solved by the Arctic expeditions; and, with the exception of the deplorable loss of the *Erebus* and *Terror*, those expeditions had been attended with a smaller sacrifice of life than often occurred on other stations where our ships were doomed to inglorious inactivity.

This was a question on which landmen must, after all, rely on the judgment of nautical officers, and certainly the weight of authority seemed enormously in favour of a further search. The First Lord of the Admiralty said, that nobody whose opinion was deserving of weight believed that any of Sir John Franklin's party still survived. Was the right hon. Gentleman unaware that Dr. Kane, Sir Francis Beaufort (late Hydrographer to the Admiralty) and Captain Sherard Osborn, entertained a belief that some of them might be yet alive? The interest felt by the country in this matter was a growing one; and, if the present Government abandoned it, it would force itself upon the attention of their successors. Lady Franklin was a woman not easily to be baffled in such a cause. She had set her heart and her fortune on what she deemed a great duty, and one way or another she would accomplish it. The public would rally round her, and an expedition would be fitted out. That would probably be small and insufficient, and on the Government would fall, in his opinion, a responsibility quite as great as that which the First Lord of the Admiralty declined to assume. The consigning of the *Resolute* to lie up in ordinary as a dismantled hulk could hardly be regarded as an act of courtesy by the American Government. A better appreciation might have been shown of the handsome spirit in which that vessel was presented to this country by our Transatlantic kinsfolk. The scientific authority on this question was backed up by everybody who had been connected with the great Arctic expeditions, and who gave their voice in favour of one more final attempt—not from a love of adventure, of which they had already had enough, nor from a love of fame, of which, too, they had had enough—but because they believed that if a further search were not made the Government and the people of this country would fail in their duty.

MR. WHITESIDE admitted that the First Lord of the Admiralty had spoken fairly and considerately, and that the Government had not been indifferent to the supposed fate of Sir John Franklin and his companions; but it appeared that his objection to the proposed expedition rested chiefly on financial grounds. The right hon. Gentleman said that the Government had sent out several expeditions, and spent a large sum of money, in order, if possible, to discover traces of Franklin and his brave

comrades. True; but let it be remembered, that in proportion to the number of expeditions sent forth had they lessened their future labours and limited the sphere within which any fresh expedition would have to act. From the conversation he had held with Sir Robert M'Clure, who had quitted his ship at the end of the fourth year, and would have gladly remained another year in the Polar regions for the purpose of prosecuting those researches upon which he felt that his character as an officer was in a measure involved, it would not appear that the climate was so fatal to human life as had been represented. The American traveller, Dr. Kane, not only expressed his belief that he believed some of the men belonging to Franklin's expedition might be found among the Esquimaux, but said he should be glad to live with them himself, and he very amusingly described the difficulty which he had to prevent his sailors taking to a life among the Esquimaux. The Government, at any rate, would have plenty of volunteers if they would take the matter in hand. At all events, he did not understand from the speech of the right hon. Gentleman that he had submitted the proposition for another expedition to the opinion of the eminent men who had already prosecuted the work of discovery in the Arctic regions; or that, having submitted the question to their consideration, they had advised him against it. He had the highest possible respect for the opinion of the right hon. Gentleman; but, without meaning any discourtesy towards him, he (Mr. Whiteside) must say that, until he heard that that was the case, he would prefer the opinion of Sir Robert M'Clure or Captain M'Clinck, or the other eminent men who had signed the document which declared that it was a fit thing to undertake another expedition. If the Government did not themselves undertake the expedition, the result would be the sending forth an expedition by private subscription, the operations of which would not be so well or so wisely conducted as they would be if the right hon. Gentleman would be so good as to furnish two small screw ships, manned by gallant crews and commanded by brave and distinguished men, who by the prosecution of useful inquiries would at once benefit science and satisfy the humane feelings of the nation.

SIR MAURICE BERKELEY said, he was ready to give the right hon. Gentle-

man who had brought forward this question, every credit for the feeling and anxiety he had shown respecting it. It had been stated, and stated truly, that there were many officers who had been in the Arctic regions—he might add, and many also who had not—who were most anxious to go upon the proposed expedition. But, acting in his official capacity, he (Admiral Berkeley) had seen all the officers who had been employed on previous researches, and he found that, whilst some few believed that a portion of Franklin's party might still exist, the greater number—indeed, almost all—were of opinion that they did not exist, and that the only satisfaction to be obtained from another expedition would be the poor one of ascertaining where their remains were. The right hon. and learned Gentleman stated that a ship sent to Beechy Island would be in no danger, the latitude and longitude of that place, and the navigation so far being already known; but he (Admiral Berkeley) would remind him that of three ships sent out on the last expedition in 1853, under one of the most gallant and determined young officers of the day, one was lost, and another twice placed in a position of the greatest possible danger. The commander of that expedition had nothing to discover. He was instructed merely to go to Beechy Island; and here was an extract from the letter of Captain Inglefield to the Admiralty, dated on board her Majesty's ship *Phoenix*, off Thurso, the 4th of October, 1853—

"It has not been without great difficulty, considerable peril to the safety of this vessel, and the total loss of the *Breadalbane* transport, without the loss of a single life.

"This unfortunate event, which occurred on the morning of the 21st of August, off Beechy Island, no human power could have averted; and my own vessel, which at that time had the transport actually in tow, barely escaped a similar fate, receiving a severe nip, which rose the stern several feet, and arched the quarter-deck, destroying the rudder and screw. One of the beams forward was sprung, and the port bow partially stove, breaking one of the riders and forcing in the planking.

"Shortly, however, a rapid run of the outer floe to the westward placed the *Phoenix* in the most perilous position. I ordered the hands to be turned up, not that aught could be done, but to be ready in case of the worst to provide for their safety.

"I now deemed it advisable for the safety of the vessel to proceed to the inner bight of the harbour, which, lying behind a shallow spit, perfectly secured her from ice driving in or out, and should we be unable to get away this year, would prove a good position for winter quarters.

"I was ill prepared for such a contingency, as we had not left on board sufficient provisions for our now much-increased crew, having the people of the three other vessels of my squadron with me, besides supernumeraries and invalids."

Now, had anything happened to the *Phoenix*, the only ship remaining of the three, one having been left behind by order, would they not have had to send out another expedition to look for Captain Inglefield, and if anything had happened to that, another and yet another? He had studied these things well, as was his duty to do, and had felt great pain when he found that he differed from other officers on the subject. But he had arrived at the same conclusion as his right hon. Friend the First Lord, that he could not—dared not—recommend the sending forth another expedition upon so hopeless an errand. He was sorry to say this; but it was his fixed opinion, and not only his, but the fixed opinion of two gallant Admirals who had given him liberty to state as much on their part. He knew it was a most unpleasant duty for a British commander to restrain the courage of his officers and men; but it was sometimes absolutely and imperatively necessary in order to prevent that courage growing into rashness.

Mr. W. J. FOX said, the question was not whether the Government would undertake the responsibility of sending out another expedition, but whether they would demur to receive and act upon the recommendation of the House to that effect. The risk and danger, supposing the plan suggested were adopted, had been greatly overrated, and sufficient consideration had not been given to the limited area over which the search would have to be prosecuted. It was impossible to suppose that the *Erebus* and *Terror* could have disappeared from the face of the earth without leaving a trace behind. Indeed, we had negative evidence to show that they had not been destroyed by some sudden catastrophe. No doubt a considerable change had lately taken place in public opinion on the subject. He himself was conscious of such a change. Some time ago he had been of opinion that the time had gone by for any further search; but that impression had been materially changed within a short time by various considerations which had been put forward. He now entertained hope that some of Franklin's companions might yet be living among the Esquimaux. It was possible that some traces of the

expedition might be discovered among the Esquimaux, but he thought it was at least due to the memory of the gallant men under Franklin's command that some endeavour should be made to ascertain their fate. The interest on this subject was not confined to literary men, or to persons interested in science and the general progress of discovery; but he believed that it would afford high gratification to the great mass of the people of this country if the Government made another attempt, if not to save the lives of Sir John Franklin and his brave companions, at least to learn something of their discoveries, their sufferings, and their heroism.

MR. EVELYN DENISON hoped he might be permitted, without offence to those whose feelings were engaged in this matter, to express an opinion that the decision at which the Government had arrived was one founded on justice and wisdom. An hon. Gentleman (Mr. Lindsay) had said just now that America and all the communities of the civilized world expected that some effort should be made in this matter. But there was another community which ought to be considered, and that was the community of this country; and his belief was that the great mass of the people of England thought that enough, and more than enough, had been done. The hon. Gentleman had made a new proposition—namely, that the Government should free themselves from responsibility by lending two ships, and that the means for the expedition should be provided from private resources. But that was not the duty of the Government. Their duty was to make up their minds as to what should be done, and then to do it on their own responsibility. But if they acted on the suggestion of the hon. Gentleman they would not practically be free from responsibility if anything went wrong. He believed the Government had made up their minds rightly on this question, and that the general opinion of the country would concur in the propriety of their decision.

MR. NAPIER, in reply, said he regretted the conclusion to which the Government had come, and could not help thinking that in some respects Lady Franklin had been hardly treated; for at the end of the last Session the Government had promised to consider during the recess the propriety of sending out another expedition, and he had felt a difficulty in bringing the subject under the attention of the House until their decision was an-

nounced. He would suggest, however, that she might at all events be supplied with stores and other things for any private expedition that might be sent out, without entailing responsibility upon the Government. It would, indeed, be singular if after incurring all the risk and expense we had, and arriving at the very point where we knew there would of a certainty be something discovered about the missing explorers, we determined on drawing back and proceeding with our inquiries no further. He did think the civilized world expected England to make the final search, and if she did not that she would stand condemned before them. After the statement of the right-hon. Gentleman the First Lord of the Admiralty, however, he would not press the Motion to a division.

COLONEL FREESTUN observed that it was the opinion of Sir George Back that it was not advisable to send out another expedition, in consequence of the risk to life which it would involve.

Motion by leave *withdrawn*.

SAVINGS BANKS.

COMMITTEE. RESOLUTION MOVED.

Order for Committee on Savings Banks read.

THE CHANCELLOR OF THE EXCHEQUER said, that in the then thinly attended state of the benches it would not be necessary for him to enter into a lengthened statement of the measure which he proposed to bring in to alter the law in respect to savings banks. The present state of the law of savings bank was admitted to be inconvenient and unsatisfactory. The whole management was now vested in local trustees and managers; who required the actuary, who was the resident officer, to give a bond, which bond was the whole security that the depositors frequently possessed against fraud, for the trustees and managers were not personally responsible. He might mention the recent case of the Bromley Savings bank, where the defalcations amounted to £1,000 while the bond given by the actuary was only for £50, the consequence being that the depositors were exposed to severe loss. At present the Government were only responsible for that amount which was transferred to the Bank of England. What he proposed was without imposing any additional charge beyond that which would be necessary for payments that might be made to a limited extent for inspection, to give to depositors the ad-

vantage of Government security to the whole extent of their deposits in all cases where savings banks complied with certain conditions to be specified in this Bill. In that way security would be afforded to the Government against loss in such a manner as would secure the depositors also against loss. It would be the duty of that House to see that the Government did not undertake any responsibility for the depositors' money without obtaining proper control over those deposits, and without taking the proper security against fraud and embezzlement of officers. On the other hand, it would be found that the provisions of the Bill did not impose conditions upon the trustees and managers which were not reasonable and satisfactory. The savings banks would also retain their character of local management and dependence upon the exertions and recommendation of local trustees. He would now move to resolve, That it is expedient to amend the laws relating to savings banks, and to provide for the establishment of savings banks with the security of the Government; and he would afterwards introduce a Bill framed to effect that object.

SIR HENRY WILLOUGHBY wished to remind the House, that the savings banks money in the hands of the Commissioners for reducing the National Debt, amounted to £36,000,000, and that if the stock were now sold, there would result a loss of £5,000,000 sterling. Now in whose custody were those funds? Practically the whole was in the hands of the Chancellor of the Exchequer. That was wrong. The whole of the stock was in the hands of the Chancellor of the Exchequer, who did as he pleased with it—sold it as he thought proper, influencing the market, and possessing the power of being the greatest stock-jobber in the country. There were other savings banks' Commissioners, as the Speaker, the Lord Chief Baron, and other exalted Personages; but they never met, the law was not enforced, the Commission was merely nominal, and the sole power was practically in the Chancellor of the Exchequer. It was a trust, and the result was a deficiency of £5,000,000. There had been £36,000,000 of hard cash paid to the Commissioners, and the stock they held only amounted to £31,000,000. That was not the proper way of dealing with a trust. The power held by the Chancellor of the Exchequer was most monstrous and un-

constitutional, and he hoped that the House, now that question was before it, would take care that this vast power was placed in proper hands, and regulated by proper enactment. He Sir H. Willoughby) having had communication with the savings banks throughout the country, knew that they felt the opinion he had expressed.

MR. GROGAN was glad the Government had at last taken up the question, the condition of which was a sad blot on our social system. Until recent unfortunate failures it had been supposed that the Government was responsible for the whole of the deposits. He wished to know if any change was to be made in the rate of interest?

MR. WILKINSON inquired whether the Chancellor of the Exchequer intended to make any alteration in the mode of investment in the savings banks, or whether he would let this mode of defalcation go on increasing?

THE CHANCELLOR OF THE EXCHEQUER said, that, with respect to the rate of interest, it was not his intention to propose any alteration; but he should propose an alteration in the amount of deposit, which at present was limited to £200. Believing that the great object of the Savings Banks was, not to afford a place of investment to persons of moderately large means, but a safe investment for persons of small means, he should propose to limit the *maximum* amount of deposit to £100; at the same time affording facilities to the depositors for becoming stockholders through the savings banks. With respect to the deficit, which certainly accrued under the present system, he had no intention of making any proposition. The observations of the hon. Member for Evesham (Sir H. Willoughby) raised questions not necessarily involved in the Bill he proposed to lay on the table, which was limited exclusively to the local management of the savings banks, and did not affect the supreme administration in respect to what might be called the controlling power. It was true that the Commissioners in whom the administration of the funds of the savings banks was vested never looked into it, the real authority being centred in the Comptroller General, Sir Alexander Spearman, under the general superintendence of the Chancellor of the Exchequer. It might be desirable—he did not deny it—to make some alteration in that administration; but

he begged leave to remark that he considered the Government fairly entitled, being subject to the losses that arose from the variation in the funds, to make the best use they could of the savings banks' money by the transfer of securities when it was more beneficial to invest in Exchequer bills rather than in Consols, and *vice versa*. The securities at present held by the Commissioners of savings banks were to the amount of £25,958,000 in Three per Cent. stock, £5,480,000 in Exchequer bills, and £1,765,000 in Exchequer bonds. He would now take the opportunity of answering a question put to him by the hon. Baronet some nights ago with respect to the Exchequer bonds held by the Commissioners for the Reduction of the National Debt. The Commissioners for the Reduction of the National Debt held £1,765,000 Exchequer bonds on account of savings banks. These purchases were all made through the Bank, to whom the securities were issued, in order to pass them on to the Commissioners. They were authorized to purchase these securities by the Acts under which the bonds were issued. The purchase originally extended to £1,850,000; but they sold £85,000 to the Patriotic Fund, which reduced the amount to £1,765,000, the amount now in their possession. The remainder of the £2,000,000—namely, £235,000—was held by the Patriotic Fund. The purchases were made between August, 1854, and the 11th of January, 1855. The money for the purchase was provided partly by the sums received from Exchequer bills held by the Commissioners, and which were paid off and cancelled, partly from cash balance arising from dividends, and partly from sales of stock. For many years the savings banks had been recognized as forming a desirable subject for legislation, and though he did not flatter himself that he had produced a measure free from all objection, in endeavouring to reconcile the claims of the local management with the necessity of taking adequate security for the Government, he nevertheless hoped with some confidence that the conditions he proposed would be found safe and moderate. He hoped the House would examine the Bill with indulgence, being conscious of the real difficulties which beset the subject and of the losses entailed on poor depositors, when the lamentable event occurred of a failure through the fraud of a local officer, and it

The Chancellor of the Exchequer

turned out, contrary to their expectations, that they possessed no security, and were thereby exposed to most distressing and painful consequences.

SIR HENRY WILLOUGHBY was glad to hear that the Chancellor of the Exchequer thought that the administration of the savings banks funds ought to be considered, but there was one power to which the right hon. Gentleman had not alluded. The Chancellor of the Exchequer virtually had the power under the Act of creating new stock without the knowledge of the House. He thought that the Government, in varying their securities, exercised an exorbitant and monstrous power.

THE CHANCELLOR OF THE EXCHEQUER said, he could not admit that the power of varying Government securities was exorbitant and monstrous. The hon. Baronet assumed that the conversion of Exchequer bills into Consols implied some excessive power on the part of the Government; but Exchequer bills are just as complete and valid Government annuities as Three per Cent. Consols. It is not as if the Government had the power of creating debt. They merely vary the security of which the debt consists. Instead of it being a debt in the form of Exchequer bills, it becomes, by the variation, a debt in the form of Consols or Exchequer bonds. He admitted that the power to make that variation was a fit subject for discussion in that House, but he could not admit that it was unconstitutional and exorbitant.

COLONEL DUNNE thanked the Chancellor of the Exchequer for his proposition, which, if it should become law, would be of great service to Ireland. The depositors in the two banks in Ireland which failed, had placed faith in them because they thought that savings banks were under Government inspection.

MR. WILKINSON said, he could understand that Government refused to allow the claims of the banks that had failed, because it would be a bad precedent; but seeing that Government would hereafter be responsible, he asked if Government would now liquidate the claims of those unfortunate depositors?

MR. BARROW was glad to hear that the right hon. Gentleman did not intend to make any alteration in the rate of interest; and hoped that that local management of savings banks, which had given so much satisfaction to depositors, would not be interfered with.

THE CHANCELLOR OF THE EXCHEQUER, in answer to the hon. Member for Lambeth (Mr. Wilkinson), said that the Bill which he intended to bring in would secure depositors prospectively, upon certain conditions being complied with; but it would not have a retrospective operation.

Resolved, That it is expedient to amend the laws relating to Savings Banks, and to provide for the establishment of Savings Banks with the security of the Government."

Resolution to be reported *To-morrow*.

The House resumed.

The House adjourned at half after Ten o'clock.

HOUSE OF COMMONS,

Wednesday, February 25, 1857.

MINUTE.] PUBLIC BILL.—3^d Commons Inclosure.

IRISH REFORMATORY SCHOOLS— QUESTION.

MR. BAGWELL said, he also wished to know whether it was the intention of Her Majesty's Government to introduce any measure for Reformatory Schools in Ireland?

MR. HORSMAN said, that last year the Government had introduced a Bill on the subject of reformatories in Ireland which not proving acceptable to the Irish Members, was accordingly withdrawn. There was no reason to suppose that another Bill would be more acceptable, and the Government were of opinion that it would be better to wait and see what improvements were made in the law of England, and then to introduce a Bill for Ireland.

SEA-COAST FISHERIES BILL.

SECOND READING MOVED.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. J. D. FITZGERALD said, it was his intention to move as an Amendment, that the Bill be read a second time that day six months. On a previous occasion the hon. and learned Member (Mr. M'Mahon) had introduced a Bill relative to sea-coast fisheries, which had been rejected by a large majority, and the present Bill, in his (Mr. J. D. FitzGerald's) opinion, was still

more objectionable than the former one, the result of the proposed measure being to leave the sea-coast fisheries in Ireland entirely unprotected. With all respect for the hon. and learned Gentleman, he preferred the regulation of the sea-coast fishery Commissioners to the legislation in the hon. and learned Gentleman. Scotland was under a system of protection similar to that in existence in Ireland, and the fisheries had been prosperous in consequence. The present Bill would do away with the power of the Commissioners in reference to sea-coast fisheries, and largely as to inland fisheries, which it was admitted on all hands had been most prosperous under the bye-laws of the Commissioners. He felt bound to defend the general regulations of the Commissioners with respect to the prohibition from fishing between sunset and sunrise, and the use of trawling nets, which he contended would be injurious to the fishery. The greatest part of the fish were taken on the coast of Ireland by Cornish fishermen, under the regulations of the Commissioners, and if they, encouraged by the laws and regulations, could be successful, how much more successful ought persons on the spot to be? The report as to the coast of Galway was that the fishery had improved. He considered that the present laws, though they might be well included in one Act, were in the main good laws, while the measure of the hon. and learned Gentleman would utterly fail. It was idle to attribute to the fishery laws the reduction in the number of Irish boats and men employed, since that circumstance arose from the greater demand for labour in more lucrative modes of employment. He trusted the House would discountenance the introduction of a new Bill on this subject every year, and would trust to the present law and the regulations of the Fishery Commissioners, rather than resort to the mischievous provisions of the present measure.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

COLONEL DUNNE said, he was sorry to differ from his hon. and learned Friend (Mr. M'Mahon) but he was compelled to say that he did not think his Bill would work. He could not but think the regulations of the Commissioners, especially with respect to the inland fisheries, had been attended with great success. He must, therefore, however reluctant he was to

differ from the hon. and learned Gentleman, give his vote against the second reading of the Bill.

MR. KENNEDY said, he was at a loss to see why there should not be an assimilation of the laws relating to fishing on the coasts of Ireland to those of England, unless it could be shown that there was a difference between the habits of fish on the two coasts. He thought Ireland had a right to have any benefit which might be derived under the English laws on the subject.

MR. J. D. FITZGERALD said, he must remind the hon. Gentleman that the present Bill did not propose to assimilate the law of Ireland with that of England.

MR. NAPIER said, he should oppose the Bill, because he considered it was for the most part an exact transcript of the measure of 1855, and was brought in for the sole purpose of getting rid of the bye-laws of the Commissioners, prohibiting persons getting hold of the spawning fish in the River Slaney, Wexford. That Bill was rejected by the House. The assimilation of the Irish to the English law, which was stated to be the object of the Bill now under consideration, was a mere pretence. The preamble of the Bill stated that it was to remove all restrictions upon the Irish fisheries, and to put the persons engaged in them on an equality with those engaged in the English and Scotch fisheries, whereas they would find that there existed the most stringent regulations in reference to the fisheries in the two latter countries. He was quite aware that the fishery laws might be very well consolidated, but there could be no question that the regulations issued by the Irish Fishery Commissioners had been attended with the greatest benefit. In his opinion they ought not to allow the Bill to proceed any further.

MR. GROGAN said, he thought the right hon. and learned Gentleman the Attorney General for Ireland had taken a wise course in objecting to the Bill. Considerable benefit had been experienced from the operation of the last Act on the subject, and he was anxious that it should have a further trial. If the consolidation of the fishery laws were to come under consideration there might be found many parts deserving amendment. Great difficulties arose from mouths of rivers not being properly defined.

MR. BOWYER said, that as the right hon. and learned Attorney General for

Ireland had said that the present Bill might be good for Wexford, but it was not good for the rest of the country, he thought it right to observe that he had received letters from the north of Ireland urging him to give his support to the Bill, as being a measure important to the whole of Ireland.

CAPTAIN SCOBELL said, he very much regretted that Parliament did not consider the question as a whole. It was a remarkable fact, that whenever an Irish question arose, English Members rarely joined in the debate. When a Scotch Bill was on, English and Irish Members sat patiently by while it was fought out by Scotch Members, so that in effect there was really three Parliaments. Such proceedings, as a matter of course, occasioned a great loss of time. As regarded the Bill now before the House, he thought it ought to go to a second reading, and then the merits of the existing Irish law, Scotch law, and English law respecting fisheries might be tested, and the Government would be left open to reject the present measure, and substitute another, amalgamating the laws upon all the fisheries of the kingdom.

MR. G. BUTT said, he could not perceive in what the Bill differed from those which the hon. and learned Member for Wexford had brought in on previous occasions. With respect to the observation of the hon. and gallant Member who last addressed them, he did not think it possible that any general law could be passed applicable to the three kingdoms. There was a law relating to the pilchard fishery off Cornwall. How could that be applied to Ireland? The only way, therefore, to make any law practically useful was to have a power of making bye-laws, and that power the Irish law gave to the Commissioners. It appeared to him that the objects of the Bill were to destroy laws which were amongst the best in the three kingdoms. He should therefore oppose the second reading.

MR. MEAGHER said, he did not think that the Irish sea-coast fishery laws required any amendment; but he hoped that, if those laws were consolidated, the opinion of Irish Members would be duly considered. Whatever improvements might be required in the laws, he did not think the present Bill calculated to effect anything in that direction.

LORD NAAS said, the Bill would repeal a portion of the Irish law, but not enact

any part of the English law. The English law was very restrictive as to deep-sea fishing, and had been found beneficial. But the Irish restrictions were to be removed and the English restrictions not to be substituted. The other part of the Bill related to salmon fisheries in estuaries. The Bill would give greater facilities for fishing in the estuaries; but the effect would be to destroy the fisheries. The great object was to ensure a proper supply of fish by restrictions in the lower portions of rivers, and those restrictions were proposed to be repealed.

MR. BELLEW said, the Bill would be mischievous both to inland and deep-sea fishing. In some districts it would annihilate the fishermen; and the entire removal of restrictions would destroy the fisheries. Therefore he must oppose the Bill. He wished the hon. and learned Member (Mr. M'Mahon) would bring in a Bill to consolidate the Fishery Laws, instead of proceeding with the measure before them.

MR. M'MAHON said, that up to the present time the Bill had not been debated on its merits, and the arguments that had been brought against it were founded on other and former measures. It was monstrous that Irishmen could not fish in their seas and streams without paying fines and rents; and so long as he had a seat in that House, he would advocate their cause. Such was not the law in England and Scotland. Those restrictions were set up for the sake of the Crown, under the Act of 1842, which gave them a monopoly of inland fishing. Now, what he asked the House to do was, to assimilate the fishery laws of Ireland and England. The effect of the Act of 1842 had been most disastrous. The results of it the following statements from *Thom's Directory* would show:—

	Number of Boats.	Number of Men.
1844	19,000	93,000
1848	15,000	70,000
1852	13,000	58,000
1853	11,000	38,000
1854	11,000	40,000

The fisheries of Ireland, he maintained, were far better before the restrictions were imposed. That would be apparent from Hoare's "History of the Irish Fisheries." In 1654, so great was the fishery in Ireland, that from one port 100,000 barrels of herrings were exported, and in 1798 the English fisheries actually petitioned against the Irish fisheries. Ireland in the last century exported immense quantities of

fish, which she now imported. Thus had her fisheries declined since the present restrictions were established. No doubt monopolists of inland fisheries liked the Irish laws as so stringently restrictive. But as to deep-sea fisheries no one asked for such laws among the Scotch or English fishermen. Such was the restrictive system in Ireland, that over and over again—as it had been stated before Committees of the House of Lords—the fishing nets supplied by benevolent societies to the poor starving people during the famine, had been confiscated under the stringent provisions of the Irish fishery law. Why, there was a law in Ireland that no one should catch an eel or a herring in the deep sea or any part of the Irish coast, without a licence to fish! At the same time, the law was not even uniform, and there was one law on the east coast, and another on the west coast of Ireland. Nay, there was actually a law compelling the Irish fishermen to cure their nets, not with bark, but with tar; the effect of which was, that the fish were frightened away and the nets were rotted. But that was not all; the Cornish fishermen were absolutely allowed to fish on the Irish coast without restrictions, and actually caught and sold to the Irish their own fish, which the Irish were prevented from catching. The question was most important, and the Government ought to take it up. For years he had laboured on the subject in vain. The Government had counted out the House on the question on one occasion, and now made this an argument against him.

MR. MACEVOY said, he should support the Bill. He wished to call the attention of hon. Members to a statement of the right hon. Gentleman the Secretary for Ireland, on the occasion of the Motion for leave to bring in the Bill, to the effect that the proprietors of English and Scotch fisheries would gladly exchange the English and Scotch fishery laws for those by which the Irish fisheries were governed; but he (Mr. MacEvoy) doubted very much its correctness, because he felt certain, that if such were their sentiment, English and Scotch Members would long ago have introduced measures to assimilate the English and Scotch fishery laws to those of Ireland.

MR. O'FLAHERTY said, he hoped that the hon. and learned Gentleman would consent to withdraw his Bill, because he felt certain that it would ruin many of the Irish fisheries.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes, 10; Noes 185: Majority 175.

Words *added*:—Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

JUDGMENTS EXECUTION, &c., BILL — COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

MR. M'MAHON said, that as the hon. and learned author of the Bill (Mr. Craufurd) proposed to exempt the Sheriff Courts in Scotland from the operation of the Bill he should withdraw an Amendment of which he had given notice.

COLONEL DUNNE said, he thought there was a sort of compact entered into on the last occasion between the hon. and learned Member for Ayr (Mr. Craufurd) and the House that the Bill should be reprinted before the House was asked to discuss it, and he trusted that the Committee would be again postponed until that had been done.

MR. CRAUFURD said, he must deny that he had made any such promise. He proposed to include the Court of Common Pleas at Lancaster, and the Court of Common Pleas at Durham in the Bill. An Amendment had been suggested by the right hon. and learned Attorney General for Ireland to the effect that a copy, instead of a mere memorial of a judgment, should be transmitted to a Court out of which it might be desired to issue execution under the Bill; but he (Mr. Craufurd) could not accede to that proposition, as he thought it would entail unnecessary expense. He proposed to limit the time within which execution might be obtained as a matter of course on judgments under the Bill to twelve months; after which time it would be necessary to make a special application for execution.

COLONEL DUNNE said, he acquitted the right hon. and learned Gentleman of all breach of faith, but he had regarded his silence, when the former proposal was made for reprinting the Bill, as consent.

MR. HUGHES said, he trusted that the extensive Amendments introduced might be printed before the Committee was asked to discuss the Bill.

MR. G. BUTT said, that although the Amendments were numerous, they principally affected the question of substituting a copy of the judgment for a memorial. He

would propose that those Amendments be considered, and then to have the Bill reprinted.

MR. J. D. FITZGERALD said, he had suggested the particular alteration in order to increase the efficiency of the Bill. A memorial would not throw the necessary light as to the scope and object of the action on which judgment had been obtained.

MR. CRAUFURD said, in his opinion the proposal of the right hon. and learned Attorney General for Ireland would utterly destroy the object of the Bill.

MR. NAPIER said, he could not but remark the want of harmony in the treatment of the Bill, notwithstanding the length of time it had been under consideration. The difficulty was not with regard to the principle of the Bill, but to its details. He could not see any reason why, as in the case of a protested bill of exchange, a Judge's order might not be applied for, and the Judge should determine whether execution should issue absolutely or be issued upon terms. If there had been a Minister of Justice the Bill would have been framed in a manner more calculated to conciliate general approval.

MR. CLIVE said, he believed that the promoter of the Bill had suffered from the interposition of "too many cooks."

MR. M'MAHON said, he would recommend the reprinting of the Bill, as conducing to the ultimate saving of time.

MR. WARREN said, he would suggest the same course, but he should advise the promoter of the Bill not to accept the alteration proposed by the Attorney General for Ireland.

MR. J. D. FITZGERALD said, he would now propose in Clause 1, to leave out the word "memorial," and insert the word "copy" instead. His object was to supply the defendant to the action with fuller information than was contained in a memorial as to the grounds on which the judgment rested. He should, therefore, move that in all cases the party against whom execution was sought should be furnished with a copy of the judgment.

Amendment proposed, in page 1. line 13, to leave out "memorial," and insert "copy."

MR. CRAUFURD said, he was quite satisfied that such an Amendment would be detrimental to the working of the Bill, entirely at variance with the practice of the County Courts in England, and with the practice generally in Scotland.

SIR ERSKINE PERRY said, that his

experience in India was opposed to the Amendment of the right hon. and learned Attorney General for Ireland. If it was intended to guard against judgments fraudulently obtained in Ireland the proviso was unnecessary, as an affidavit before a Judge in Chambers setting forth that the judgment had been so obtained would protect the defendant from execution.

MR. M'MAHON said, he considered that a memorial would not suffice for the proper identification of parties.

MR. DUNLOP said, he regarded the Amendment as inconsistent with the principle of the Bill, the very first object of which was to avoid the necessity of a second time investigating the question in dispute upon its merits.

MR. WHITESIDE said, he saw plainly enough that their difficulty arose from attempting to assimilate the legal procedure of the three countries. From what he had seen of Scotch practice he should be inclined to say that the procedure there was most prolix. The Amendment simply contended that before execution could be levied every defendant should know clearly the grounds on which the judgment was granted; and he must say he thought it a most rational proviso.

Question put, "That 'memorial' stand part of the Clause."

The Committee *divided*:—Ayes 77; Noes 99: Majority 22.

MR. BOWYER said, he should now move that the Chairman report progress.

MR. CRAUFURD said, he was about to make the same Motion, to enable him to consider whether the Bill, which had been attacked in its principle by the Amendment of the right hon. and learned Attorney General for Ireland, was worth proceeding with. He should second the Motion for reporting progress.

Motion agreed to.

House resumed; Committee report progress; to sit again on *Thursday*, 5th March.

COURT OF CHANCERY (IRELAND)

(TITLES OF PURCHASERS) BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

SIR ERSKINE PERRY said, he would appeal to the hon. and learned Member for Enniskillen (Mr. Whiteside), who had charge of the Bill, to postpone the second reading until a little more time had been allowed for its consideration. A great number of Gentlemen took a deep interest in the sub-

ject—and it was certainly one of great importance; it would be well, therefore, that due time for consideration of its principle should be allowed.

MR. WHITESIDE said, he was very happy to have the prospect of the hon. and learned Gentleman's assistance; and as, undoubtedly, the subject was of great importance, he would postpone the second reading of the Bill for a week.

Second Reading *deferred till Tuesday* next.

BANKRUPTCY AND INSOLVENCY (IRELAND) BILL.

LEAVE. FIRST READING.

MR. J. D. FITZGERALD said, he would beg to ask for leave to introduce a Bill to consolidate and amend the laws relating to bankruptcy and insolvency in Ireland. The Bill was nearly similar to one which had obtained a second reading last Session, when the only Amendments made were those of the hon. Member for Dublin. The Bill he asked to introduce would be a reprint of that Bill, save and except that it would adopt all the Amendments just referred to.

MR. WHITESIDE said, the condition of the law of bankruptcy, and the conflict of jurisdiction now existing in regard to the winding-up of commercial and other companies, were a disgrace to the country, and called loudly for the interference of some authority such as that of the proposed new Department of Justice.

MR. MALINS said, he would suggest to the right hon. and learned Gentleman not to omit providing an appeal in cases of insolvency. In every case of bankruptcy an appeal was allowed, but not so in the Insolvent Debtors Courts, from which no appeal lay, and he himself had known cases where the greatest injustice had been the consequence. With regard to the general state of the mercantile law, he quite concurred with his hon. and learned Friend (Mr. Whiteside) in his description of it, and he hoped no time would be lost in remedying such a horrible state of things.

MR. J. D. FITZGERALD said, that on every question of property the measure gave an absolute right of appeal in insolvent cases. The point referred to by the hon. and learned Member for Enniskillen had not been lost sight of, as the Bill provided a perfect scheme for winding-up in all cases not covered by the Joint-stock Companies Act of last Session.

Motion agreed to.

Bill to consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland, ordered to be brought in by Mr. ATTORNEY GENERAL for Ireland and Mr. HORSMAN.

The House adjourned at thirty-five minutes after Five o'clock.

HOUSE OF LORDS,

Thursday, February 26, 1857.

MINUTES.] PUBLIC BILLS.—1^a Commons Inclosure.

2^a Public Health Supplemental (1857).

PRIVILEGE OF REPORTS.

REPORTS OF PARLIAMENTARY DEBATES AND PUBLIC MEETINGS. THE LAW OF LIBEL.

SELECT COMMITTEE MOVED FOR.

LORD CAMPBELL moved that a Select Committee be appointed to consider whether the Privilege now enjoyed by Reports of the Proceedings of Courts of Justice may be safely and properly extended to Reports of the proceedings of the Two Houses of Parliament, and of any and what other Assemblies or Public Meetings, under any and what Conditions or Restrictions. The noble and learned Lord said, that, considering the importance of the subject that was to engage their Lordships' attention that evening, he would have postponed his Motion had it not been that it would be the last opportunity he would have of bringing it forward before he left town for circuit. He regarded the subject with which he proposed to deal as one of considerable public importance, affecting as it did the liberty of the press and the protection of private character. He did not anticipate any opposition to the Motion, and he need not, therefore, trespass at any length upon their Lordships' time. The Resolution would not pledge them to the adoption of any particular measure, and would merely involve an expression of opinion on their parts that that was a fit subject for inquiry. Their Lordships were, no doubt, aware that the Court of Queen's Bench had lately had to decide a case which involved an important question, whether a true account of the proceedings of what was called a public meeting could be justified, although it might reflect on the character of a private individual. The Court of Queen's Bench had unanimously decided that for the publication of such an account there was no such privilege. Their deci-

sion had been made a subject of public comment, and had been severely criticised; and the Judges had been told that they ought to have determined that a true account of the proceedings at a public meeting was privileged, however much it might have reflected on any private person; that it was enough, in such a case, to give a remedy against the individual who had uttered the calumny at the meeting, and that the journalist, who had been the means of circulating it all over the world, should be allowed to escape with perfect impunity. That doctrine was said to be founded on the rule laid down in Lord Northampton's case, reported by Lord Coke. Now, no man was infallible, and their Lordships had, on a recent memorable occasion, given a decision in opposition to the authority of Lord Coke, although, no doubt, his authority was very high. But it appeared that in the case of Lord Northampton the language used was a mere extra-judicial *dictum* of some of the Judges sitting in the Star Chamber, expressing no such unqualified opinion as was supposed. It referred only to oral slander, and at the utmost amounted only to saying that if a man repeated a verbal accusation against another, and at the same time stated the authority on which he related it, he was not liable to an action. But even that *dictum* had been practically overturned by the luminous judgment pronounced by his noble and learned Friend on the cross benches (Lord Wensleydale) in the case of "*M'Pherson v. Daniel*," (10 B. & C.) in the course of which his noble and learned Friend had laid down, with the concurrence of the other Judges, this position—that the case of Lord Northampton only authorized the repetition of oral slander under peculiar circumstances, and on privileged occasions. It was not to be supposed that slander once spoken could be published in all the journals and spread all over the world wantonly and maliciously. It would, indeed, be a subject of just alarm if all the proceedings of public meetings were to be privileged. In the first place, what were public meetings? Mr. Ernest Jones's meetings were public meetings; and was it to be held that all that was uttered at those meetings could be printed and published with impunity? If such a doctrine were laid down, sedition would be protected by law; and there would be no safety for private character, because it would be the easiest thing in the world for a man to get

up a public meeting for the purpose of calumniating his neighbour, and leave the country after making sure of the publication of the calumny all over the world by means of reports in the public newspapers. It seemed to him, therefore, that it would be wholly insupportable to provide that whatever was spoken at a public meeting might be printed and published. But then there was a point worthy of consideration—whether some privilege ought to be extended to journalists who were honestly employed in the performance of a public duty and who were thereby conferring an advantage on the community. Could this nation exist at the present day, he would ask, unless reports of the proceedings in their Lordships' House and in the other House of Parliament appeared in the public journals? And would their Lordships themselves be satisfied if such reports were not published? But, as the law at present stood, there was no protection to journalists who gave faithful reports of the debates in that or the other House of Parliament. Upon that point he could quote the high authority of his predecessor Lord Denman, who, when examined before their Lordships' Committee of 1843, stated that "he could not help entertaining a strong opinion that no faithful report of the debates that might be made ought to expose the publisher to an action or to a criminal proceeding;" and he added that, "as the law then stood, the fairness of a report was nothing like a justification, but that he was strongly of opinion that it ought to be." Upon that authority, he (Lord Campbell) had introduced a clause into the Bill which he had brought in the same year, a clause which would have given effect to that opinion of Lord Denman; but that clause had, unfortunately, miscarried—a result which had since been greatly regretted by many. He trusted, however, that their Lordships would think the time had arrived when the privilege now enjoyed in the case of reports of the proceedings in courts of justice might be extended with perfect safety to faithful reports of proceedings in the two Houses of Parliament. And, surely, that proposal was a perfectly reasonable one; because, upon the same principle, that faithful reports of the proceedings in courts of justice were privileged, faithful reports of the debates in Parliament might be protected; namely, that it was for the public benefit that such reports should be published. Whether it might be possible

to go further was a fair matter of inquiry—the subject was full of difficulty, and he would not venture to propose any Bill without having the assistance of a Select Committee. Although it would be too much to say, that the privilege should be extended to reports of all public assemblies, yet there were other bodies besides Parliament in whose proceedings the public took interest—such as Convocation, for instance. It might not be very likely that the members of Convocation would use slanderous expressions, or make any statements reflecting on private character; yet he had heard some right rev. Prelates in that House use very strong language which might, if reported, have laid the foundation for an action of slander, and it might be that the privilege should be extended to reports of proceedings in Convocation. The privilege might also be extended to reports of proceedings of county meetings and town-councils in boroughs. It would be unsafe to extend the privilege without some limitation, but it might be given to reports which were published *bonâ fide* for the public good, leaving that plea to be decided by the jury. The course of appointing a Select Committee was that which was adopted in 1843, and he hoped the same course would be agreed to upon the present occasion. The noble and learned Lord concluded by moving the appointment of a Select Committee.

LORD WENSLEYDALE was understood to express his acquiescence in the statements of the noble and learned Lord as to the existing law. It was not lawful to repeat a slander which another person had uttered. His Lordship also expressed his approval of the object of the Motion, and his conviction of the expediency of effecting an alteration in the present state of the law.

Motion agreed to.

Select Committee named.

CHINA.

RÉSOLUTIONS MOVED. RESUMED DEBATE (SECOND NIGHT).

Order of the Day for resuming the adjourned Debate on the Motion to resolve—

"1st. That this House has learnt with deep Regret the Interruption of amicable Relations between Her Majesty's Subjects and the Chinese Authorities at Canton, arising out of the Measures adopted by Her Majesty's Chief Superintendent of Trade to obtain Reparation for an alleged Infraction of the Supplementary Treaty of 8th October 1843.

"2nd. That in the Opinion of this House the Occurrence of Differences upon this Subject rendered the Time peculiarly unfavourable for pressing upon the Chinese Authorities a claim for the Admittance of British subjects into Canton, which had been left in Abeyance since 1849, and for supporting the same by force of Arms:

"3rd. That in the Opinion of this House Operations of actual Hostility ought not to have been undertaken without the express Instructions, previously received, of Her Majesty's Government; and that neither of the Subjects adverted to in the foregoing Resolutions afforded sufficient Justification for such Operations,"

Read: Debate resumed accordingly.

THE EARL OF CARNARVON said, that the able speeches they had heard the other night had so thoroughly exhausted the subject that he felt it almost impossible to throw any fresh light upon it. At the same time, however, he thought he should be justified in recalling to their Lordships' recollection the main facts of the case under consideration, and in restating some of the principal arguments which had been urged in defence of the Motion of his noble Friend (the Earl of Derby), and that he should inquire into the validity of the answers urged against those arguments by noble and learned Lords on the opposite side of the House. Those Members of the Government who spoke the other evening dwelt very much on the Chinese character; they adverted to the ignorance which prevailed among the Chinese of English habits and English laws and customs; they dwelt on the difficulty of dealing with the Chinese by any application of the principles of international law; and a noble Earl, not then in his place (the Earl of Clarendon) used in reference to that point an expression which he (the Earl of Carnarvon), for one, heard with the deepest regret—for the noble Earl talked of the difficulty of dealing with the Chinese in any other way than by making them sensible of the law of force. But the prime argument which their Lordships had to consider, and on which the whole case turned, had been left entirely untouched by the noble Lords opposite—the point, namely, whether the lorcha was an English or a Chinese vessel. That was the real question at issue; because if it could be shown, as he submitted it had been and could be shown, that the lorcha was a Chinese and not an English vessel, then he said that all the arguments advanced in opposition to the Motion, based as they were on the contrary assumption, fell at once to the ground. The character of a ship is determined by the nationality of the owner.

Mr. Parkes said that the owner was English, Commissioner Yeh affirmed him to be Chinese. Nothing can be gathered from this direct contradiction. But they agree in one point. They both admit that the owner of the lorcha was a Chinese resident in Hong Kong. The question resolves itself into this—What is the condition nationally of a Chinese resident in the English colony of Hong Kong. Let their Lordships turn to the words of their own Attorney General at Hong Kong. That Gentleman said—

"The colony of Hong Kong, with a Chinese population exceeding at the present time 60,000, hardly contains ten Chinese who can legally be called British subjects, for it has not been deemed advisable to naturalize the Chinese here, and the recent settlement of the colony prevents the possibility of their having become subjects by birth. The great proportion of the respectable part of this population have, however, constituted themselves *bonâ fide* British subjects by becoming Crown tenants of leaseholds for long terms of years (a tenure of which an alien is incapable), and by permanent settlement have evinced the clearest intention of perfecting themselves in the persons of their descendants British subjects *secundum leges* as well as *de facto*."

He (the Earl of Carnarvon) contended, then, upon the statement of the Attorney General for Hong Kong, that the population there could in no sense be designated English subjects. What were they then? The answer was a simple one. He (the Earl of Carnarvon) believed that the Chinese residents at Hong Kong had a double capacity—they served two masters; they were English to England, Chinese to China. It would ill become him to place himself on a question of law in contradiction to the noble and learned Lord on the woolsack; but, as he could not do that, he trusted he might be permitted to quote the opinions of others to which he thought the noble and learned Lord himself would be disposed to defer. The noble and learned Lord in the course of his speech on Tuesday night said—

"If the British Government authorizes a ship to go into a foreign port and carry the British flag, as between us and the foreign country this is certainly a British ship."

Now, he (the Earl of Carnarvon) could not pretend to set up his authority against the noble and learned Lord upon such a point; but it did seem that the noble and learned Lord was at variance in the matter with some of the most distinguished jurists who had ever attempted to define the principles of international law. For example, it had been laid down by Blackstone—

"Natural allegiance is such as is due from all men born within the King's dominions immediately upon their birth. . . . Natural allegiance is therefore a debt of gratitude, which cannot be forfeited, cancelled, or altered by any change of time, place or circumstance, nor by anything but the united concurrence of the Legislature.

"That is of course not the Legislature of the adopting State, but the Legislature of the State where the individual is born.

"An Englishman who removes to France or to China owes the same allegiance to the King of England there as he did at home, and twenty years hence as well as now."

Again, Chancellor Kent, the great American jurist, who could have no sympathy with feudal prejudices and obsolete customs, after allowing that there had been some discussion on the point in the American courts, stated that the best opinion seemed to be that—

"A citizen could not divest himself of his allegiance, except under the sanction of a law of the United States."

But he would rest his case entirely on the judgment pronounced in this matter by Her Majesty's Government themselves. A few weeks ago a letter was written by Mr. Waddington, as representing Sir George Grey, on the subject of naturalization, from which he (the Earl of Carnarvon) would read an extract. Mr. Waddington said:—

"As there is reason to believe that some misconception prevails as to the extent of the privileges conferred by a certificate of naturalization, I am directed by Secretary Sir George Grey to explain to you that no certificate or other act of naturalization granted by the British Government to an alien places him beyond the lawful power and control of his native country, unless he has received from the Government of such country a certificate of denaturalization, or been released from his original obligations as a subject or citizen in some other legal way."

Now, he would ask, had there been any such denaturalization in this case? He contended that there had not been one single vestige of assent or concurrence by the Chinese Government in the powers which were claimed under the ordinance of the Hong Kong Legislature. On the contrary, there was a distinct repudiation on their part by the Commissioner Yeh as to the existence of any such powers. *Nemo potest patriam exuere* had long been a recognized maxim of our law; but with what consistency was it that, after adhering rigidly to that rule in our dealings with other countries, we refused to acknowledge its application when it was pressed against ourselves? He believed the law was, that

a Chinese resident in English territory was an English subject in his relations with every country except one, that one being the country in which he was born. But of his allegiance to his natural Sovereign neither his own act, nor the act of the local legislature, nor even the act of the Imperial Parliament of England, could divest him without the express concurrence of his native country. This ordinance could not possibly affect the Chinese, who had never given their assent to it.

The noble Earl the Secretary of State for Foreign Affairs had argued as though the treaty was to be read by the light of the ordinance; and that brought him (the Earl of Carnarvon) to the consideration of what was this colonial ordinance. A colonial ordinance was, he contended, an instrument in no way warranted by the ordinary course of international law; but this ordinance contravened an act of the Imperial Parliament and was unconfirmed by an Order in Council; it was not certified by the home authorities until after the date of the issue of the register which, according to some noble Lords, made the *Arrow* an English ship; and if it was ever communicated to the Chinese authorities, which was very doubtful, it certainly never received their sanction. Thus, then, a prior foreign treaty was to be read by the light of a subsequent domestic arrangement among ourselves, which was barely communicated, never assented to by the Chinese Government, and which was at variance with the original treaty itself. The noble and learned Lord on the woolsack had argued the other night that every lorcha with a colonial register was a British ship, and that the Chinese, therefore, were acting in contravention of the treaty in boarding the *Arrow* and in making this seizure. There was, however, nothing in the 17th Article of the treaty which in any way defined what constituted an English ship. That Article said that any lorcha might, under certain conditions, have a register, but it did not say that every lorcha which had a register was therefore a British ship. Yet the argument of the noble and learned Lord came to this—all lorchas are British vessels: the *Arrow* is a lorcha; therefore the *Arrow* is a British vessel. But it was perfectly apparent, from official returns, that at least one-third of the traffic which went out of the port of Canton was not English, but foreign—Dutch, French, or American. What he complained of, then, was, that after concluding a treaty with a

particular nation, securing to ourselves exceptional advantages, in total opposition to the usual course of international law, we then extended those privileges, applied in the first instance solely to Englishmen, to every nation of the world. It amounted to the assertion of a principle which, if carried into effect, would be inconsistent with that allegiance which was due from the subjects of China to their own Government. Could anything be more unjust? As the Government had identified themselves so closely with the acts of the consul, their Lordships would do well to remember that, only one year since, the present Ministry formally renounced the right of privateering; and yet it was reserved for the same Ministry (with what consistency he did not pretend to say) to assert a right which he honestly believed was ten times more unjust and more oppressive. The doctrine to which he had just alluded was utterly unknown to international law, and utterly subversive of any principles recognized in the intercourse of nations. The argument might be summed up thus:—The colonial ordinance was a contravention of international law, and was invalid from its own irregularity and from the numerous flaws it contained: by reason of the international law no Chinese residents in Hong Kong could be released from the duties which they owed to their native country or from the control of the Chinese authorities without a certificate of denationalisation: as it was with a man, so it was with his property; and therefore no Chinese ship could, by virtue of a British register, be released from the lawful power and control of the Chinese authorities, unless they concurred in that release. As a matter of fact they had not so concurred, and therefore it followed as a necessary conclusion that a lorcha owned by Chinese and manned by Chinese was not in any way exempt from the authority of Chinese officials. But he might grant every single statement relating to that part of the question which had been brought forward by the Government—he might go so far as to say, that if he were to grant three-fourths of every argument urged by the Government the one-fourth which remained unanswered by them would be amply sufficient to insure a strong censure of Sir John Bowring's acts on the part of this House. The more they exaggerated the powers granted under the colonial register the more rigidly scrupulous, every one must

The Earl of Carnarvon

feel, ought the British authorities to have been in dealing in this question with the greatest legality and accuracy. But the register was, after all, a mere fiction and imposture. Sir John Bowring's own words—his, in every sense of the word—double declarations on this subject were its strongest condemnation. Let their Lordships place in parallel columns these two statements and see whether they did not involve the grossest contradiction. Sir John Bowring wrote to Consul Parkes that the *Arrow* had no right to hoist the British flag; that the licence expired on the 27th of September, from which date she had not been entitled to British protection. On the other hand Sir John Bowring wrote to Commissioner Yeh—"Whatever representations have been made to your Excellency, there is no doubt that the lorcha *Arrow* lawfully bore the British flag under a register granted by me." This shield certainly had two sides to it; and no man could read this declaration without feeling that there was a falseness and a perfidy about this transaction which could not be too strongly characterized. No member of Her Majesty's Government who had yet spoken had for one moment dwelt upon, glanced, or hinted at this fact, so conscious did they appear of the weakness of their case in this particular. For his part, he could not understand by what sophistry Sir John Bowring reconciled these conflicting statements with his feelings as a gentleman, his position as the representative of the Sovereign, and, above all, with that national honour to which he so often appealed, but which he only insulted by that appeal.

The noble Earl opposite, the Foreign Secretary, dwelt much the other night upon the importance of passing no hasty condemnation upon our officials in a distant country. No one could concur in this more heartily than he (the Earl of Carnarvon) did. He felt keenly the cruel injustice of censuring upon light grounds those who in a distant country, surrounded by difficulties which could hardly be appreciated here, were doing their best to perform their duties; but were the Government at home to throw their *ægis* alike over those who acted rightly and those who acted wrongly? Were they to sanction acts of officials who, by their own acknowledgment, had stated what they themselves confessed to be almost a lie? It was very well for us to condemn the founders of our great Indian empire, and who had committed acts of

which we could not now approve; but scarcely any one act in the history of those times was blacker than those events which the papers on the table disclosed. The noble Earl opposite (the Earl of Clarendon) dwelt upon the long series of insults which had been heaped by the Chinese upon the British flag, and urged strongly that necessity at last warranted a recourse to arms. Now, what was the insult assumed to have been offered by this seizure of the crew of the *Arrow*? Noble Lords opposite had argued that a decided *animus* had been shown on the part of the Chinese in hauling down the British flag. In the first place, however, it should be remembered that they were assuming that the flag was hoisted, a fact which was by no means satisfactorily established. In the next place it was stated that the Chinese officials, after rowing away in their boats, allowed the two sailors left on board to hoist the flag again—this certainly did not show the existence of any *animus*, but rather the reverse. He would ask, however—and on this point the House had received as yet no explanation—what was the real object for which we were at present at war? If a war was founded upon any pretence of morality it must have an object; and that object could be ascertained only by ascertaining the demands we had made upon the Government with which we were at war. Now, on perusing these papers he found four different demands had been made at different times upon the Chinese authorities. On the 8th of October, the day upon which the lorch was boarded, Consul Parkes demanded the public return of the twelve men seized. Four days afterwards he made a further demand, and asked for the public return of the crew *plus* an apology, *plus* an assurance for the future, coupling this demand with the threat that unless redress were afforded within forty-eight hours he should have recourse to active measures. Considering that this was the second letter contained in the correspondence, this was surely rather early to talk of active measures. This demand was enforced by the seizure of a junk, by breaching the walls, by blowing open the gates, by firing upon the Commissioner's residence, and by two conflagrations of the town. All this was undertaken according to Sir Michael Seymour's distinct admission on grounds connected with the lorch alone, and because of the refusal to make reparation in regard to it. What followed next? The Chinese scarcely

returned a single shot, but, on the contrary, returned the twelve men and made an apology which he believed might have been accepted without discredit. There was, however, one fact which was very significant and worthy of their Lordships' attention, and that was, that it was after the return of these men that the fire was opened upon the town. The men were returned and the apology made on the 22nd October, and on the 23rd the fire was opened on the town. But this reparation was not sufficient, and then came a fresh demand. Sir John Bowring wrote to Mr. Parkes telling him to wait for the development of events, and then came the demand for means of free communication between the Imperial Commissioner and Her Majesty's officers. But that was not all; a fourth and fresh claim arises, which he had no hesitation in characterising as the most preposterous he had ever heard, which was that free means of communication should be afforded between the representatives of all foreign States and the Chinese authorities. Well, and what did Sir John Bowring then say? "Poor benighted creatures, how can they be so blind to their own interests? Why will they be so obstinate as to refuse admission into Canton, when it would be so much to their own advantage?" But when, after the bombardment of the town, after wasting lives and destroying houses, Sir John Bowring assumed a somewhat milder tone, and with all the earnestness of an enraptured lover, pressed for the freedom of daily intercourse and access, and wooed the reluctant city into union with himself, he reminded him of the scene in Shakspeare in which Richard the Third wooed the Lady Anne:—

"Was ever woman in such humour wooed?
Was ever woman in such humour won?
What! I who killed her husband and his father,
To take her in her heart's extremest hate,
With curses in her mouth, tears in her eyes,
The bleeding witness of her hatred by,
With God, my conscience, and these bars
against me.

But then, as a feeling of half modesty, half self-respect steals over, he may say with King Richard—

"I do mistake my person all the while—
Upon my life I find—although she cannot—
Myself to be a marvellous proper person."

Now, he could only say that, if Richard the Third was an improper person on the throne of England, Sir John Bowring ap-

peared to him an equally improper person to represent England at Hong Kong. The claim of free communication had been deliberately waived by Sir George Bonham as being immaterial to British interests, and the successive Foreign Secretaries had adopted in that respect the policy of Sir George Bonham, and yet that claim was again vamped up by Sir John Bowring, and he deeply regretted to find that the Government were willing to share the responsibility of such a course. The noble Earl the Secretary for Foreign Affairs had accused the Chinese of constant infractions of the treaty, but it appeared to him that the noble Earl had forgotten the maxim that persons who live in glass houses should not throw stones. Had there been no infraction of the treaty on our part? In 1822-3 we entered into a solemn engagement with the Chinese to suppress the traffic in opium, but, as had been stated by his noble Friend (the Earl of Derby), this very colonial ordinance tended to facilitate that traffic. By the original treaty the residence of British subjects was confined to five ports; but even in the time of Sir Henry Pottinger there was established a British settlement in the island of Amoy. By that treaty British subjects were forbidden to go into the interior, but there was now, he believed, a highroad travelled constantly by British merchants between Shanghai and the Chusan Islands. Persons who accused others of a breach of solemn engagements ought at least to have clear consciences themselves.

There was one more question which he wished to advert to before sitting down, and that was whether Parliament was prepared deliberately to sanction the acts of an official who, without any reference to the Government at home, or to the Chinese Government at Peking—without one line of correspondence—on his own responsibility declared hostilities against a peaceful, a friendly, and a commercial town? The war in Persia was, he believed, of a very questionable nature, but there had been some formality in its declaration, inasmuch as it had been proclaimed by the Governor General for India; but in the present case there had not been even a proclamation of war. If it was war, it was war of an unconstitutional nature; if it was not war, it was mere bucaneeering and piracy. The noble Earl had stated that the question was one which might arise between any two nations in Europe, and

certainly he was much surprised at that statement. Suppose, for instance, the consul at Marseilles became involved in a difference with the French authorities, and on his own authority summoned the British fleet, and, after seizing a French brig, within forty-eight hours commenced bombarding and shelling the town, on the pretence, forsooth, that he was not acting against the people of the country, but adopting only justifiable coercion to its Government, would any Government of this country support the consul who had acted in such a manner? or, if they did, would either House of Parliament support them? Or could there be found in Europe one single State, however insignificant it might be, which would not indignantly resent such an indignity? The noble Earl had also used the singular expression, "the law of force." Now, he had always thought that law signified some established rule to which force was an exception; but the expression of the noble Earl, if it meant anything, would seem to imply that force should be the rule, and established law the exception—in fact, that might should be right. It was impossible to calculate what might be the result of the present war, in which the French and Americans were now active parties; but, if the result were as successful to the British arms as could possibly be hoped for, the result might only be to place this country face to face within closed lists with that very Power of whose aggression the Government had always expressed the greatest apprehension. If there were anything in those apprehensions, and if it were necessary to preserve Turkey and Persia as the non-conductors of the enmity of nations, equally China was a necessity to the political equilibrium of the Eastern world. The noble Earl opposite (Earl Grey) had justly referred to the injurious effect which this war would produce to the cause of Christianity in China; but he might console himself by observing from the papers before the House that the Sunday had been most carefully observed. He had read that part of the papers with great pain, for he could not but look upon that statement as a mockery of religion. He would not dwell on the violence and intemperance of the language which had been employed by the British authorities at Canton, but he must say that that passage with regard to the observance of the Sunday was one of the most painful and least creditable in the whole papers. This war had been characterized by the

Government as just, necessary, and expedient; but how could it be necessary when the object of it had been condemned by three Foreign Secretaries. How could it be just when it was undertaken with one pretext on the lip and another in the heart? How could it be expedient when its result might be to destroy that which it was our object to preserve? It had been truly said that injury was swift and justice slow. Injury in this case had been swift indeed; but it was the duty of their Lordships, as the court of last appeal, to hear the claim of every suppliant who lived under the shadow of the English flag, and to see that justice, however tardily, should at length be done.

LORD METHUEN said that, notwithstanding the splendid display of eloquence which they had heard from the noble Earl opposite on Tuesday last, it was his intention to vote against his Resolutions. He trusted, however, that nothing would fall from him during the few remarks which he was about to make, which would seem to indicate any want of respect for the transcendent talents and very high position of the noble Earl. It appeared to him that the question which they had to consider was very clear and simple—it was, whether the lorcha *Arrow* was a British vessel or not. The only evidence which he had that she was not a British vessel was that furnished by Commissioner Yeh himself and the *Friend of China*. Now, it was clear in this case, that Commissioner Yeh was an interested witness, and, as to the testimony of the *Friend of China*, he hardly thought that the leading article of a newspaper could be accepted as affording incontrovertible proof of a disputed fact. The evidence which they had that the English flag was carried by the lorcha was that of two Irishmen and two Chinese, and it was clear, that even if the flag was not at her mast-head it was on board, and against that he had no other evidence than that of Commissioner Yeh himself. He could only judge of Commissioner Yeh's opinion on the subject of whether she was a British vessel by his conduct, and if Commissioner Yeh did believe her to be a British vessel it was pretty clear that his intention was to insult the flag of this country. His principal reason for thinking that the Commissioner looked upon the *Arrow* as a British vessel, was the great promptitude with which he returned the men whom he had taken prisoners. Yeh was evidently a very obstinate man ;

one would imagine that his name should have been "Nay" instead of "Yea;" and it was clear that he would never have given up those prisoners if he had not believed the vessel to be a British one. He regretted to hear the strong terms in which the noble Earl had thought proper to characterize the conduct of Sir John Bowring, because such epithets as "disgusting," applied to the conduct of our representative there, must tend very much to depreciate Sir John Bowring in the eyes of the Chinese. He trusted that their Lordships would not yield to the opinion of the noble Earl upon this subject, but that they would support the British agents at that great distance from England; for if they did not, it was idle to expect that this country could be faithfully and effectually served by its representatives abroad.

LORD ST. LEONARDS said, that he was sorry to intervene between his noble and learned Friend and the House; but as he had risen early on Tuesday night to address their Lordships, and had then given way to the noble Earl opposite (Earl Grey), he trusted that he should not be thought discourteous if he now persisted in his claim to address the House. Considering the particular relation which he bore to their Lordships in their judicial character, he felt that he ought, in justification of the vote he was about to give, to state shortly the grounds on which he based the decision at which he had arrived; and having heard doctrines of international law enunciated in that House which were wholly unwarranted, he thought that it was his duty to rise to vindicate the law itself. In the case which they had to consider there were involved two questions, one of which was strictly judicial, and the other was simply a matter of fact. He should principally address himself to the former, and he would assure their Lordships that he should not state one word which he would not state at a morning sitting if he were called upon to give an opinion in adjudicating a cause pending between two parties. There was, however, an essential difference between the attributes of the House in the morning, when they discharged judicial functions, and those which appertained to them in the evening, when they acted in their legislative capacity. In the morning, when strict justice was administered according to law, and when all the facts were sifted, the two contending parties were always before the House; they were both

heard in support of their own interests, and the decision was arrived at after an impartial hearing and the most mature consideration. But on the present occasion they were in a different position, for the Chinese were not there to defend their own conduct—China was not there to adduce evidence in her own favour. The Government very naturally supported the acts of their subordinates in China, and it remained for those of their Lordships, who believed that the Chinese had been wronged, to stand in the place of the Chinese there, and to see, in the absence of that Power, that right and justice were done. The question whether the *lorcha Arrow* was a Chinese or a British vessel was strictly and simply one of a judicial character; and in order to appreciate it accurately he must first direct their Lordships' attention to the treaty itself. There could be no doubt that the Chinese had been compelled to surrender Hong Kong to this country; and without doubt we possess it in full sovereignty, but the third Article of the treaty stated that it was desirable and advisable that British subjects should have a port in China in which they could refit and careen their vessels, and where they might deposit their stores for that purpose: he was not, therefore, about to deny the Sovereign rights possessed by this country in Hong Kong. We stated that we wanted the port of Hong Kong to refit our vessels and to keep our stores; but had we said that we wanted it in order to establish there a registry for the conversion of Chinese into British subjects, did their Lordships believe the island would have been conceded? In discussing a treaty we must not discuss it largely and in general terms, but must take its exact words. Looking then at the ninth Article of the supplementary treaty of 1843, they found that it expressly prohibited the Chinese from taking out of an English ship, or from Hong Kong, any person who in their estimation had been guilty of a criminal act without making application to the proper English officer. The words were, "If any such person shall flee to Hong Kong, or to an English ship of war, or an English merchant ship," and so on. Now could there be any doubt as to what was meant by those two descriptions of vessels? Could any one suppose that it was ever meant by the words "English ship of war" to include a Chinese junk, or that a Chinese merchant junk meant the same thing as an English merchantman? Our navy consisted either of ships

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of war or of merchant ships belonging to this country, and to attempt to draw from this Article an argument in favour of the power of this country to treat a Chinese merchant ship or armed ship as a British vessel appeared to him to be utterly absurd. Turning next to the 17th Article of the treaty, he found that the words there used were "various small vessels belonging to the English nation, called schooners, cutters, lorchas, &c." This carried the point a step further. The ninth Article referred to ships of war and merchantmen, and in the 17th Article the small craft were included. What was meant by small craft? Plainly small craft belonging to the English nation, not Chinese small craft. This appeared to him so plain that he could not understand how an opposite conclusion was arrived at. Yet it seemed to be supposed that we were at liberty to convert by the mere force of a paper certificate a whole fleet of Chinese junks into English vessels, if we were so disposed. The 17th Article manifestly refers only to foreign small craft. It says "But this class of small craft are not like the large ships which are engaged in foreign trade, they are constantly coming and going, they make several trips a month, and are not like the large foreign ships, which, on entering the port, cast anchor at Whampoa." And the first rule is "that every British schooner, cutter, lorcha, &c., shall have a sailing register." Having thus seen the intent of the treaty, let their Lordships next consider what was the effect of the Imperial law. The Imperial law of this country was that you could not have a British ship unless it was British owned, and that law governed the whole empire and extended to every English colony. Aliens could be nationalized for this purpose, but they were required to produce a certificate that they had taken the oath of allegiance. With regard to the ordinance of which they had heard so much, the noble Earl opposite (the Earl of Clarendon) contended that that ordinance could not be affected by the Merchant Shipping Act of 1854, because it came into operation before that law was passed. Was it the intention of the noble Earl to represent to their Lordships that there was no law applicable to the ordinance before 1854? If the law of 1854 did not apply to this particular ordinance the law previous to it did, and the ordinance would be equally invalid according to that law. Whether by Acts before the Act of 1854, or

by the Act of 1854 itself, there was a law—an Imperial law, known to the whole world, and binding on all British subjects—which did give to a particular class of vessels the right to be called British vessels, to hoist the British flag, and to require its protection. That being so, then their Lordships need not be told that they could not by an Act subsequent to the treaty give a new definition to that treaty; and he asserted without fear of contradiction, that according to the law at the time the treaty was made, none but a vessel with a British owner could be treated as a British vessel. Nobody pretended that the colonial legislature, even with the consent of the Crown, could in any manner repeal or vary an Act of the Imperial legislature, though the Imperial legislature had, as it ought to have, the power of repealing or varying an Act of the colonial legislature. Where was the right in the colonial legislature to enact that a certificate of registry under an ordinance should give to a Chinese or any other foreign vessel, a right to hoist the British flag, and to say, woe to the person who should venture to pull it down. Something had been said about the vessel having a British master; but it was not the British master, but the British owner, which made a vessel British. Sir John Bowring and Mr. Consul Parkes both expressly stated that any one having a register under the colonial ordinance would be entitled to hoist the British flag; but he declared solemnly his belief, as a constitutional lawyer, that the ordinance, to the extent to which it was carried, was a simple piece of waste paper. The Governor of Hong Kong had no power to pass it, and, foreseeing the difficulties it might occasion it was a long while before the Government would advise the Crown to sanction it, the Board of Trade having, to its credit, seen difficulties in the way of adopting it; but it did eventually obtain the Royal sanction, but not in the manner required to give it legal validity as against the provisions of the Act of 1854. The title to regard the *Arrow* as a British vessel rested on the two ordinances, which professed to be under Acts of the Imperial Legislature. The Government were so impressed with the conviction that the first ordinance was contrary to law that they endeavoured to repeal the operation of the 547th section of the Act of 1854, and to give validity to the first ordinance by a second. But there was no power in the Governor of Hong Kong

to convert a Chinese into a British vessel, and so far the ordinances were a perfect nullity. His belief was, that the certificate was never intended to give any such vessel any privilege except in the port of Hong Kong; that it had no more effect in the waters of Canton than in the waters of the Atlantic; and that Sir John Bowring had not the slightest notion of the operation of his own ordinance. It never entered into the minds of the Government and legislative council of the colony that registers would ever be used, as against the Chinese authorities, to break down the allegiance which Chinese subjects owed to their legitimate Sovereign. He begged to call the earnest attention of their Lordships to the words of the ordinance. After reciting that many illegal acts had resulted from the improper use of registers granted at Hong Kong under Imperial Acts, it went on to enact that

“from and after the passing of this ordinance no ship or vessel whatsoever, owned by a British subject, shall be at liberty to trade in any of the harbours of this colony unless, in the case of an outward trading ship or vessel, she be provided with a certificate of registry in conformity with the Imperial Acts of Parliament on that behalf; and, in the case of a China trading ship or vessel, she has in all respects complied with the requirements of this ordinance.”

The ordinance in fact had not the slightest relation to the question before the House. The complaint, as we find from a letter from Sir John Bowring to Sir George Grey, was that a vessel no sooner obtained a register than she escaped colonial jurisdiction, carried on her trade within the waters of China; engaged probably in every sort of fraudulent dealings, and might never appear again to render any account of her proceedings or to be made responsible for her illegal acts. Now, to guard against these abuses, the ordinance prohibited ships or vessels owned by a British subject from trading in any of the harbours of the colony, unless, in the case of a China trading ship or vessel, she in all respects complied with the requisitions of the ordinance. So that the ordinance is confined to ships or vessels belonging to a British owner and the penalty is exclusion from the harbours of the colony; for it was manifest that no craft could trade between Canton and Hong Kong if they could not enter the harbours of the latter. The ordinance did not affect by its own force to give any rights in the waters of Canton. The noble Earl (the Earl of Clarendon) had said that the ordinance of March did not contravene any British law, and was

passed to restrict the abuse of the British flag; but that was a mere assertion, destitute of proof. It was said that it had been passed before the Merchant Shipping Act came into force in the colony; but, even so, there had been another law in existence before the Merchant Shipping Act. The noble Earl had also told the House the ordinance would have contravened the law if it bestowed a British register, but that, in fact, it gave only a colonial register. Was it, then, to be understood, after all the discussion that had taken place, that the register was not a British register? Was the *Arrow* an English ship without a British register? [The Earl of CLAREN-
DON: With a colonial register.] If it was colonial only, it was mere waste paper; if it were British, let it stand or fall by the Imperial law. What right had the colonial authorities of Hong Kong to regulate proceedings in the river of Canton? Supposing the positions to be reversed, and that, instead of the seat of war being in China, we having been conquered by the Chinese had ceded to them the Isle of Wight, what would we have said if the Chinese authorities on the Isle of Wight had granted Chinese registers to all British vessels coming out of Portsmouth, and sent them back to Portsmouth, Chinese ships with Chinese subjects? The noble Earl had also told them that Hong Kong was a conquered colony, and that the Crown, with the assistance of the legislature of a conquered colony, could deal as it pleased with it. Without entering upon any argument as to the character of the colony of Hong Kong, he (Lord St. Leonards) would remind the House that the Act of the Imperial Legislature had put an end to that particular power of the Crown, and had declared what should constitute a British vessel, entitled to bear the British flag all over the world. The right of the Crown over a conquered colony was a right by conquest over the colony; but had it ever before been suggested that because a colony had been conquered, therefore the Crown had a right to confer upon the inhabitants of that colony powers in relation to other independent countries which the great nation itself to which the colony belonged was utterly powerless to give? His noble and learned Friend on the woolsack put the case on two grounds, one of which was the ground of international law, and the other the evidence of the vessel being a British ship. Now, he would take the liberty of saying that the law which his noble and

learned Friend laid down was not the law of nations. What his noble and learned Friend stated was that if a nation gave a flag to a ship, and she went to a foreign port and there gave some offence, or infringed some law, the foreigner was bound not to interfere with that ship, but must apply to the country to which she belonged for redress. His noble and learned Friend asked—

“Was this or was it not an infraction of the treaty? Certainly; for, as between us and China, the *Arrow* was undoubtedly a British ship. If the British Government authorizes a ship to go into a foreign port and carry the British flag, as between us and the foreign country, this is certainly a British ship.”

His noble and learned Friend continued to say—

“This may be a case of comparatively small importance; but if we once yield to the notion that, having entered into a treaty of this kind with a foreign country, the authorities of that country may forcibly board a vessel and decide the point of nationality for themselves, who shall say to what important consequences this will lead? Therefore, my Lords, had this been entirely a foreign vessel, and unentitled to a British register, we, by the law of nations, were justified in the steps which we took. Once admit that the British flag was hoisted, and was, by the authority of the Chinese Government, hauled down, and he cared not, for the purposes of his argument, whether they had a right to enter the ship or not; they hauled down the flag, and the consequences must be on their own heads. He believed he had argued this point upon perfectly sound principles of international law.”

His noble and learned Friend, therefore, put the case not doubtingly, but with the utmost confidence. Notwithstanding that, however, he (Lord St. Leonards) would repeat that his noble and learned Friend was under a misapprehension as to what was the law of nations. A ship of war with its flag never lost its nationality. The ship was the home of the crew, it was extra-territorial. It was indifferent, therefore, whether it was on the high seas or in a foreign port. If it committed an offence, recourse must be had to the Government of the country under whose flag it sailed, and the foreign Power could not, because the ship was in its waters, enter it and take out of it any one for a breach of the municipal laws of the place. It is idle to inquire whether this proceeds from the comity of nations, or on what other ground, but no doubt it was adopted in order to prevent collisions between the authorities of the port and an armed ship of another Power. But in the case of merchant ships the law of nations is just the reverse, for

when they go into a foreign port they become subject to the lawful authority of the Government within whose waters they are; they may be treated as within the jurisdiction, and therefore are liable to have criminals taken out of them, without any offence to their flag. Take the case of the port of London. Merchant ships of every nation entered it by hundreds every day, and if in any case we had reason to suspect that there were criminals on board amenable to our jurisdiction we boarded them without ceremony, seized those criminals, and handed them over to the proper authorities. That was the law in this country, and what was law here was law in China. Merchant ships were not entitled to any particular privileges, either here or elsewhere. I have just been addressing myself solely to the abstract question of international law. But then my noble and learned Friend, like the noble Earl opposite (the Earl of Clarendon) insists that the *Arrow* was to all intents and purposes within the meaning of the treaty a British ship. The ordinance, he said, authorized the *Arrow* to carry the British flag. It was a ship on which the Crown might, by its prerogative, confer the privilege of a British ship, and the Crown did so. I will not repeat the argument by which I have endeavoured to show that the *Arrow* was not a British ship within the meaning of the treaty, and that the Crown had not the power by its simple prerogative to confer on it the privilege of a British ship. But the Chinese believed the lorcha was a Chinese and not a British vessel, and they acted on that conviction. What took place? The young man who was only nominally master of the lorcha was not on board of her at the time she was entered by the Chinese; he was at breakfast in another vessel lying close to her, and when he heard what had taken place, which he did almost immediately afterwards, he proceeded to his own ship and demanded to know who had pulled down his flag. He was told the Chinese; and thereupon he instantly—the Mandarins being still alongside—seized his flag and hoisted it again; so that the flag had been hauled down but a very short interval of time, and was hoisted again by the master without the slightest interruption by the Chinese. But there are great discrepancies in the accounts about the flag, some declaring that it was flying and others that it was not—there was some confirmation of the probability of the latter being the true version

in Commissioner Yeh's letter, in which he remarks upon the point, "That it is the custom of your honourable nation to take down your flag upon entering port and not to rehoist it until you put to sea again;"—but the result was to make an impression on his (Lord St. Leonards') mind that it was doubtful whether an insult to the national flag was intended or not. He would remind their Lordships that on the 3rd of October the register of this vessel was delivered up by the master to Consul Parkes, who, therefore, knew, even then, that the register was five days out of date. Now, here he might remark that there appeared to be a misconstruction of part of the ordinance upon which this register was based. It seemed to him quite clear upon the face of the ordinance that every vessel, without exception, must be absolutely re-registered at the end of the twelve months. The object was, of course, to make vessels which enjoyed the privilege of British protection report themselves regularly at this interval. The ordinance accordingly specified that each register should be in force for one year from the date thereof, "and no longer;" that at the end of that period it was renewable if properly applied for; but that upon the expiration of the term it became *ipso facto* invalid. There was a further proviso that such register should be deposited at the office of the Colonial Secretary one week before the expiration of the year. Did not this prove it to be absolutely necessary that the registers should be renewed within the year? Now, it had been gratuitously assumed that this vessel was at sea at the time, and that, being at sea, she was not bound to have her licence renewed at the exact period mentioned. If such a provision were once allowed, a door would be opened to the very mischiefs against which the Government of Hong Kong evidently wished to guard. A vessel in such a case had only to keep at sea at the period when the licence became out of date, and, according to this doctrine, she might, without renewing it, keep the British flag flying for six or seven years and claim British protection. He took it, then, that the moment the year expired a vessel lost its rights (if ever it had acquired any) under this ordinance. Their Lordships had heard that this was the opinion of Sir John Bowring. Consul Parkes had the register deposited with him on the 3rd; he knew it was void; on the 11th Sir John Bowring himself be-

came acquainted with the same fact; and Sir John then wrote in the most explicit terms, stating that the right to the register had expired, and that it would be impossible legally to give the *Arrow* the benefits of that ordinance. The conduct of Sir John Bowring on this point had been referred to in terms strong certainly, but he thought not too strong, considering the nature of the offence, which was entirely unworthy of the representative of a great and civilized country when dealing even with what was called "a semi-barbarous" country with which we were on terms of amity. What the British authorities ought to have done was this—they knew that the right to hoist the British flag was gone, and then it would have been the easiest thing in the world to say to Commissioner Yeh that an insult had been offered to the British flag, which under other circumstances could not have been passed over, but that it would not be noticed on this occasion because the *Arrow* was at the time carrying the English flag without a licence. Instead of this, however, Sir John Bowring was, on the one hand, representing to Commissioner Yeh that this register was in full force at the time of the seizure, while at the same time he was saying to Consul Parkes that he would consider whether or not he would re-register the lorchas, and was reserving his right to do so. Sir John Bowring, therefore, knew that the vessel was not entitled to use the British flag at the time, otherwise he would not have reserved to himself this right. He (Lord St. Leonards) repeated that it was unworthy the representative of this great country to play such a double part as this. And then what as to the apology required and offered? In a very short time after their seizure the twelve men were returned by the Chinese, and Commissioner Yeh promised that the occurrence should not happen again, and that in future the usual reference should be made to the British Consul. Mr. Parkes, however, demanded that the men should be publicly restored; and upon this simple question of form, apparently introduced for the purpose of embarrassing the question, the rupture took place. Now, let these facts be stated for the first time to any assembly of Englishmen; let such an assembly be told that twelve persons, subjects of the Emperor of China, were seized by Chinese officials, on board a Chinese vessel, in Chinese waters, two of them being notorious pirates; let it

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be added, that after a remonstrance these men were returned, the Chinese Commissioner promising to guard against a recurrence of the event; and see how it would startle the common sense of a body of Englishmen to be told that Mr. Parkes rejected these twelve men, sent them back, and took what he called "active measures" thereupon. It was not denied that two of the crew carried off were notorious pirates, and Yeh asked for the return of these two men, as he was perfectly justified in doing according to the terms of the treaty. But none of the concessions made by the Chinese would serve. What was supposed to be a war junk, but turned out to be a merchant vessel, was cut out by the British Admiral. Well, that in itself was reparation; but apparently it was not enough. From step to step the Admiral on the station proceeded, destroying Chinese vessels and Chinese ports, breaching the walls, firing upon the Commissioner's residence, and making a forcible entry into Canton. In the late war Odessa was spared. It was a town full of men and material of war, and from which large supplies could be drawn for the defenders of Sebastopol, and it was also fortified; and if Odessa were spared—and great credit was taken for sparing it—why could not Canton be spared also? There was nothing in Canton to affect the power of the British forces, while in Odessa the case was quite the reverse. There was every reason why we should have attacked the city we spared, and spared the city we attacked. After we had attacked the forts and destroyed them, we ought to have considered that the insult to our flag had been atoned for. He did not blame the Government for sparing Odessa, because he should be sorry to see the forces of this great empire brought to bear upon a defenceless city. But why bombard Canton? The answer was, unfortunately, an easy one. Canton was at your feet. From the unfortunate condition in which the Government of China was placed, there was no chance of retaliation. A civil war was raging throughout the country. And what glory could there be at any time in a war with China? It had been shown what they were worth in previous wars, and in 1847 General D'Aguilar took or destroyed between 800 and 900 pieces of cannon, and dictated terms under the walls of Canton without, he believed, scarcely the loss of a single man. How had the Americans acted? They had been fired upon, and,

after destroying some forts they considered that they had exacted sufficient reparation and retired. The French, also, although they said that we were acting rightly, asked to be allowed to go away; and yet we, after destroying ships and forts must needs proceed to bombard a defenceless town. Commissioner Yeh wished Sir John Bowring to treat the two matters of the *Arrow* and the entrance into Canton as distinct, and offered reparation in respect of the *Arrow*: Sir John Bowring refused to accept it, or to separate the two subjects: from that moment, he feared, the opinion of the whole world would be against us. Before resuming his seat, he wished to call their Lordships' attention to the fact that some of the influential persons in the city of Canton had expressed the opinion that satisfactory terms might be arranged. He would refer the House to the minutes of conference with some of the Chinese gentry on the 11th Nov. 1856, where, when they urged "that the *Arrow* case should be settled first," they were told once and again that it was impossible to take less than what was then asked. "If simple reparation for outrage in the *Arrow* case had been all we required, the Admiral would doubtless have been long ago satisfied with what had been done; but that a principle was at stake which could not be abandoned." This clearly showed that the war was commenced on one ground; for which reparation had then long ago been obtained, and had been continued up to this moment upon another. In conclusion, he prayed their Lordships to consider what the effect of their vote must be. If they agreed to the Motion no mischief could by possibility result, and the consequence would be to authorize the Government to put a termination to the lamentable contest which was now going on. If, on the other hand, they rejected the Motion, the war we were waging would be continued; Sir John Bowring and Mr. Parkes would construe the result into an approbation of their conduct, and they would insist upon the right of free and immediate access to the city of Canton, although it seemed to be generally admitted that no commensurate advantages would flow from the exercise of that right. Our trade would be stopped, property would be injured, life would be sacrificed, and we should be imposing a great affliction upon the Chinese at a time when that nation was already in deep tribulation. It was simply a question of the continuance

or cessation of the war, and he entreated their Lordships, by supporting the Motion, to do all in their power to put an end to so great a calamity.

THE LORD CHANCELLOR wished to say a few words in order to point out to their Lordships a mistake into which his noble and learned Friend who had just sat down had fallen with respect to what he (the Lord Chancellor) had said upon Tuesday night. His noble and learned Friend had brought the grave charge against him that he had misled their Lordships in stating an important principle of international law. If he had done so intentionally he could not express the humiliation which he ought to feel; if he had done so through mistake he should still feel amenable to grave censure; but the fact was, that to every word and every syllable which he had used upon the subject of international law he adhered. What he said was, that it depended upon each particular country to say whether a ship were a national ship or not, and if a licence was given the nationality of that ship could not be questioned by any foreign nation. From that proposition he never could be shaken; it was monstrous to assert that third parties were competent to interfere between the nation and the ship. He maintained unhesitatingly that that was the principle of international law. His noble and learned Friend said that when such nationality was given to a merchant ship, and she came into the waters of a foreign country, she might be treated like a portion of the soil of the country, and was liable to be boarded and to have taken out persons who had violated the laws of that country. He (the Lord Chancellor) said nothing to contravene that proposition; but he said, after referring to the 9th Article of the treaty, which specially provided that it should not be lawful for the Chinese to enter upon British ships, and remove persons from them, that if by international law that vessel were a British vessel and the Chinese had entered upon her and taken persons out, they had been guilty of an act in contravention of the treaty. Let them displace him from that if they could.

LORD ST. LEONARDS: My noble and learned Friend is out of order in replying to me—this is not explanation.

THE LORD CHANCELLOR: He really was astonished, after his noble and learned Friend had represented the

Lord Chancellor as having misinformed them on a point of law, that he should complain that he was "replying," when he claimed their Lordships' indulgence to allow him to explain what he really did say. His noble and learned Friend must allow him to observe, moreover, that when he (Lord St. Leonards) accused the Secretary of State for Foreign Affairs of having misstated the law when he said that the ordinance came into immediate operation, his noble and learned Friend fell into a most grievous mistake in point of law. ["Order, order!"] He felt that he was now out of order, and he would not therefore add another word.

LORD WENSLEYDALE (who was indistinctly heard) said, that their Lordships were called upon to decide in a judicial spirit upon three propositions. With respect to the first of the three Resolutions which had been submitted to the House he apprehended that there would be no difference of opinion. This Resolution was to this effect:—

"That this House has heard with deep regret of the interruption of amicable relations between Her Majesty's subjects and the Chinese authorities at Canton, arising out of the measures adopted by Her Majesty's Chief Superintendent of Trade to obtain reparation for an alleged infraction of the supplementary treaty of the 8th of October, 1843."

He conceived that there was no one in that House who could doubt the truth of that proposition, because it was unquestionably a subject of deep regret that the consequence of these proceedings should have necessarily been to endanger our trade, still more that they had caused the destruction of property and life, and the miseries incident to war. The two other Resolutions, therefore, were those which were really the subject of consideration. They expressed an opinion that the "occurrence of differences on this subject rendered the time peculiarly unfavourable for pressing on the Chinese authorities a claim for the admittance of British subjects into Canton, which had been left in abeyance since 1849, and for supporting the same by force of arms," and, "that in the opinion of this House operations of actual hostility ought not to have been undertaken without the express instructions, previously received, of Her Majesty's Government; and that neither of the subjects adverted to in the foregoing Resolutions afforded sufficient justification for such operations." It appeared to him

The Lord Chancellor

that those two Resolutions might very properly be divided into two heads—the first question, whether the Chinese had been guilty of an unjustifiable act in entering the *Arrow* contrary to the law of nations or to the stipulations of the treaty; and the second, whether the particular mode adopted by the British representatives in that country for obtaining redress was the one which should have been taken on such an event. He had few observations to offer on the latter branch of the inquiry. Looking back now upon the events which had occurred, and considering the mischief which accrued, their Lordships, no doubt, might think it would have been better if our representatives in China had waited for instructions from the Government before proceeding to warlike extremities. Their Lordships ought not now, however, to view the transactions by the light which subsequent events had cast upon them, but should place themselves as nearly as possible in the position of those who were called upon to act, not being endued with the gift of prophecy or the ability to foresee what was about to occur. Looking at the situation, then, in which our representatives were placed, with a better knowledge than their Lordships could have of the disposition of the Chinese, and of the facts and of the bearing of those facts, was it wise in them immediately to take into their own hands the means of procuring redress by making reprisals, seizing one of the Imperial junks, and resorting to the destructive measure of taking the forts and bombarding part of the town of Canton? Putting themselves in the position of the officers of the Government at that time, was it made out to their Lordships' satisfaction that the measures taken by them for the purpose in view were improper? If they had held their hands and had refrained from taking any steps until they received instructions from the home Government, the probability was that the Chinese fortifications would have been strengthened, their military defences would have been rendered more complete, the difficulty of ultimately bringing them to reason would have been immensely increased, and the loss of life and injury to property would have been much greater. Instead of so waiting, our representatives, bearing in mind the great success which had attended the employment of a very small force in a vigorous

manner under General D'Aguilar in 1847, determined upon following the example which was then set; and, on the whole, putting himself in the position of Sir John Bowring at that time, he was not prepared to say—and he thought the House would come to the same conclusion—after repeated attempts to obtain redress by other means had failed, he was not justified in the course which he adopted. At the same time, however, that he certainly did blame a part of the conduct and bearing of Sir John Bowring, recourse to warlike acts he considered to be justified. The question therefore was reduced to this,—was there an illegal act on the part of the Chinese, justifying us in our demand for redress, and the enforcement of it if refused? The question depended partly on the law of England, and partly on the law of nations. If the vessel possessed a register, or licence, or other power, given by authority of the English Government or its representatives, and if the vessel was on the high seas that protection given by such Power could not be called in question. The only mode in which redress could be legally obtained was by representation on the part of the Chinese authorities to our authorities, and by requiring that the licence should be withdrawn. It was, in fact, contrary to the established law of all nations that one nation should endeavour to enforce its rights against another without preliminary representation. The act complained of was the boarding of the *lorcha Arrow* with an armed force and seizing the crew. The weight of evidence was that this was done when the British ensign was flying, for it was proved by three witnesses, and, in the first instance, not denied by Yeh. The *Arrow*, therefore, had the British colours and a British licence granted by Sir John Bowring. Whether the licence had expired at the time he would afterwards consider. Assuming, then, that the licence existed, that gave a national character to the vessel, and whether it was rightly given or not was not a matter the Chinese could settle by taking the law into their own hands. Respect was due to the national character, as indicated by the licence and colours. The case, therefore, resolved itself into these questions, was the licence, in point of fact, given by adequately-empowered British authority? and was the vessel on the high seas or in a Chinese port? If she was on the high seas, then all right of that kind was undoubtedly

put an end to by the flag. A striking instance of the admission of this principle was afforded by the treaty concluded by a noble Earl near me (the Earl of Aberdeen) in 1845, with Monsieur St. Aulaire and the Duc de Broglie for the purpose of suppressing the slave trade on the coast of Africa, by the joint operation of an English and French squadron, where a mutual right of search of vessels bearing the national flag was made the subject of express stipulation between the two countries, which would have been wholly unnecessary if it had been permitted by International Law. With regard to the question as to whether the licence had been given by competent authority, acting for Her Majesty's Government, he (Lord Wensleydale) differed from his noble and learned Friend (Lord Lyndhurst), for whose opinion he had the greatest possible respect; and he could not but think that even *in foro domestico* the licence was legal. The authority was given by the Governor and Council of Hong Kong, a colony conquered by the Queen, in which Her Majesty had the undoubted right to give such laws as she chose, until or unless she was controlled by Parliament. The Governor and Council had authority to make such a law in March, 1855, when it was made, and it was binding, when made, as soon as it had received the Queen's consent. It remained in force certainly until the Merchant Shipping Act, which came into operation on the 1st of May, 1854; and the question was whether that Act annulled it. The 537th section, which enabled the colonial legislation to repeal wholly or in part any of the provisions of the Act, with the consent of the Queen in Council, did not seem to apply to the law of any colony in existence before the Act took effect; and so the Government seemed to think, for the Secretary of State had given his sanction to the ordinance of the 3rd of March, 1855, after the Merchant Shipping Act had come into force. Though he doubted much whether Sir John Bowring would be liable *in foro domestico* as related to this country, on the ground that his authority was put an end to by the Act of Parliament, he did not mean to say that his noble and learned Friend (Lord Lyndhurst), whose authority he so greatly respected, from long experience of his great knowledge of the law, directed by his admirable good sense and powerful intellect, was certainly wrong in his views

of the case. But he thought that formed no part of the question in this case, which was not whether Sir John Bowring's conduct could be questioned and punished by the court of this country as being unauthorized by our law; but whether the national flag having been given by the persons exercising the power of the British Government in that part of the world, the Chinese Government could question it in the mode they had adopted. His noble and learned Friend argued however, that the power to grant such licence to an alien was not given under any circumstances—that, in fact, the authorities of Hong Kong had no right to give it to any but a native owner. He (Lord Wensleydale) entertained a different opinion; he believed, on the contrary, that it was quite within their power to grant it, and that the licence so granted was perfectly legal. The noble and learned Lord was, no doubt, perfectly right in the opinion he had given, that we could not deprive the Government of China of its authority over its own subjects by making them denizens of Hong Kong; they are all of them still subjects of the Chinese Empire, and amenable to its Sovereign; but this did not affect the true question in the case, whether that Government was authorized to seize with violence a ship in actual possession of our national flag, though its subjects were on board. If the ship had been on the high seas when seized, then, by the law of nations, the act would undoubtedly be wrong. If, on the other hand, it was then in the port of Canton, within the territorial bounds of China, the Chinese had undoubted authority to search for and seize criminals who had broken their laws, if found on board the ship, in their own ports, as well as on land in their own territory, and we had no right to treat the seizure as a wrong done to us, unless the Chinese had by treaty undertaken to forego that right. That depended upon the construction of the Supplemental Treaty of 1843, which, he thought, applied to all English ships, especially when the Supplemental Treaty expressly provided for the case of lorchas and other small vessels. He did not think that the noble Earl (Earl Grey) was right in limiting it to ships described in the Registration Act, that is “ships British owned, with three-fourths of the crew English subjects, built in England, and not repaired abroad” to a greater amount than a certain proportion of the value. Otherwise, if the Parliament should please after-

Lord Wensleydale

wards to alter these provisions and diminish the required crew to one half, or make any other slight alteration, the treaty would be done away with and protection of the vessel lost. It was impossible to read the treaty as if all the particulars required by the Act were in and formed part of it, and created an obligation on our part not to alter any part of those particulars without the consent of the Chinese. This being so, the word “English” must be understood in a more lax sense, and would include the vessel in question, as though the treaty confined the Chinese Government to such redress by application of the ninth Article to the proper English officers. That part of the crew were Chinese subjects made no difference. The Baltic Powers—Prussia, Denmark, and Sweden—gave the national character to ships owned by any residents for a short time in their respective dominions, of whatever country they were subjects, and no one ever questioned their right. The case might be made clearer to us by supposing a treaty made with the French Emperor by the Queen for the extradition of English criminals by us, similar to the treaty of the Chinese with our Government. Assuming by the French law that no ship should have a French licence unless with certain qualifications, as for instance, that security should be given for its proper use to some public officer, that it should be French built, owned and navigated by a crew composed of a certain proportion of native-born Frenchmen, could it be pretended that we could seize the French ship and take out the criminal by force, or any of the English crew, on the ground that the licence was irregular and not warranted by the French law? It is clear we could have no such right, and our so doing would be a violation of international law if the vessel was at sea, and a violation of the treaty, if she was in port. So the Chinese officers, in neither case, had a right to board the vessel with an armed force, pull down the British flag, and carry away a part of the crew. The treaty which existed between this country and China regulated that right in a manner which had certainly been violated in the present instance. His noble and learned Friend seemed to think that the vessel was not under the protection of the British flag, because her licence, as he alleged, had expired. But was that really the case? When there is a licence for a limited time, and the ship is

out of the port of registration, it continues, from the very nature of the case, beyond the prescribed limit for such a time as to enable the ship to reach with reasonable despatch its port of registration, and she is *bond fide* so proceeding. This was in extension absolutely necessary, and implied in the very grant itself. He (Lord Wensleydale) need only to remind the House that at this moment all the Belgian merchant navy were sailing under licences for a limited period, all being given for two years. But was it to be supposed that these ships would lose the national character if their licences expired, in whatever part of the globe they might happen to be at the expiration of the prescribed period? Sir John Bowring had mistaken his case in supposing that the licence had expired; for it was clear it had not, as on the evidence it appeared that the captain of the *lorcha* at the moment of the seizure was intending to return to Hong Kong, and renew his licence, having previously deposited his licence in the registry at that place. If that was the fact, could any case be more clear than that she had not lost her nationality? And thus, whether the vessel at the time of the outrage committed by the Chinese Government was on the high seas or in port, it was under the protection of the British flag, and their entry in the manner in which it took place was an unauthorized and unjustifiable act, an injury to our national rights and justly entitling us to redress—first, by remonstrance, and then, if necessary, by reprisals and even by force. If the vessel was at sea, it was a violation of the law of nations; if in port, of the treaty; and in no way could the Chinese be authorized to enter with force and haul down the British flag.

On these grounds he considered that nothing had been alleged which would justify the House in passing the two last Resolutions. He was quite satisfied that the act of the Chinese Governor was altogether unwarrantable; and he was not satisfied that the British authorities had pursued an improper course, in the circumstances in which they were placed, in vindicating our national rights. He should, therefore, give his vote against the Motion.

THE EARL OF MALMESBURY: My Lords, if before this debate commenced the other night I felt a deep conviction that the primary cause of the unfortunate transactions which have arisen out of the case of the *Arrow* was the technicalities

of the treaty itself, I am still more persuaded of it after having heard in the House of Lords, ranged on both sides of the question, the arguments of the ablest lawyers, who, discussing the question with equal confidence, are firmly convinced that the opposite side is wrong. If the noble and learned Lords and the Peers of England are perplexed with the technicalities of the question, how much more must a semi-barbarous officer like the Chinese Commissioner and his countrymen be perplexed by the accusations made against them? and surely if the Chinese are to be attacked and despised for their ignorance, those noble Lords who believe they have right on their side are much more open to scorn and derision. But to us, who are not lawyers, there are two important questions to consider; the first is one of morality, the other one of policy. It does, I must confess, often happen that those who take part in politics, and especially in Parliamentary assemblies, seek to excuse great political immoralities for the sake of some great political good. In this case, I regret to say, that there has been as much impolicy shown as there has been immorality, and England cannot be defended upon any ground of public or political good in these proceedings. And with regard to the question of policy, is it, I ask, safe to delegate to our foreign officials, of the class of governors of colonies and consuls, the power of making war with a foreign Government without having first applied for the sanction of the Government at home, and—what is in my opinion still worse—without even appealing to the Government of the nation against whom they mean to make war! For I cannot forget that in this instance Sir John Bowring, in the early part of the correspondence, specially precluded his colleague and competitor in folly, Consul Parkes, from allowing any appeal to the Court of Peking, or the Emperor of China himself. Though nothing has been said in this House with respect to the Admiral, I must say I think he showed great superiority over both the Governor and the Consul, in his knowledge both of the law and of the usual comity of nations; for the Admiral, when he commanded the forts to surrender, did express to the Chinese general a desire to leave those forts alone until a representation had been made of the conduct of the Commissioner to the Court of Peking. There appeared to be at least some approach to observance

of civilized forms so far as he had been concerned in the matters in dispute ; and on more than one occasion afterwards we see that the Admiral has followed a different course to that of the Governor. We need no argument to show the dreadful danger of committing to hands such awful power—to such hands of those of the English Plenipotentiary and Consul at Canton. The very news that has arrived in London to-day, that the Chinese have taken the offensive, and have attacked the English fleet, and that the rebels that had been dividing the country by civil war, aroused by a national feeling, had joined the Emperor's forces in avenging the cruelties inflicted on the citizens of Canton by our officers there, show how impossible it is to say how far a war will extend after the first cannon shot has been fired.

My noble Friend the Secretary of State for Foreign Affairs said in his speech the other night that we should not have heard of this question of entrance had the case of the *Arrow* been settled ; but it is more likely that we should never have heard of the question of the *Arrow* if the question of the entrance had been settled before ; and I believe that if my noble Friend opposite, the President of the Council, had not written his despatch, and I had not written the two despatches which your Lordships may have seen, which were not quite in the official style, but in those more peremptory terms which my conviction of the character of the man justified me in using, transactions similar to these we have now to deplore would have occurred long ago ; and had it not been for the handle it afforded for further proceedings to carry out the monomania of Sir John Bowring we should not have heard of this case of the *Arrow*. Much less reparation was at first required than was afterwards demanded, and which if taken, the affair of the *Arrow* would have been settled. In one of the first letters the consul states :—

“ I have only to add, with all due submission, the opinion I entertain that the inviolability of the British flag may in this case be satisfactorily and easily vindicated by reprisals on one or more of the war boats of the Chinese force by which the violence was committed, and which are still at anchor in the river, without danger or prejudice, I would rather say with benefit, to our general interest.”

Well, then, the very perplexed question of the *Arrow* would have been fully satisfied if you had held your hand when you had seized a junk—or at all events when the

Admiral destroyed the Barrier forts—there would have been no degradation of the English character, and none of the miseries which afterwards followed. There was no degradation in the case of the Americans, in their view of the matter, after they had silenced the fort that had fired upon them. On the point of giving power to foreign officers of waging war, I have never heard a principle more dangerous than that which was advanced the other night, that if the British Government authorized any ship to go into a foreign port carrying the British flag, that as between us and that foreign country, that was certainly a British ship. I will not enter into legal technicalities, but I think noble Lords will agree with me that if that is the positive letter and spirit of the law, the Secretary of State for Foreign Affairs would sit on a volcano.

With respect to the ordinance itself I throw aside all legal argument ; but I am bound to confess that I never understood what the necessity was for such an ordinance. I do not think the preamble of Sir John Bowring at all explains its necessity. That it had been effective of no good I firmly believe ; at all events, we know only of the evils it had caused. But there is one consideration which I could not help thinking must have tempted Sir John Bowring to issue that ordinance, and I confess that it appears to me likely to be a point of some moment to a Gentleman who is Superintendent of Trade at Canton. There is no doubt that if registers are given which transform fleets of Chinese ships and all sorts of crafts, with which the Chinese waters swarmed, into British vessels the Superintendent of Trade when he made his returns to this country would be able to point with something like triumph to our largely-increasing trade in that part of the world. That seems to me the only explanation why Sir John Bowring should have been so anxious to put forth an ordinance which was almost certain to bring him into difficulties. My Lords, I will not weary your Lordships with any argument as to the certificate of the *Arrow*. It would be mere surplussage to argue on that point, because Sir John Bowring has put himself out of court by an admission in his own writing that the certificate had expired, and the ship having given up her papers was not entitled to carry an English flag, or to the protection of that flag. My noble Friend who spoke the other night did not put the case strong enough, because he said that Sir

John Bowring on the 11th of October declared to his colleague, Consul Parkes, that the ship had no right to protection—but he also repeated it on the 13th. And on the 12th, between those two dates, with the same pen, and out of the same inkstand he writes to the Commissioner Yeh and tells him he has violated the ninth Article of the treaty, because the vessel had a right to protection. But there was another person whom he did not inform, and that was no less a person than Sir Michael Seymour. They were a triumvirate representing the English Government, and only two of the triumvirate knew of the flaw in the indictment. Sir Michael Seymour was never informed of it; for your Lordships, on reference to the papers, will see that after Admiral Seymour had bombarded the wall, and entered into open hostilities, Sir John Bowring writes to him that he has acquainted Commissioner Yeh that he has done this not to carry out the right of entrance into the city, but on account of the refusal to afford reparation in the case of the ship. Sir Michael Seymour was convinced that he was vindicating our honour in respect to the *Arrow*, for I do believe that if he had not positively thought that to be the case, he would not have fired a single gun on the town. Not only did Sir John Bowring conceal the flaw in the indictment from the Commissioner, which was dishonourable enough, but he concealed it also from the Admiral on the station, whose duty it became to extort reparation for the alleged insult to the British flag.

Need I say a word upon the dangerous policy of placing such awful power as that of declaring war in the hands of an official, who may act without making any representations whatever to the Government at home?

Now, as to the question of morality. Even assuming that the *Arrow* was a British ship, that she was British-built, British-owned, commanded by a British subject, and British from stem to stern, I deny that there was any justification for the horrible proceedings which were taken against the town. What was the excuse? The dignity of the British flag was to be vindicated. My Lords, the dignity of the British flag is, I know, a magic phrase in either House of Parliament, or before any assemblage of Englishmen. What is the British flag, and in what character do we look at it? We look at it as an emblem of liberty and civilization—as a

symbol of blessed Christianity—as a symbol of great national glory, of great national victories; it is surrounded by a halo of everything that is glorious in the past, and with hopes still greater, and still more glorious, in the future. Do we look upon this flag as a most sacred emblem, and believe that ordinances such as this will raise the prestige of this glorious symbol of which I speak? If you confide it to the care of a population such as I have described, of whom tens of thousands are roaming about the Chinese seas, and a great many of whom are the very dregs and refuse of mankind, is it not almost certain that such men will dishonour your flag and bring it into discredit? and is it not almost certain that circumstances such as this will follow? What know these antiquated and barbarous Chinese of our respect and feeling for the flag of England? Indeed, speaking of the English flag, Commissioner Yeh himself says—

“I have always understood foreign flags to be each one peculiar to a nation; they are never made so little of as even to be lent; how then could a foreign nation do anything so irregular as to sell its flag to China? This appears to your Excellency a proceeding in accordance with law; all I can say is, that I am not aware that foreign nations have any such law. As I have said before, therefore, had the flag belonged *bonâ fide* to a British merchant vessel, it would have been proper to follow some other course than the one pursued.”

That is a sentiment worthy of a man more civilized than the Chinese Commissioner is considered to be by the British authorities. But that brings me to the point that the ordinance was not known to, and not understood by the Chinese, and that it was in fact an *ex post facto* law riveted on to the treaty. How can such an instrument bind them unless both parties thoroughly understand it and agree to it?

What, then, is the cause of all these deplorable events which have led to so much misery? The first cause of these misfortunes was the appointment of Doctor, now Sir John Bowring, as British Plenipotentiary to China. If that gentleman had not been appointed, he believed, in opposition to what his noble Friend the Earl of Clarendon had said on this subject the other night, that the *status quo* would have been maintained, and that it would have lasted with proper care on both sides for a long time. What was the state of Canton? Our trade had more than doubled itself in ten years; the insults, which have been so ostentatiously put forward

in a blue-book, were no more than could naturally be expected from the natives of a country so savage, so semi-barbarous as the Chinese, but every one had been atoned for; and what kind of man, therefore, was it necessary that this country should have sent out to deal with this people—Her Majesty's representative at Hong Kong? He has immense power, there is enormous business passing through his hands, and he must be constantly annoyed by things such as I have alluded to. You require for such an office a man of sound judgment, of great tact, of large discretion, and endowed with a consummate knowledge of human nature. I say that Sir John Bowring possesses none of these qualities; and I believe it must come to the practical question as to whether you are to leave Sir John Bowring in that position in which he has proved, not merely in this case, but in many others, that he is a man whose incapacity is such as to unfit him for filling such a position; and I pray the attention of the noble Lord at the head of the Foreign Office to what I say. My Lords, as proved by these papers, during these very transactions Sir John Bowring showed indiscretion in respect to the Chinese, and still greater indiscretion in regard to our own interests, and with respect to his colleagues, the Admiral and Consul, you will find in one of the Admiral's despatches that he writes—

"The command of the river being now in our hands, I have no other operation in immediate contemplation, beyond the security and maintenance of our position, and it will remain with Her Majesty's Government to determine whether the present opportunity shall be made available to enforce the treaty stipulations, which the Canton Government have hitherto been allowed to evade with impunity."

That is a letter to Sir John Bowring; and what does he do? Why, with a vanity which is part and parcel of his very nature, he publishes at Hong Kong, in a sort of official newspaper, his account of the operations, and this publication of the Admiral's intention to remain passive and on the defensive, and the evil effect is shown by the fact that after the publication of this foolish gazette, which ought to have been kept secret, the Chinese took the offensive and set fire to our factories. That is an instance of his indiscretion; but I do not say the only one. In 1854 Shanghai was taken by the rebels, and at that time there was such a complete displacement of all authority that it was impossible to say to whom the English mer-

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chants should pay the customs duties. In this difficulty the Consul suggested that the English ships should be allowed to clear out, the Consul receiving bonds from the merchants binding themselves to pay the duties in accordance with the directions of the English Government at home. The question was referred to the English Government, and in the meantime Sir John Bowring was sent out as Superintendent to China. The English Government were determined that the bonds should be cancelled, and that the dues should not be paid. Sir John Bowring went to Shanghai, and said he was authorized to settle the whole business. He declared that the dues should be paid, and that he would open what he called a consulate court to which the Chinese could appeal for the recovery of their dues, and that declaration not having been acceptable to the English merchants, he proposed—and they accepted the proposal—that he should become arbitrator in the case. But two days after he had stated that he would open a court for the purpose of enabling the Chinese to recover those dues, a letter was received at Shanghai from the Foreign Office, written by Mr. Hammond, ordering that the bonds should be cancelled. I will now, with a view of showing their Lordships what confidence Sir John Bowring inspired, read a passage from a letter written by Mr. Adamson—

"A short time previous to the receipt of Mr. Hammond's letter from the Foreign Office, Sir John Bowring, by inducing a general belief that the British Government considered the duties ought to be paid, and by asserting that he was intrusted with extraordinary and plenary powers to enforce them, had obtained from the merchants authority to arbitrate this question with the Chinese Government. Upon the receipt, therefore, of Lord Clarendon's views, as communicated by Mr. Hammond, to the effect that no decision had been come to by Her Majesty's Government, the greatest surprise was felt, and the offers of compromise were subsequently withdrawn, as they had only been obtained by Sir John Bowring's reiterated assurances that the question was already decided, and the proceedings upon such decision rested entirely with him. This Chamber feels that the British merchants who signed the letter of compromise have been temporarily placed in a false position by their reliance on Sir John Bowring's representations, and it is anxious that Her Majesty's Government should be made aware of the circumstances under which the offer of arbitration was made, in the event of such offer being reported to the Home Government to their prejudice. What their views were of the justice of their cause, and of the qualifications of Sir John Bowring as an arbitrator, is sufficiently shown by the remonstrance signed on the 8th of July, by the entire body of English merchants, with a solitary

exception, and it was only when they failed to induce his Excellency to pause that they finally agreed to abide by his decision."

I am stating these facts for the purpose of showing how improperly and unwisely Sir John Bowring acted, and how he forfeited by his indiscretion the confidence of the English merchants in China. It appears that a deputation from the East India and China Association, headed by Mr. Gregson, the Member for Lancaster, had an interview with my noble Friend opposite (the Earl of Clarendon) at the Foreign Office, and this is a Minute of what took place—

"Mr. Gregson read to his Lordship a resolution this day passed, to the effect that Sir John Bowring's proceedings had lost him the confidence of the merchants engaged in the China trade; and praying that in the approaching revision of the treaty Her Majesty's Government might be represented by some person of known experience and discretion. And it was remarked by a member of the deputation, that either the powers with which Sir John Bowring had been entrusted were too extensive, or he had greatly exceeded their limits. Lord Clarendon replied, good-humouredly, that it was less than a year ago that he had been urged by a great meeting (at Manchester) to be sure and give Sir John Bowring scope enough—it could hardly be too much; and as regarded Sir John Bowring's exercise of the powers committed to him, he assured the deputation that he (Sir John Bowring) would not be left in ignorance of his (Lord Clarendon's) intentions about the securities, and that they (the deputation) need have no apprehensions about his errand to Peking. Nothing could be more harmless to the interests of British trade than the objects to which he would there confine himself. That, in consequence of the Chinese Commissioner at Canton professing to have no authority to investigate complaints or redress grievances, things were found to be literally at a deadlock, and Sir John Bowring, M. Bourillon, and Mr. McLane had, he really believed, found it indispensable to proceed to Peking in person, to get matters put to rights. As to the renewal of the treaty, Sir John Bowring would make it no part of his present mission to commit the British Government upon any one point of it; and he (Lord Clarendon) would with pleasure undertake that nothing should be finally done in it (the treaty) without direct communication with the parties with whom he was then in conference."

The fact is, that the French had a treaty with China which was to expire about that time, and as we had a right to the enjoyment of any privileges which any foreign nation might receive from the Chinese, we had a manifest interest in the progress of the negotiations between France and China for a renewal of their treaty relations. My noble Friend stated, in reply to the statements and remonstrances of the deputation, that he had received a resolution which had been

agreed to at a public meeting in Manchester, calling upon him to give Sir John Bowring "scope enough." That declaration of my noble Friend was perfectly correct; but it appears that Sir John Bowring had since lost, in a great degree, the confidence of the merchants and traders of Manchester. But I must remind your Lordships of a circumstance which renders the conduct of Sir John Bowring in these recent operations even more indiscreet and more inexcusable than may at first sight appear. It is that we are on the point, as he was well aware, of renewing our treaty with China, and of taking part with the French in negotiations for a more favourable settlement of the relations between that country and the great commercial nations of the world; and yet Sir John Bowring chose this particular time to throw our communications with China into a state of the most complete confusion, as if he wished to compel the English Government to make him the only man who could be left out as our representative in that country.

My Lords, I will now say nothing of the horrors that have been committed by our ships on what I must call an unoffending population. There can be no doubt that a great many Chinese have perished in consequence of these operations, and it is equally certain that we have inflicted these calamities on others without any loss, and without any glory to ourselves. In order to show you what is the opinion entertained by our sailors themselves of these transactions, I will read you a very graphic passage from a letter of one of our midshipmen to his mother. It is as follows:—"Dear Mother,—Don't trouble yourself about me, for I am in no more danger than if I were practising against an old tea-caddy!" That is the statement of a boy; but I have no doubt that it reflects the general feeling among the fleet.

But great as were the faults of Sir John Bowring, they might have led to no very serious results if he had had some men of temper and discretion to guide him. Unfortunately, however, we have had the peculiar ill-luck in this case of being represented by two men who are both unfit for their duties. If it were not for the serious consequences involved in this matter, I do not know that I have ever met anything which I should consider more grotesque than the conduct of Consul Parkes throughout these transactions. That gentleman contended that twelve men had been wrong-

fully seized, and when ten of them were sent back to him he refused to accept them; and after that again he would not take the twelve because he had not received them in the form he required. And thus because the whole of his demand had not from the first been complied with, he would not consent to accept any portion of the redress which he claimed; and the ten men, according to his own statement, were again consigned to captivity. Do your Lordships believe that if this had been a pecuniary transaction, and if the Chinese had owed Mr. Parkes twelve bank-notes, and had sent him ten of those notes, he would have refused to accept that large instalment of his whole demand? And do you believe that if the twelve were afterwards sent to him, he would not have taken them because they were not folded or presented in the particular manner he required? And was this treatment such as was due to men who were to be considered Englishmen? They were returned just as a man might send back goods which he had brought from his grocer because they were not full weight. Mr. Parkes should have remembered that these men were human beings, and that he himself had made them Englishmen. I refer to these facts for the purpose of showing by what kind of persons England is represented in China. I contend that the Government ought not to lose a moment in removing both Sir John Bowring and Mr. Parkes, as persons totally unfit for the situations which they now fill. I cannot help apprehending that every shot fired in this case adds another year of rancour to the century of accumulated jealousies which preceded these events. How the hatred with which we must now be regarded by the Chinese is to be abated, I am utterly at a loss to conceive; but I believe that the first thing to be done is to send out to them as the representative of this country some man less obnoxious than Sir John Bowring, for the purpose of restoring that peace which is so essential to our interests and our honour.

I do not, my Lords, regard this as a party question. I only look at two points. I look first at the immense danger that we incur by entrusting to our agents in foreign States the right to wage war at their own discretion. That is a question of policy. I look next at the inhumanity of the acts which have here been committed in our name; and I maintain that, even if this vessel was proved to be British from stem

to stern, what took place on board of her would not justify the conduct of our officials, and the calamities which followed from that conduct. I feel that the honour of the country is at stake in this instance equally with its morality. I fear that a foreigner like Count de Montalembert, who in a recent publication has exalted all the virtues of our country, while at the same time he passed very leniently over our faults, cannot abstain from pointing out, in some future page, with horror, and even with disgust, this aggression on the part of civilized and Christian England. It is for this reason I would entreat your Lordships not to consider this as a party question. There are naturally many new Members introduced from year to year into your Lordships' House. I believe there are three or four right rev. Prelates who will now be called upon for the first time to record their votes as Members of this Assembly. There are also a number of noble Lords who have been selected by the favour of the Prime Minister and the graciousness of the Queen to fill places in this House. I believe that some seven or eight Peers have been thus, by the present Government, added to our numbers, and among them several who never before voted on any great national question. No man honours party feeling, in its proper place, more than I do. I believe it to be inseparable from the very nature of our Parliamentary system, and beneficial to it; but on a question of conscience and morality, we ought to fling mere party considerations to the winds. This is not, let it be remembered, a matter in which the fate of a Government or the fall of a favourite Minister are involved; and I would ask noble Lords, on either side of the House, to treat the question as one exclusively of justice and humanity, to consult the dictates of their consciences, and to disregard mere personal and party ties. I dare not attempt to describe the feelings with which I regard the hostile operations which followed this dispute. There is no language at my command in which I could describe these feelings; and the best attempt I can make to find for them an expression is to repeat the words which fell from my noble Friend behind me on the first night of this discussion—"I feel shame for my country!"

THE EARL OF ALBEMARLE said, that in the course of the discussion a distinction had been drawn between an English and a Chinese lorch, and he noticed that when-

ever the word "lorcha" was used upon the Ministerial side of the House the observation proceeded from the opposite benches, "not an English lorcha." After the able speech which had been made by his noble and learned Friend (Lord Wensleydale) their Lordships could hardly have a doubt that the *Arrow* was an English vessel; but, whether English or not, it was quite certain that she could not be a Chinese vessel. The Chinese had no such vessel as a lorcha; they were forbidden by law from having a lorcha, which was a privileged class of vessel introduced by the Portuguese and adopted by the Europeans for convenience sake. A lorcha was a vessel of from 100 to 150 tons; she was completely European both in hull and rigging, and widely different in rig, build, and appearance, from a Chinese vessel. The register of a genuine Chinese vessel consisted in her clumsy form, from which by law it could not deviate—it was the junk, a specimen of which their Lordships might have seen a few years ago at Blackwall. The junk was supposed to represent a huge marine animal—a regular monster; it had a large mouth, formidable teeth at the cut-water, two huge eyes to enable it to see with, and the high stern formed the monster's tail. All this was regulated by law. By the law of China, too, the junk was obliged to carry nothing but square sails, and she must be painted a particular colour to denote the province to which she belonged. Thus, a junk was painted red in Canton, and green in the neighbouring province of Fokien. The lorcha had not only square sails, but fore and aft sails also; she had neither teeth, eyes, nor tail; and that was quite a sufficient distinction to enable the officials of Canton to know a lorcha from a native vessel. The very name was sufficient. Lorcha was a dissyllable, and the Chinese language had not a dissyllable in it; their words were all monosyllables, and that alone showed that the lorcha could not be a Chinese vessel. With respect to the legality of the registration, it was not necessary for a layman to pronounce an opinion, but he thought that nothing could be more satisfactory and convincing upon that point than the speech of his noble and learned Friend on the cross-benches (Lord Wensleydale). If the converse were true, and the view taken by the noble and learned Lord opposite (Lord St. Leonards) was correct, he thought that a greater set of blunderers could not exist than those who had framed the Imperial Act of 1854, be-

cause it would, according to Lord St. Leonards, not merely disfranchise the colony of Hong Kong, but it would, as far as shipping was concerned, destroy the property of Singapore and all our Crown settlements in the Straits of Malacca. He considered that the English representatives in China were justified in availing themselves of the infraction by the Chinese authorities of one article of the treaty to insist upon compliance with another article in it; and he came to that conclusion, not so much from a perusal of the papers on their Lordships' table, which in his opinion made a very bad case out of a very good one, as from a consideration of the previous condition in which we, in common with other European nations, stood towards that peculiar people, the Chinese. The time might have been or might not have been opportune; but one thing was certain, that at no distant period a hostile collision with the Cantonese was inevitable, for we had submitted to such frequent infractions of the treaty that the Chinese authorities were determined to heap every kind of indignity upon us, the extent of that indignity being only limited by the amount of our forbearance. Our trade with China amounted, including the trade with India, to £15,000,000 of imports, and about the same amount of exports. The contribution of one article alone—tea—to the revenue was between £5,000,000 and £6,000,000, to say nothing of upwards of £3,000,000 to the Indian revenue, being one-sixth of the whole of the revenue of that country. These were serious national concerns, and not lightly to be trifled with. It might be said that the Chinese had no interest in driving such good customers out of their country, and, as far as the Chinese people were concerned, he quite admitted it: there was not a more mercantile nation in the world, and he had no doubt the Chinese people understood and appreciated the value of our trade too well to do anything to harass or disturb us. Their love of trade was so great that they were ready to run the risk of torture or death in order that it might be secured to them. But the case was very different with the Tartar rulers of China, who, fearful of our annexation propensities, would be ever ready to heap indignities upon Europeans, in the hope thereby to drive us out of their territories. He believed that Yeh, that *vox populi vox Dei* Commissioner, would be ready to sacrifice the interests of the whole Chinese

people, if by so doing he could expel the outside barbarians from the country. We claimed admission into Canton, and it appeared to him a very reasonable request. It appeared so to the Privy Council of Peking, who, in their Minute to the Emperor on the 20th of February, 1849, say—

“The entrance into the city and renting of ground was conceded to them (the English) by the late Commissioner and Governor Keying. That the barbarians should now insist upon this privilege is a matter dictated by common sense, and is not a very important question.”

Not an important question to the Chinese, but very important to the English, if for no other purpose, that there should be a free parole communication between the authorities of the two countries. The English had been denied admission into the city by Commissioner Yeh, simply because of the fierce and violent character of the Chinese people. That description was perfectly correct, and the Tartar Commissioners had taken care to make the people fierce and violent; and much of their ferocity and violence had arisen from the false policy we had pursued in submitting to every kind of indignity they chose to cast upon us. No wonder that they should entertain a sort of hereditary contempt for a people who had suffered themselves to be so trampled upon. He would give one or two instances of the sort of treatment they bestowed on Europeans. In 1822 a fire broke out in Canton, which consumed 70,000 houses, including the European factories, and destroyed £600,000 worth of property belonging to the East India Company, among which were £300,000 worth of woollens. This had not paid duty, but the Chinese determined that it should pay it, although the property was burnt. The supercargo petitioned the Commissioner to be exempted from this impost; an acquaintance of his (Lord Albemarle) was present at the reading, and the petition ran somewhat to this effect:—“We, the supercargo, &c., beg to inform your Excellency that your slaves have lost £300,000 worth of woollens, and that these woollens belonged to your slave, the barbarian King of England,”—this barbarian King being the most refined gentleman of all Europe, his late most gracious Majesty George IV. A Chinese was accidentally killed by a seaman on board one of our ships, and the Chinese authorities demanded that the man who had caused his death should be delivered up to them. This was evaded, knowing that the cer-

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tain consequences would be death to the man. Trade was stopped as usual, and the supercargoes were at their wits' end, when, luckily, the butcher of the *Duke of York* East Indiaman put an end to himself, and the English sent the dead body of the butcher to do duty for the supposed murderer. There was another case in point on board an American vessel:—A Chinese woman was attempting to smuggle ardent spirits into the ship, when a seaman did something which caused her accidentally to tumble overboard—she was drowned. The Chinese authorities demanded that the man should be given up, and the Americans, on the express assurance that it was a mere form, sent him ashore. The Chinese strangled him immediately, and sent his dead body triumphantly back to the ship. These were the sort of people we had to deal with. But he submitted to the House whether British subjects should be liable for accidental homicide to pay the penalty due to the commission of deliberate murder? He could not sit down without adverting to some passages which he had found in one of the latest papers laid before the House, and which contained what he must call an ominous sentence, recommending the establishment of a regular Embassy at Peking. He hoped Her Majesty's Ministers would think seriously before they acceded to this very foolish suggestion. It was a question of the deepest importance. A few days ago he had placed a notice on the Votes with the view of showing the general impolicy of civilized nations entering into diplomatic relations with semi-barbarous communities, and he intended to illustrate the bad effects of that system by our relations with Persia. Into that subject it was not his intention to go at the present moment; but he begged their Lordships to remember that those relations with Persia had produced endless bickerings and two wars. We established diplomatic relations with Burmah, and they caused great irritation to the Burmese and a series of insults to ourselves. Lord William Bentinck had the courage to do away with that establishment. He would say nothing of our former Affghan enemy, but now friend, Dost Mahomed, who, in his late treaty with us, very wisely prevented us from committing the great folly of entering into diplomatic relations with him, and stipulated that we should not interfere with his government. But these instances sank into insignificance when compared with the Chinese; for let the House consider for

a moment what China was. China, according to themselves, was the Celestial Empire, and the Emperor was the Son of Heaven. This title did not imply any preternatural attributes to that high potentate. It did not give him any divine rights, there is no heir presumptive to the throne in China. It was only part of the system believed in China, and meant that, as the occupant of the throne of China, he was by Divine appointment the sole representative of the Supreme Power in the world. Hence the inevitable deduction that the recognition of any other Power on terms of equality was an impossibility. The very existence of this autocratic system rested on the assumption of immeasurable superiority. It was necessary to bear this in mind, before we tried to compel the Emperor to admit our equality by the reception of an Ambassador, and he hoped Her Majesty's Ministers would consider precedents before they listened to the suggestion of so unwise and impolitic a step. The Portuguese sent four separate missions, all attended with insult and indignity. The first envoy, after passing three years in prison, died in 1523 by the hand of the public executioner. Spain sent one mission, and one only. The Ambassador of Philip II. and his suite were passed from prison to prison, and considered themselves lucky to leave the Celestial City with a whole skin. But the Ministers sent from the land of his (the Earl of Albemarle's) forefathers had suffered the greatest indignity of all. The envoys from Holland went prepared to conform to everything required by the Chinese. The Chinese, while they tasked their complaisance to the utmost, would not even listen to their representations. The historian Williams thus describes their treatment:—

"They were brought to the capital like malefactors, treated when there like beggars, and then sent back to Canton like mountebanks, to perform the three times three prostration at all times and before everything their conductors thought fit."

The French had had the good sense never to send a formal mission to Peking, and escaped indignity; they had notwithstanding contributed more information respecting the Chinese than any other nation. With regard to England, he need not remind their Lordships of Lord Macartney's mission in 1792. It was before he was born, but the jokes upon that abortive mission had not died away when he was a boy, and he was just able to remember a squib which, by tacking a line to one of *Horace*, implied

the indignity supposed to have been inflicted on the King's representative:—

"Impiger extremos currit mercator ad Indos,
Pauperiem effugiens, multum vapulandus in aula
Tartariae."

The expedition cost £170,000, and the only effect it had was to impress the Chinese Emperor with the idea that it was a munificent testimonial of unbounded respect from a feudatory towards his Sovereign Lord. The English were henceforth considered as tribute-bearers and as barbarians, from whom greater allegiance was due than from any other nation. The way in which Lord Amherst, in 1816, was jostled and hustled out of the Imperial antechamber, for he never got further, did not prevent another expedition in 1837, when Lord Palmerston sent Lord Napier to endeavour to open direct communication with Peking. Not only did Lord Napier not open direct communication with Peking, but he could not even open it with Canton. The tide-waiters at Canton officially reported, speaking of Lord Napier and his brother Superintendents, that "three foreign devils" had arrived. Lord Palmerston had directed Lord Napier to communicate with the Canton authorities by letter. But that would not do. "Foreign devils" might write petitions, but they must not presume to send letters. Commissioner Leu first of all pretended to doubt whether he was a *bonâ fide* officer, and added,—

"But even though he be an officer of the said nation, he yet cannot write letters on an equality with the frontier officers of the Celestial Empire."

The refusal of the mission caused the death of Lord Napier and led to the war of 1842; and, to prevent such a recurrence, he implored Her Majesty's Ministers to pay no heed to the suggestions contained in the blue-books to send another envoy to Peking. Rumour had spoken of the offer having been actually made to some most distinguished statesman, and he wished to hear it denied. Without an armed force insult and indignity would be sure to follow, and another war ensue. With an armed force we should lower the Emperor in the eyes of his subjects, and thereby play the game of the insurgents. In fact, we should subvert the Chinese Empire. He did not think these remarks unconnected with the subject, because there was too great a disposition on the part of Her Majesty's Ministers to interfere with the internal relations of foreign States.

THE EARL OF ELLENBOROUGH: My Lords, I wish to be allowed to offer a few words to your Lordships on this question. It is naturally one upon which I feel a very deep interest. It so happens that towards the termination of the last war with China, I, being then in India, officially co-operated with my noble Friend, who made the Motion, in the preparation of the force required for the war, and in the direction of the efforts of our arms. The Whigs, with whom that war originated, knew neither how to conduct nor how to terminate it. There was a change of Government, and in a few months it was terminated by the adoption of a totally different plan of operations with the most signal success. Every object placed before us as desirable was effected by the peace imposed on the Emperor of China. I did hope, my Lords, that that peace might have lasted longer. It gave us all we asked; and undoubtedly, during the early period which succeeded the completion of that peace, nothing could exceed the fidelity of the Chinese to their engagements. The manner in which they paid the enormous sum of 20,000,000 of dollars, which was extorted from them, is beyond all praise—it was beyond all expectation—and I think it shows, that had the measures of the Government continued to be directed with tact, discretion, and judgment, as well as firmness, amicable relations might still have been maintained. My Lords, we are told that sooner or later there must have been a contest with China. Then, I say, in God's name let it be at the latest period possible—I say so in the strongest terms I can use, because, having conducted that war, I know the dreadful horrors with which it was accompanied—horrors, I believe, exceeding those in any previous war recorded in modern history; not proceeding from anything reprehensible in the conduct of our troops, but originating among the Chinese themselves, the necessary consequence of the action of our troops, of the anarchy which that action produced, which Sir John Bowring knows must be produced now, and which will lead to the most dreadful calamities in every part of an empire containing more than 300,000,000 of people. I do say the cause must be strong indeed which can justify any human being in venturing on a conflict which must be accompanied with such dreadful calamities as these. What is the cause in this instance? I will re-

lieve your Lordships at once from the apprehension that I shall go into any legal discussion as respects registers, ordinances, or any matters which have occupied several noble and learned Lords. We have heard noble and learned Lords on both sides of the House, and there is no doubt every noble Lord has made up his mind as to the legal points involved in the discussion, so that anything I might venture to say upon that matter would not have the slightest chance of altering their determinations. But this only I will say, that having carefully read all the papers, and carefully considered them, my firm impression is that there was no intended insult to the British flag. I say so decidedly, because, although the flag may have been hauled down—and there is no proof that the flag was actually flying at the time of the seizure—the mandarins on board allowed the English master to rehoist it before they left the vessel, and repressed the seamen who were disposed to use contumelious expressions towards the master, who happened not to be on board at the time they took possession of the vessel. That, my Lords, is an indication that there was no intention to insult the flag; had there been, the master would not have been allowed to rehoist it. However, that was considered by Dr. Bowring to be a sufficient excuse for proceeding to the extremity of hostilities. If that insult had really been offered in the manner which has been described—if it really was an intentional insult, is there one man present who will not say it has been abundantly atoned for? The forts along the whole course of the Canton river have been destroyed—not one stone remains upon the other; merchant vessels have been destroyed, war vessels have been destroyed, fire and bloodshed have been carried into an unoffending city—is not that enough for the offended dignity of this country—or even of Dr. Bowring? But in what manner does this representative of a benevolent Sovereign commence his operations? He commences a war against a vast empire with a force of 400 disposable men, with the knowledge that that force must diminish, that he had no means of increasing it whatever might be the demands of the public service. Already one large vessel, the *Winchester*, by the orders of the Admiralty, has been sent home; but, unfortunately, from experience in the last war, I know that disease also will diminish the force already there, and that it is impossible that

such diminution should not have already occurred. But more than that, it must have been known that hostile operations once commenced they must extend to all the other ports of China. You must send ships to other ports. So he began a war of this kind with a force of 400 men with a certainty of that force being speedily diminished. Now, what has been effected in the course of three months? Nothing whatever to lead in the slightest degree to the settlement of the dispute—to the attainment of our object—to the restoration of tranquillity, but much has been done to alienate the Chinese people. Much has been done to render almost impossible the restoration of friendly relations with the vast population of Canton. Much has been done to injure the national character, and for this Dr. Bowring is responsible—for this the Government have made themselves responsible; but for this I ask this House not to make itself responsible. My Lords, Dr. Bowring might, if he had desired it, at a later period, have obtained the advantage of a personal interview with Commissioner Yeh—he might have employed his eloquence, which, however unappreciated by the House of Commons, yet, when translated into Chinese, might have been effectual with Commissioner Yeh. All these matters might have been discussed between Plenipotentiary Bowring and Commissioner Yeh in the warehouse proposed for the interview—surely not an inappropriate place for the calm discussion of matters relating to trade. If Dr. Bowring considered that a desirable object, surely he might have obtained it without stipulating for those precautions for his own protection which he required—namely, to march with lighted matches and loaded guns into the yamun. Does any one believe that such a conference could have been conducted in quiet—that it would not have been interrupted by the outcries of the populace, by volleys of musketry, by the yells of those engaged in deadly conflict? But this man's monomania, as my noble Friend (the Earl of Derby) has well termed it, led him to insist upon a public reception, and to decline a private interview, at which alone matters could have been satisfactorily discussed. I dislike much, at this period of the evening, having to trespass upon your Lordships in respect to matters which have been already mentioned by my noble Friends, but really I feel so strongly the conflict between the words used by Dr.

Bowring to Consul Parkes and those he used towards Commissioner Yeh, that I cannot forbear again pointing it out. To Mr. Consul Parkes he says, "The *Arrow* had no right to hoist the British flag;" to Commissioner Yeh he says, "There is no doubt the lorch *Arrow* bore the British flag." And that man remains in office! The Secretary of State approves the course he has taken—a senseless and puerile course, in first requiring a visit to Commissioner Yeh's house, and then bombarding the city. I cannot comprehend how any man, a British Minister, seeing this conflict between these two passages I have read, should not instantly have brought them under the notice of his Royal Mistress, and advised the Queen to direct him to tell Dr. Bowring that Her Majesty could not permit any man to remain in her service who could state the thing he believed not to be true. So much for Dr. Bowring. I tell those who may have doubts as to the course they shall pursue that what we desire is the recall of Dr. Bowring. That is our object. If he remain we shall never have peace. He is the eternal obstacle to peace. He has disregarded the instructions of four successive Secretaries of State; he cares nothing for them, supported, as I suppose he is, by those in the House of Commons who have listened to his eloquent harangues, or by an influence with the Government which I cannot comprehend, and superior to that which should be held over him by those who were impressed with a sense of the dignity of their Sovereign and the good faith of the country. Let me ask your Lordships to consider under what circumstances Dr. Bowring thought fit, having obtained such satisfaction as he had for the alleged insult of hauling down the British flag, to bring forward the additional demand for admission into the city, and personal communication with the officials of Canton. Not only was this the least fit and least auspicious moment for bringing forward that demand, but it was entirely contrary to the views he expressed in 1852. But if he had looked not only to the condition of Canton, but to Europe or to any part of Asia—to the interests of England in any part of the world—he would have seen it was the very last moment to bring forward a demand which he must have known would have led to the greatest conflict of negotiations, if not of arms. Dr. Bowring knew well what vast financial interests were imperilled, for he has stated in his letters the importance of

the trade with China. He states the amount of duties received by England and India to be about £9,000,000. But that does not represent the full value of that trade. There is the whole trade itself. Stop that trade with China, and you stop the most material exports from the whole of our Indian Empire. You make it more difficult, if not impossible, for the poor ryot to pay his rent to the Government. But it is not only in India that the effects of any interruption of our trade with China would be felt. It is a great link in the chain of commerce with which we have surrounded the whole world. I remember hearing in a Committee of this House that the cotton of America, the staple of our greatest manufacture, is paid for by bills upon England. Those bills are taken by the Americans to Canton, where they are paid away for tea. The Chinese give them to the opium merchants, by whom they are taken to India, there exchanged for other commodities, and they furnish ultimately the money remittances of private fortunes, and the funds for carrying on the Indian Government at home. I do not state these as peculiar circumstances, but as illustrating the fact how the breaking one link in the chain of commerce affects, not only the country with which the rupture takes place, but the commerce of every part of the world, even the most remote. My Lords, it is a great principle in the policy of nations never voluntarily to engage in two wars at the same time. But Dr. Bowring could not have been ignorant of the orders which had been issued for the preparation of a force in India for the purpose of carrying on warlike operations in Persia. We have just terminated one war. He must have known the great difficulties under which the finances of India and of England laboured, the weakness of the European force in India, and the enormous expense of removing those forces beyond seas; and he must have felt, that to commence another war at a distance of many thousand miles from this country, and to feed it with troops from the same country immediately after the conclusion of a great European war, would be an enterprise in the last degree replete with difficulty and hazard. What we most desire is peace, and not war; and we did not desire, having just terminated a war in Europe, to have two wars in Asia. Yet two wars we have in Asia—one, perhaps, inevitable; but the other, owing to the ill-advised proceedings

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of Sir John Bowring alone. One million, that is, one penny in the pound of the income of the country is already gone for that war—and for what? No progress has been made. But, my Lords, I say there was a still higher obligation than any arising out of the consideration of our mere financial difficulties and our military position in Asia. Sir John Bowring must have known thoroughly the position of the empire of China. It has greatly deteriorated during the last twelve years. Rebellion now prevails in many parts of the country, and I recollect, when I was conducting the war in 1842, that I felt that if the pressure of our military operations had lasted only a few months more, the effect would have been to dissolve the Government in all the maritime parts of China. I feel that the time must come, looking at the condition of China, when there will be effected in that country a very great, general, and, I fear, a sanguinary revolution. I look forward to it as a necessity, but I deprecate that necessity. But, my Lords, let us keep our hands clean; let us not in any manner be ancillary to the bringing on of so dreadful a calamity in that country. There is another consideration, my Lords, and it is one of great importance. There can be no doubt whatever that of all the countries in the East, China is that of which the condition is the most favourable to the introduction of Christianity; and in China there is every reason to hope that by judicious measures the Christian religion will be disseminated at no distant period. My Lords, how are we to present ourselves to the people of China as those who are to introduce a religion of mercy, of benevolence, of virtue, and of truth; if they see our own Minister violating three of the commandments in the Decalogue—committing murder through an unjust war, not saying that which is true with respect to his neighbours, and acting throughout with no motive whatever but that which is denounced—general covetousness and the desire of making money by the misfortunes of mankind? What can these benighted people think of our religion? My Lords, it is not safe to assume the tone of bullying the weak; least of all is it safe, when we have not the prudent precaution or the spirit to make ourselves strong at home, to undertake foreign operations of a dangerous nature without adequate preparations and without adequate means. Depend upon it, the punishment will come. If it comes not to us on ac-

count of our dereliction of the ordinary principles on which nations should be governed, such events as those which have recently taken place cannot for ever escape punishment from Above. My Lords, I must say I most deeply regret the little consideration which seems to have induced the Government on this occasion to adopt a course so inconsistent with the character of the country. How could they, for a moment, hesitate to remove from office a man who has shown the ferocity of a Nadir Shah by the side of the miserable and wretched policy of a clerk in a counting-house? My Lords, it is for us to vindicate this House from agreement with Her Majesty's Government, and from following in the wake of Dr. Bowring. I trust the House will, by its vote to-night, protect us from the further prosecution of a war which is at once a folly and a crime.

EARL GRANVILLE: My Lords, when the noble Earl who has just sat down began his speech with that magnificent denunciation of the horrors of war to which the Chinese war bears testimony, I thought he was going to avoid what appears to me to be a deep stain in the otherwise able and distinguished speeches which have been made on the other side of the House during this debate. I think, my Lords, it would have been desirable that he should not have followed the example set him by every possible exaggeration, by every possible tone of voice, by every possible means of ridicule, even descending to the constant introduction of the word "Doctor," to hunt down a man who, whether he is right or wrong, deserves, at all events in a great discussion like this, to have his conduct seriously and dispassionately reviewed. Criticise if you like, but do not appeal to such feelings as have been addressed in order to create an unjust prejudice against a public servant. The noble Earl is the first of your Lordships who has taken part in the debate who has put the question of to-night on what appears to me the proper footing. He has stated that it is an attack on the Government. Of course it is. The Government—not hastily, as he says—but after due consideration—after weighing the facts of the case—after having consulted as to the legality of the acts and the future consequences of disowning what has taken place, have come to the resolution of entirely supporting their subordinate abroad, and, in so doing, take upon themselves the whole responsibility of the acts of the

three English representatives of the Government at Canton.

My Lords, I shall go through as shortly as I can the facts of the case under consideration, but without having recourse to any appeal to your Lordships' passions; and I hope you will listen to the plain, probably dull, statement I have to make why I think Sir John Bowring, Sir Michael Seymour, and Mr. Parkes are justified in the course they have taken. The first event to which I shall take the liberty of alluding is this. It has been clearly laid down that the real question at issue is divisible into two points—that is to say, was the British flag flying on board the *lorcha* when she was boarded by the Chinese; and, if so, was that flag entitled to be there?

Now, I own I was never more surprised than to hear some of your Lordships, professing to take a perfectly impartial view of this question, and especially my noble Friend (Earl Grey), state the opinions you have as regards the fact of the flag being hoisted or not.

EARL GREY: What I said was this:—The point was immaterial. There was a doubt upon it; and so far as I had an opinion upon the matter from the papers before me, I thought the flag was not flying.

EARL GRANVILLE: I certainly understood my noble Friend to express an opinion in that sense; but what is the evidence we have upon this point? Considerable stress has been laid upon Commissioner Yeh's statement that it was not the habit of English ships to hoist the flag of their nation when in the harbour, and noble Lords said triumphantly that Sir John Bowring had never answered this statement. Now, what are the depositions on that point. It appears from the depositions that this vessel was on the point of weighing anchor—that the blue peter was up, which I believe is the signal for that act; and this, therefore, entirely disposes of the anomaly to which allusion has been made. So much for indirect evidence. When I come to direct evidence, I have that of two of my fellow-countrymen—one of whom (I do not know why) two noble Lords opposite have chosen to call the nominal master—

THE EARL OF DERBY: I called him so because he applies that very term to himself in his own deposition before Mr. Parkes.

EARL GRANVILLE: These two men,

being distant about 150 yards from the lorcha, state on their oaths that they saw the flag pulled down by a mandarin sailor. Their evidence is corroborated by a Chinese sailor on board the *Arrow*. And what is the evidence adduced on the other side? You have the deposition of a Chinese sailor—a criminal, bound under the authority of that Commissioner Yeh, who has been made a perfect idol of by noble Lords opposite, but of whom no idle story is told when it is said that he has boasted of putting to death 70,000 of his fellow-countrymen. Do you suppose that a criminal, bound and in the hands of such a monster as this, would be likely to give very free and independent evidence? But it is said that the deposition of this criminal is corroborated by the evidence of the Chinese Mandarin himself. Now, my Lords, I trust that I am not more imbued with prejudice against foreigners—whether Orientals or Europeans—than other noblemen in this House; but I do think noble Lords can hardly seriously maintain that in their belief the Chinese authorities are to be trusted in assertions of this kind. I beg you to consult the statements of every missionary, whether English or foreign, upon this point. Go back to the history of our embassies. What happened to Lord Napier? The authorities pretended that they were going to treat him with great honour, and carried a flag before him in procession, magnificently emblazoned with letters of gold, purporting to represent his name and style, but which really signified “Tribute-bearer from the outer barbarians, come to apologise for the faults and errors of his country.” Do you believe that there is a Chinese mandarin who thinks that a story of that sort, invented to gull their own people, and to deceive a foreign Plenipotentiary, involved any immorality? But if you are so inclined to distrust what is stated by your own officials on this occasion, I will read to you what is the opinion of the American Consul as to the value of Chinese assertions. It is contained in a Hong Kong newspaper lately received:—

“To the Merchants and other Citizens of the United States.

“Legation of the United States,
“Macao, Dec. 27, 1856.

“His Excellency Peter Parker, Commissioner of the United States of America to China, &c., referring to the notice of the 9th instant, hereby makes known that the reply of the Imperial Commissioner to his Excellency’s despatch of that date was received last evening, and that with the semblance of a desire to maintain friendly rela-

tions between the two countries, the same disposition to evade obligation, misrepresent facts, and erroneously interpret treaty stipulations, which for years has characterised the correspondences of Imperial Commissioners, still obtains with his Excellency Yeh. The resumption of trade to any extent at the port of Canton during the existence of the local hostilities is not encouraged by the tenor of the communication now received.”

Now, I really think it is trifling with your Lordships to assert the superior truth-telling of the Chinese, while, on the other hand, I think it is quite consistent with certain good parts of their character as a nation to doubt their appreciation of the value of truth. At all events, when I have the evidence of two of my countrymen on oath, all I can say is that until those individuals are shown to be unworthy of credence, I, for one, shall continue to attach some authority to their statements.

The next point is whether the *Arrow* had any right to hoist the British flag on this occasion. Now, I am certainly not going to weary your Lordships with the law of this case. I think it would be presumptuous in me to weaken as I went along that very clear and unanswerable argument put forward by the noble Baron who has so lately taken his seat in this House (Lord Wensleydale). He has shown, beyond doubt, that until the Merchant Shipping Act was passed, the Crown had power to issue such an ordinance as the one under discussion; he, indeed, had some doubt—a doubt which could only be removed by a trial in a court of law—whether the Act in question repealed that ordinance or not; but, whether this was proved one way or the other, he stated that it did not in the slightest degree invalidate our international right on this subject in connection with the Chinese. I must say that when, in listening, one finds noble and learned Lords so differing among themselves—or even in listening to a statement from any one of them—a considerable difficulty must present itself to your Lordships generally. A noble and learned Lord opposite (Lord St. Leonards) stated it was impossible for one country to invest the subjects of another with rights in opposition to the Government of that country. Almost immediately afterwards, however, he cited the Merchant Shipping Act—one clause of which gives power to create a denizen and a shipowner in every respect entitled to British protection. We have therefore a municipal law in direct opposition to international law in the matter of conferring rights which, according to

the noble and learned Lord, we cannot give. Then a noble and learned Lord opposite (Lord Lyndhurst) quoted a letter from Sir George Grey, which is supposed to lay down the rule as regards naturalization. But does that rule apply to other countries? A noble and learned Lord, who had recently left this House for his seat in the south of France, once applied to the French Government to be naturalized. The reply was, "We cannot, unless you give up your nationality as an Englishman." Now, Englishmen are naturalized in France, and yet our law is such that we have a right to hang these persons if we find them in arms against this country. All this proves that on these very refined and subtle questions of international law points arise so delicate and difficult that even among the most civilized nations of the West you have come to no agreement on the point; and I do think therefore you are going too far (though undoubtedly you are bound to act with justice towards Orientals) when you are asked to bind yourselves with the cobwebs of your own subtleties in dealing with a nation which utterly denies the existence of any *jus gentium*, and refuses to have any connection with foreign countries. These are points of law which may be argued more ably than I can pretend to argue them.

What I come to now is this:—Were Sir John Bowring, Admiral Seymour, and Mr. Parkes, sharing, as they do, the responsibility of these transactions, justified in considering that the British flag ought to be hoisted? Going back to the correspondence of 1855, I find there a letter from Sir John Bowring to Commissioner Yeh, recapitulating what had taken place with regard to two lorchas, the crews of which were convicted for smuggling, in which case the Chinese authorities, contrary to the treaty, besides seizing the goods, had seized and dismantled the vessels themselves. In reply to Yeh's statement that these were Chinese, and not British vessels, Sir John Bowring transmits to him a translation of the ordinance, explains the objects of that ordinance, and describes how it will assist both parties in obtaining an object mutually desired,—namely, the putting down of smuggling. On the part of Yeh not the slightest symptom of objection is given to that communication—for all that appears it had his full acquiescence. Well, Sir John Bowring having sent all these papers home,

they were submitted by the Secretary of State for the opinion of the then law officers of the Crown—the present Chief Justice of the Common Pleas (Sir Alexander Cockburn) being one of them. Having received their opinion upon the whole of the papers submitted to them, Lord Clarendon announces to Sir John Bowring that he entirely approves his conduct. Now, I say that the conduct of Sir John Bowring, in making any demand whatever as to these lorchas, would have been utterly indefensible unless they came within the purview of the Supplementary Treaty, being authorized at the same time by the ordinance. This being the case, I ask your Lordships what was the course which Her Majesty's Plenipotentiary ought to have taken? In the course of this debate our law has been represented by many speakers as bad, and the treaty has been picked to pieces as inequitable; but were these considerations to weigh with Sir John Bowring? Was he to be the person to say, "This is certainly the law; this is certainly in my instructions from the Foreign Office; it is sanctioned by the highest legal opinions at home, but I myself think the law bad; I shall therefore take it upon myself to put a perfectly different construction upon it?" If Sir John Bowring had done this all I can say is he would have been guilty of a decided dereliction of his duty. If that had been the case we should perhaps have had complaints, but they would have been of a very different character. It would have been said, here is this Radical of "the Manchester school," who for the temporary and paltry interests of commerce neglects the honour of the British flag—that flag which has never incurred a stain, and upon which every Englishman in the most remote district of the world looks and is reminded that he belongs to a nation which has never known shame, defeat, or humiliation, and which is renowned for carrying to the utmost part of the earth vengeance for wrongs inflicted upon her subjects. That is something like the kind of language we should have heard. But because Sir John Bowring did not take that extreme view he has been denounced in a way in which I think no public servant has ever been denounced before. For my own part, I should have thought that the very fact of Sir John Bowring having served under the noble Earl opposite (the Earl of Malmesbury) would have made that noble Earl more cautious in attacking him. What are the

antecedents of Sir John Bowring? After having admirably discharged his consular duties he was appointed to his present position, and on his appointment addresses from Manchester and Liverpool were sent into the Foreign Office expressing regret that sufficient powers had not been given to so able a man to enable him to carry out the important mission with which he had been entrusted. A noble Earl opposite has quoted some opinions of Chinese merchants as to the conduct of Sir John Bowring, with regard to the Shanghai duties; but, my Lords, you must remember that Sir John Bowring imposed upon the British merchants the necessity of paying duties which for six months they had evaded, and therefore was not very likely to be a popular man; and that fact at the present moment tells in his favour, because, although he then made himself unpopular to a certain class of merchants, all those merchants are now unanimous in giving him their support. Since that address to which the noble Earl referred, Sir John Bowring and Mr. Parkes have negotiated a most important treaty with Siam which others had failed to effect. With regard to the *Arrow* it seems to me impossible to deny that he was justified in assuming that it was a British vessel, for he had, as I have endeavoured to show, absolutely no other course to pursue. Then it has been said that even assuming that the lorch had a right to hoist the British flag, the reparation demanded was of an extravagant character. Now, my Lords, I cannot agree to that statement. The fact of boarding the *Arrow*, and thus entirely disregarding the stipulations of the treaty, speaks for itself; and the demand made by Consul Parkes was a moderate demand, and I cannot see why the Chinese authorities should have refused to give satisfaction in the way then demanded. It has been said that we got the substance, but not the exact reparation with all the publicity which we asked for; but in that country of punctilio and ceremony publicity is a matter of the utmost importance. It must be remembered, my Lords, that in dealing with Oriental nations, and perhaps more especially with the Chinese, it is almost fatal to our interests to take any step which they can possibly construe into weakness or vacillation; and they are but too apt to regard in that light any attempt at conciliation. As an instance, I may mention the case of Sir George Bonham, who having displayed forbearance respecting

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the question of admitting foreigners into Canton, that forbearance was attributed to fear and indecision, and granite tablets were set up to celebrate the retreat of the outside barbarians. I think, my Lords, that we ought not altogether to keep from our view what effect our proceedings have upon the minds of these people. No man can regret more than myself anything which approaches the horrors of war; but, at the same time, I am bound to say that, notwithstanding all that has been stated, in my opinion great care was taken by the Admiral to warn unoffending citizens away from any place where mischief might occur, and full time was given them to profit by that warning. I make this statement, my Lords, because I think it would not be fair on the part of your Lordships to place an indelible mark upon these men by placing it upon record that in your opinion they have used unnecessary and superfluous cruelty. Much effect was produced by the reference of the noble Earl to the shelling of the residence of the High Commissioner Yeh. Now, my Lords, when once recourse is had to hostilities it appears to me most prudent and, at the same time, most merciful to adopt those means which will be most likely to lead to practical results; and I cannot help thinking that Commissioner Yeh is a man who would be more moved by the injury done to his own property than by the destruction of unoffending citizens, or even of soldiers. Noble Lords have referred to what they are pleased to call the monomania of Doctor Bowring, on the subject of a free admission to Canton. I beg pardon, I have used the word Doctor, but I assure your Lordships I did not do so in the way in which it has been used by the noble Earl (the Earl of Ellenborough), who, by the peculiar stress he laid upon the word, evidently intended to apply it in a manner calculated to create ridicule. As to the statement of Sir John Bowring, with regard to the protection to which the *Arrow* was entitled, I can only say that I rely upon the doctrine so ably laid down by my noble and learned Friend (Lord Wensleydale) that it is of the greatest importance not to allow a foreign Government to deal with individual cases, but, if they think that wrong is done in any particular case, to insist upon their making proper representations to the Government. Sir John Bowring may have had a temporary doubt as to the right of the *Arrow* to protection, and there may appear a slight contradic-

tion in the words used, but he felt and knew that he had a good and valid ground for demanding reparation for the insult which had been offered. As regards monomania, I believe that the term implies a single species of madness in an individual. Now, I do not know if, besides the opinion that great advantage would arise from free admission to Canton, Sir John Bowring has any other madness; but if this be a madness, Sir John Bowring is not the only person who is afflicted by it. Both Sir John Davis and Sir George Bonham were convinced of the importance of having an entrance into Canton. But there is another authority, whose opinion, I think, is most sound, just, and candid—the noble Earl below me (the Earl of Aberdeen), who was Foreign Secretary in 1845, and who has never been charged with bullying, though he has been charged with acting too much in a spirit of conciliation towards foreign nations. I find in a despatch, written to Sir John Davis in 1845, that the noble Earl says—

“It would certainly be desirable to obtain free access to the city of Canton, and I am prepared to sanction your attempts in that respect. Much prudence, however, will be required in dealing with the question, and probably there is more ground for the apprehensions of the Chinese authorities with regard to the difficulty of controlling the populace at Canton than experience has shown to have been the case at Foo-chow-foo. But those authorities seem to have the power, when they have the inclination, to keep the people in order; and when they are made to perceive that the responsibility of any breach of the peace committed by the people will fall upon themselves, they may be expected to take effectual measures to prevent such an occurrence.”

I do not in the least impute blame to the noble Earl for that opinion, but I merely refer to it to show that Sir John Bowring is not the only person who is convinced of the desirability of free admission to Canton. As regards the natural disposition of the Chinese to hold intercourse with foreigners, I will read to your Lordships a statement from a high authority upon this subject. It is a statement made by the Missionary Huc:—

“In Europe people have strong ideas of the immobility of this people. . . . Who, for instance, is not convinced that this people has a natural antipathy to foreigners, and has always endeavoured to keep them away from its frontiers? Yet nothing can be more incorrect. This exclusive and jealous spirit belongs particularly to the Manchoo Tartars, and it is only since the commencement of their rule that the empire has been hermetically sealed to foreigners. In past ages the Chinese kept up constant relations with all the countries of Asia.

Arabs, Persians, and Indians, traded in their ports without hindrance; they even penetrated into the interior, and freely traversed the provinces.”

It appears, therefore, my Lords, that there is no natural repugnance on the part of the Chinese to free intercourse with foreigners. Is Sir John Bowring alone in that? Is not everybody in China connected with our trade of the some opinion? Do not the Governments of the United States and of France hold that view? And is it fair, when a man shares in an opinion of that sort, that you should brand him, in a serious discussion of this nature, with the degrading epithet of a monomaniac? The noble Lord referred to the general instructions which I gave to that gentleman when acting as a temporary chargé d'affaires; but my instructions amounted only to a rather lengthened version of one of Talleyrand's recommendations to a diplomatist—“Above all things, not too much zeal;” a recommendation which is generally more necessary to one who, as a chargé d'affaires, knows that his tenure of office is short, and who may be actuated by a desire to achieve a reputation during that period. The two Secretaries of State who followed me admitted that the advantage to be gained from a free access to the city would be considerable, but they doubted whether it would be commensurate with the risk to be incurred in insisting upon the right. When this occurrence took place, however, the aspect of matters was completely changed, and it appears to me that a fair and reasonable opportunity was afforded to your Plenipotentiary for pressing his claims. I beg your Lordships to remember that Sir John Bowring did not, even under the indignities which had been put upon his nation, demand his extreme rights, but that he made a very limited and moderate demand, to which he was fully entitled by the treaty. With regard to the point that there ought to have been a greater delay, I cannot agree with what has fallen from the noble Lord, considering that it would have been at least four months before Sir John Bowring could have received an answer to any question which he might have put to the Government. If I have proved, as I think I have, Sir John Bowring had a right to believe that an insult was offered to the British flag, a great principle was involved. Suppose that, instead of twelve Chinese, one Englishman had been taken out of such a lorcha, and had been car-

ried into the country, would your Plenipotentiary have been justified, being provided with a naval force, in holding his hands and sending home to know what he should do? Why, my Lords, the man would have been assassinated, or put to death with those horrible tortures which we read of their having inflicted upon a missionary? The inconvenience of sending home therefore for instructions was very great. The outrage having been committed, I have no doubt that Sir John Bowring, Sir Michael Seymour, and Mr. Parkes thought at first that the taking possession of a war junk would be sufficient to show the Chinese Government that the English were in earnest, and that they would have seen that the matter was adjusted; and with a man less obstinate than Yeh I believe that such a step would have been successful. But supposing that no such measure had been taken, and that instructions had arrived at the end of four months to take certain moderate measures, is it likely that such moderate steps would, after that interval of time, have been equal to the object in view? For my own part, I think not; and, therefore, I am unable to agree in a Resolution setting forth so strongly the necessity of such a step.

Now, my Lords, in what I have stated with regard to these Plenipotentiaries I have been actuated by a calm and fair review of the circumstances, and by a consideration of what is justly due to their character; but I also feel a little anxious about the position which this House is going to take. The noble Earl on Tuesday night, at the end of his very magnificent speech, made an appeal to the right rev. Bench. This is not the first time that I have seen noble Lords opposite, whenever they think that the right rev. Prelates are not going to vote exactly as they wish, constitute themselves lay readers to the Episcopal Bench and read a homily or a sermon to them on the occasion. Sometimes the sermon is long and interesting, and sometimes it is short but tedious. That of the noble Earl was most solemn, most impressive, and most eloquent—reminding one, indeed, to a very singular degree, of an appeal which was made to that right rev. Bench by one of his eloquent predecessors in this House. I listened with attention to that advice, and the great truth which I evolved from it was that any right rev. spiritual Lord who wished to obtain a short cut to fame and

to establish for himself at once that he possessed all the virtues which could adorn a Christian Prelate had only to abdicate the right of private judgment and to put himself and his vote into the hands of the noble Earl. I certainly do not venture to give one word of counsel or advice to the right rev. Bench, because I believe that those rev. Lords will take the course which they think they are bound in their consciences to take, undismayed by the censures of noble Lords opposite, or the pathetic lessons addressed to them for the purpose of obtaining votes. Another noble Earl with less pathos and less eloquence appealed to the younger Members of your Lordships' House; but for myself I must say that I have such an opinion of the judicious selection of Lord Palmerston in that particular as to think that they have quite sufficient intelligence to judge for themselves, and that they are not to be guided in their political views by the disinterested advice of the noble Earl. The noble Earl also appealed to the collective wisdom of the hereditary legislators of this House. My Lords, in venturing to repeat that appeal, I cannot repress one short expression of regret at the loss which we have lately sustained. This very day the last solemn rites have been performed over the body of one of the most distinguished Members of your House. It is not, my Lords, given to many men to combine in themselves, in so eminent a degree, both in public and private life, those qualities which made the Earl of Ellesmere a type of that character which I believe has contributed more than anything to entitle the aristocracy of this country to the respect and regard of all classes. Although we cannot hope to emulate his many virtues, yet I believe sincerely that there is no Member of your Lordships' House who is not desirous, in the part which he plays here, to act according to the dictates of justice, candour, public spirit, and, let me add, of that practical, plain good sense to which every Englishman lays claim. I beg your Lordships, then, to consider the position in which you are placed to-night. You have heard noble Lords who have filled the very highest position in the State, in the law, and in the government of your British possessions—you have heard them—the masters of an oratory not surpassed in any other assembly in the world—use every argument that could be thought of, make every appeal to passion, employ all their *ex post facto* knowledge of events, bring

all the weight of their character and position to bear against men some thousands of miles distant from our shores at a moment when they are doing their utmost to maintain the honour and interest of the country. I beg you to consider also that, while those distinguished statesmen and lawyers have shown great research in going through all the circumstances of the case, and have lost no opportunity of condemning whatever has been done, they have either failed or abstained from giving the House a description of what they thought was the course which ought to have been taken when the outrage on the *Arrow* was committed. On the other hand, you have before you the course which was adopted by these gentlemen on the spur of the moment; you have had it most thoroughly approved by all the commercial bodies, who, you say, are suffering so greatly from the temporary disruption of trade; and, if their concurrence be not sufficient, you have also the approval of foreign nations established there. Under these circumstances, I am sure that your Lordships will pause before you commit what I am persuaded will be an act of manifest injustice. Censure the Government if you will; but if you do, do it in Resolutions which bear that clearly upon the face of them—but do not, my Lords, pass a condemnation upon men who, I firmly believe, do not deserve the censure of your Lordships' House.

THE BISHOP OF OXFORD: My Lords, if I could regard the subject which you are now debating in the light in which it has been represented by the noble Earl who has just sat down, as distinctly a question of political partizanship, I would not, at least at this hour of the night, trouble your Lordships with a single remark; but it is because, in the most conscientious conviction of my mind, I am persuaded that it is one of those cases that rise into an atmosphere high above the cries of all political strife—because it rises into a higher and more serene atmosphere, one which has to do with national justice or national crime—that I must, late as it is, enter for a few moments into the reasons which lead me to support the Resolutions now on your Lordships' table. The first great principle I have to lay down is one the truth of which I am sure every noble Lord will be ready to admit. It is that war is either one of the greatest crimes that a nation can commit, or else a strong and inevitable necessity, forced on a nation

by a law of duty from which it cannot escape; and that in entering on war, if a Christian nation, it must be able to appeal to the God of right, and say that it is an appeal to Him, the supreme arbiter of law and justice. For a nation to maintain this it must in the first place be able to say that the war on which it has entered is eminently just.

I have listened, however, with the deepest attention I am capable of commanding to all that has been urged in the course of this debate, and I have not heard the unanswerable arguments of the noble and learned Lord at the table (Lord St. Leonards) on this point taken up by any speaker. The great principle laid down by the noble and learned Lord, that it was not possible, according to the law of nations, for any one nation by its own internal regulations to take away the rights of an independent Government over its own subjects, has never yet been answered. I am aware that the noble and learned Baron (Lord Wensleydale) addressed himself to this part of the subject; but I think he himself allowed that there were great doubts in his own mind on many points connected with it, and that it was not altogether so very clear a case as has been assumed. I venture to affirm, though no lawyer, that in one part of his case he will find few of his legal brethren to agree with him—when he said, for example, that before the Act of 1854 was passed there was any power whatever in a colonial legislature to make such an ordinance as that which has undergone so much discussion in the present case; because the Navigation Laws, which were in force at that time, made it clearly impossible for any colony to frame such an ordinance as this. The whole question, so far as the direct technical legality of the matter is concerned, turns on this—was the *Arrow* entitled, or not entitled, to be called a British vessel? Now, allow me on this part of the subject to point to the 17th Article of the Supplemental Treaty, where there are laid down specific rules for enabling a ship to obtain a claim to be called a British vessel. It is there said that—

“Every schooner, lorchia, and such vessel shall report herself at the Bocca Tigris; and when she carries cargo she shall report herself at Whampoa, and shall on reaching Canton deliver up her sailing letter or register to the British Consul, who will obtain permission from the Hoppo for her to discharge her cargo—”

And so on. Now, there is not the slightest evidence in the papers laid before the

House that this step had been taken by this lorch. It has never been mentioned that permission was asked or obtained from the Hoppo to discharge her cargo—and if it had been so, beyond doubt it would have been mentioned—and it follows that if she was such a vessel as she is said to be, she had not fulfilled the regulations of the treaty; so that it was impossible the Chinese could suppose that she had any claim to the character of a British vessel. This first point, then, remains wholly unproven, and if it be unproven the conclusion is undeniable that in the sight of God and man we have entered on an unjust war.

But I say further, that to justify any war, according to the rules of civilized and Christian nations, it is necessary not merely that you should be able technically to prove a ground of justice, but that that ground of justice should be so broad and so palpable as that it shall be easily and plainly apprehended. Can any one say in this case there is such a broad rule of right? Can we say, now that we have all the facts before us, and after the event has occurred, that there are no doubts as to there being a sufficient basis on which a Christian nation ought to go to war? Noble and learned Lords on both sides of the House differ as to the right of the lorch. to hoist British colours. When such difficulties exist in the minds of such learned persons, can it be said that there is such a broad basis of right as will alone justify a Christian nation in going to war? But there is another condition to which I must allude. Not only must the justice of our cause be plain and appreciable, but the matter for which you go to war must be in itself of such intrinsic and vital importance as to justify your having recourse to so sad an extremity. Was it so in this case? An attempt has been made to show that the honour of the British flag was at stake, and we have heard much in the way of appeal to our loyalty on behalf of that flag, which never suffered an insult to be offered to it with impunity. But what was the matter in dispute? Did Commissioner Yeh claim a right on the part of the Chinese Government to haul down the English colours? Did he claim a right to seize a British lorch. protected by a licence or register? No such thing. He said, on the contrary, that the Chinese Government would not follow foreign vessels to take Chinese subjects out of them. Therefore it came to be a simple question of fact, whether any right whatever was attempted

to be violated. The Chinese Government was ready to say, that if any right had been violated an apology would have been made for it; but none could here be made, as the *Arrow* did not come under the character which called for such a concession; that they considered the vessel to be a native vessel and not a foreign vessel. Now, will any one stand up and say that he considers this difference on a mere question of fact, a sufficient ground to carry the misery and destruction of war among the million Chinese in Canton?—or, that because Commissioner Yeh was wrong in stating that the lorch. was a Chinese, not a British vessel, the horrors of warfare should be inflicted on the people?—in a word, that the simple difference of opinion on a matter of fact was a just cause for plunging this nation into a state of war with China? It is a proposition untenable by any Christian nation. But there is another position which must be occupied by a Christian nation before war with another nation is justifiable—war should be undertaken deliberately, and with a full observance of all the usual formalities of a declaration. What mean those heralds trumpeting forth the defiance of one nation to another? Are they nothing more, as some seem to suppose, than the painted pageant of a dream? There are great truths lurking in these formalities. Civilized nations have laid it down as a rule, that without giving the nation they are about to attack the fullest notice, and without affording it the opportunity of reconsidering all the matters in dispute, they are not justified in rushing into war, with all its concomitant misery and woe. But how stands the case here? The blow has been struck secretly and unknown to the Government of the nation we have attacked. Care was taken to hide from the Chinese what was intended to be done, and it is worthy of remark that the Plenipotentiary of Great Britain—I am afraid to mention his name after the rebuke of the noble Earl—did not come up to the scene of warfare because he was anxious not to give the slightest intimation of what was about to be done. Thus, through a headstrong consul and a thoughtless Plenipotentiary, this country have been drawn into a great war with one of the most populous nations on earth. I say, therefore, that you want the element of justice here also, and I say further that whatever difficulties you may be involved in, if it can be shown that you have committed wrong, you have but one duty to

perform, and that is to retreat from that wrong. I think, my Lords, I can show in a single moment you have still opportunity of withdrawing from further procedure in this course of iniquity without danger to the country—nay, I believe you will be turning aside the great dangers that are before you. The one thing needful is, that the guilty cause of this evil shall be marked by this nation as being the guilty cause; and, that having been done, this nation as a nation, with that nation as a nation, can enter into the necessary communications for adjusting the quarrel. I say—and I venture to say, even after what has fallen from the noble Earl—that every page of these papers does to my mind, as an unprejudiced reader, show that Sir John Bowring is the guilty cause of all this bloodshed and misery. I do not wish to press upon one distant undue censure, but justice requires, if I believe it, that I should state it. I cannot for a moment admit that Admiral Sir Michael Seymour stands on the same footing as Sir John Bowring, and I do complain, in justice to the navy, if any words spoken in this debate seem to implicate Sir Michael Seymour in the same guilt as that which attaches to Sir John Bowring. The Government have not told us that Sir Michael Seymour ever saw all the previous correspondence. We do not know—I have every reason to believe the contrary—that Sir Michael Seymour was aware that the British representative had been charged by successive Administrations not to get into this quarrel. I know Sir Michael Seymour to be not only a most gallant, but a most humane officer. I know that even in this miserable warfare in which Sir John Bowring involved him, he studied, as far as a man in his position could study, the interests of humanity. Therefore, I cannot bear to hear Sir Michael Seymour charged unfairly with the great guilt which attaches to the Plenipotentiary. In my opinion, even Mr. Consul Parkes is in an inferior degree guilty in this matter, because Consul Parkes was, from the very nature of his position, brought day by day into the centre of squabbles with the Chinese; and he must have been more than human if he did not feel somewhat of a sore and irritable temper in dealing with them. But what is the purpose of a Plenipotentiary seated at Hong Kong but to repress these ebullitions of feeling, and to inculcate calmness, caution, and prudence? It is his duty not to take up so hostile a

position, but to remember that he is the representative of a great empire, of a great Sovereign, of a great, benevolent, and Christian empire and Sovereign; to put up with anything which does not absolutely endanger the honour of the country; and, if he sees that honour endangered, to be careful and make no demand from which he cannot conveniently retire or justly persevere in. Therefore, I say, neither Sir Michael Seymour nor Mr. Consul Parkes, but Sir John Bowring, is the offender. If, I say, in the sight of Heaven and in the sight of nations, he is the offender, either through bad judgment or bad management, or, as I think, through being possessed of that one fixed idea which certainly approaches what the noble Earl calls monomania, which does make a man more dangerous in every single relation of life than almost any other constitution of mind—when a man in that strange way assimilates everything that can be suggested to him and everything he can do with one fixed fancy, which pervades him day and night—when every idea is turned and twisted, and everything looks small and insignificant compared with the carrying out one favoured project—if, as I believe, acting in a very narrow mind—a mind naturally cramped, marvellously cramped, very small and inexpansive—drawn, perhaps, by the contiguity of China into additional contraction—monomania has led him into guilt—if this man is guilty, mainly from intellectual faults, but also from grievous moral faults (for he seems never to have appreciated the crime and evil of the bloodshed and misery he was causing)—if, I say, he is the forefront of this national guilt, the Government is bound to recall him; and the Resolutions ought to have, and, taken up as I trust they will be by the people of the land, will have the effect of leading to the recall of that most unhappy functionary. If I have shown the reason why this war is an unjust war, and how we may yet escape from the evils in which it has entangled us, I do ask your Lordships for a single moment to weigh what is the real amount of guilt, and what are the probable circumstances and punishment which will follow a continuance in such a course. In the first place, only remember the great guilt of the stronger nation oppressing the weaker. [The Duke of ARGYLL: What! 30,000,000 against 300,000,000?] Yes; it is just the great population of that country which constitutes its weakness

and makes our guilt the greater. It is like the wolf attacking the flock of sheep—the more numerous the greater the slaughter. You speak of Canton as in some degree a fortified city, but it is not so. It is a mere congeries of habitations, wholly indefensible against the modern arts of war. It is a special necessity that the warfare to be waged against China should be a wholesale slaughter of the unoffending members of that empire, through which wholesale slaughter you will seek to act upon the Government. Evil as war is when you go against armies, it is nothing as compared with fighting the Chinese in this way. And what is it you hope? You hope to produce an effect upon the Government. But is it likely Commissioner Yeh will be affected by your killing the Chinese when you tell us in the same breath that such is the obstinacy, such is the cruelty of the man and the indifference he feels to the death of his fellow countrymen, that he has himself killed 70,000 Chinese? Do you hope to turn him from his obstinacy by killing a few more thousands of them? I say again, because England is so strong and because China is so weak your guilt is great. Why is it that England is strong and China is weak? England is strong because she is Christian, and China is weak because heathenism has eaten out the heart of manhood in her people. There was a time, when your Plantagenet Princes could hardly write their own name legibly, when China was in a high state of literary excellence. And how is it that England is what England is now and China what China is? It is because Christianity has raised a high moral tone in England, and in raising that high moral tone has elevated the people and given them superior strength. See, then, what you are doing. Having received this gift from God, with the trust which accompanies Christianity, you are using it—for what? To bring misery, depopulation, waste, suffering, and a multitude of evils which attend on war, upon a nation which has given no just cause of offence, simply because you have that strength, because it is possessed by that weakness. There is but one more reason. It is hardly possible for any reasonable man to doubt that this power is given to do God's word—to Christianize these feeble populations. Why is it that power accompanies Christianity, and weakness the want of that blessing? Why is it, but that the strong should give to the

The Bishop of Oxford

weak this greatest boon? and your special wrongdoing is that you are making it almost next to impossible that you can be the means of conveying Christianity to that great empire. Do not for a moment believe that the Chinese are unobservant witnesses of these, your contradictions. It was but a few years ago that you were taunted by them—"How can we believe that you wish to introduce Christianity when you are the great importers of opium?" Do they not taunt you now, "You profess to serve the Spirit of Heaven, but are these the dictates of Heaven's Spirit?" Is it not true witness these papers bear when they tell you Commissioners are changed, men in power pass away, but dwellers in a city are represented in the next generation by children and grandchildren, who live to cherish the records of your crime? I say for all these reasons I earnestly hope this great Christian judicial as well as legislative assembly, will indeed pause before they are led by a taunt of supporting a party Motion to throw their weight into the scale of injustice and wrong. Sure I am, my Lords, that whatever dangers may threaten to accompany a backward step, they are nothing compared with the dangers which accompany continued wrongdoing. I do not believe in the greatness of the dangers from the Chinese. I do not believe they are possessed of any great sense of their own power and your weakness. I believe they are thoroughly possessed with the idea that we are wiser, stronger, and more capable than themselves, and need no fresh teaching of this most unhappy kind. But, my Lords, there is a Power against which you are parading the strength of England if you persist knowingly in a course of wrong, and that Power never will permit self-willed strength cruelly to assert its right to the wrong and despite of the wretched victims of tyranny. You are going against a Power which knows in its own time to work its own purposes, which never fails to visit the wrongdoing of the oppressor, and never leaves a wrong unavenged. It is not for me, my Lords, to prophesy how such punishment may come. I may see dark clouds gathering in the distance; I may believe I see the threatening cloud—even hear the mutterings of the thunder. England's might—England's supremacy at sea—her assertion of it—are not favourably regarded in any part of the world. Depend upon it, that so appalling an example of the denial of

right, of such overweening confidence of your own strength, and the exertion of that strength to force a lawless policy upon a helpless and unoffending race, will not pass unnoticed among the nations of Europe, of Asia, or of America, nor without concentrating against you the just hatred of other people. Depend upon it that some way or other judgment will follow. He who has set his stamp upon the lightest and most trivial object in his creation can make it the most powerful. Remember that He who has made the sand so light and impalpable that the wind of the desert bears it away upon its wings, powerless as an element, has yet set it to be a sufficient barrier to the raging sea; that Power will, if need be, find in the weakness of China, an element to chastise and rebuke the pride and strength of Britain.

On Question, their Lordships *divided*:—

Content—Present	. . . 53
Proxies	. . . 57
	—110
Not-Content—Present	. . . 71
Proxies	. . . 75
	—146

Majority 36
Resolved in the Negative.

List of the CONTENT.

PRESENT.

DUKE.	VISCOUNTS.
Montrose	Castlemaine
MARQUESSSES.	Dungannon
Bath	Exmouth
Exeter	Gage
Salisbury	Hill
EARLS.	
Aberdeen	
Belmore	
Carnarvon	
Chesterfield	
Darnley	
Delawarr,	
Derby	
Desart	
Eglinton	
Erne	
Ellenborough	
Fitzwilliam	
Grey	
Hardwicke	
Kingston	
Lucan	
Longford	
Malmesbury	
Mornington	
Nelson	
Portarlington	
Romney	
Sandwich	
Stanhope	

BISHOP.

BARONS.

Abinger
Blayney
Berners
Colville of Culross
Colchester
Dunsandle
Faversham
Grantley
Lyndhurst
Lyttelton
Polwarth
Monteagle
Redesdale
Raglan
Rayleigh
St. Leonards
Sondes
Tenterden
Wynford

PROXIES.

DUKES.	
Cleveland	Ranfurly
Hamilton and Brandon	Rosslyn
Northumberland	Stradbroke
Richmond	Sheffield
	Tankerville
	Warwick
MARQUESSSES.	
Bristol	
Ely	
EARLS.	VISCOUNTS.
Aylesford	Doneraile
Abergavenny	Lifford
Buckinghamshire	
Beverley	
Crawford	
Cathcart	
Clancarty	
Dartmouth	
Donoughmore	
Ferrers	
Guilford	
Howe	
Haddington	
Jersey	
Leitrim	
Leven and Melville	
Lauderdale	
Mansfield	
Mayo	
Orford	
Onslow	
Powlett	
Powia	
	BISHOPS.
	Chichester
	Salisbury
	BARONS.
	Berwick
	Bagot
	Bayning
	Cloncurry
	Clarina
	Clonbrock
	Douglas
	De Ros
	Dynevor
	Farnham
	Kenyon
	Kilmaine
	Northwick
	Rodney
	Sandys
	Sinclair
	Walsingham
	Willoughby de Broke

List of the NOT CONTENT.

PRESENT.

His Royal Highness the	Shelburne
Duke of Cambridge	St. Germans
Lord Chancellor	Shaftesbury
	Yarborough
ARCHBISHOP.	
Canterbury	
DUKES.	VISCOUNTS.
Argyll	Enfield
Norfolk	Falklan
Wellington	Sydney
	Torrington
MARQUESSSES.	BISHOPS.
Ailesbury	Bath and Wells
Abercorn	Carlisle
Breadalbane	Gloucester
Camden	London
Clanricarde	Manchester
Townshend	
EARLS.	BARONS.
Abingdon	Aveland
Airlie	Arundell
Albemarle	Belper
Bessborough	Byron
Burlington	Broughton
Camperdown	Camoy's
Chichester	Carew
Clarendon	Carrington
Cork	Cremorne
Ducie	De Tabley
Fingall	Dacre
Granville	Dufferin
Harrowby	Foley
Kingston	Glenelg
Munster	Hatherton
Scarborough	Leigh
Spencer	Lilford
	Methuen

Mostyn
Overstone
Panmure
Rivers
Saye and Sele
Stafford

Stanley of Alderley
Truro
Talbot de Malahide
Vivian
Wrottesley
Wensleydale

PROXIES.

DUKES.

Devonshire
Leeds
Leinster
Marlborough
Roxburgh

MARQUESSSES.

Headfort
Londonderry
Northampton
Sligo
Westminster

EARLS.

Amherst
Carlisle
Cottenham
Denbigh
Devon
Errol
Effingham
Essex
Fitzhardinge
Fortescue
Glasgow
Gosford
Granard
Kenmare
Kintore
Lindsey
Leicester
Meath
Morley
Ripon
Rosebery
Stair
Waldegrave
Zetland

VISCOUNT.

Massareene

BISHOPS.

Down
Durham
Hereford
Lichfield
Peterborough
St. Asaph
Winchester
Worcester

BARONS.

Alvanley
Ashburton
Belhaven
Brougham
Cowley
Crewe
Churchill
Dunfermline
Dorchester
Denman
Erskine
Gardner
Howard de Walden
Harris
Howden
Kean
Kinnaird
Lovat
Lyons
Londesborough
Monson
Manners
Portman
Petre
Rossmore
Sudeley
Seaton
Stuart de Decies
Vernon
Ward
Wharcliffe
Wodehouse

PAIRS.

FOR.

Bantry, Earl
Grey of Kilfauns, Lord
Lonsdale, Earl
Glengall, Earl
Southampton, Lord
St. John, Lord
Macclesfield, Earl
Ailsa, Marquess
De Lisle, Lord
Manchester, Duke
Drogheda, Marquess
Hopetoun, Earl
Kinnoul, Earl
Mountcashell, Earl
Plunket, Lord
Selkirk, Earl
Stamford and Warring-
ton, Earl
Talbot, Earl

AGAINST.

Grafton, Duke
Poltimore, Lord
Radnor, Earl
Donegal, Earl
De Mauley, Earl
Bedford, Duke
Wenlock, Lord
Athol, Duke
Ribblesdale, Lord
Holland, Lord
Conyngham, Marquess
Clifden, Viscount
Norwich, Bishop
Elphinstone, Lord
Huntly, Marquess
York, Archbishop
Strafford, Earl
Stourton, Lord

Waterford, Marquess
Orkney, Earl
Bateman, Lord
Winchester, Marquess
St. Vincent, Viscount
Bangor, Viscount
Pomfret, Earl
Winchilsea, Earl
Crofton, Lord
Beauchamp, Earl
Strathmore, Earl
Harrington, Earl
Verulam, Earl
Downes, Lord
Beaufort, Duke
Downshire, Marquess
Rochester, Bishop
Enniskillen, Earl
Egmont, Earl
Wilton, Earl
Combermere, Viscount
Lanesborough, Earl
Delamere, Lord
Exeter, Bishop

Lovelace, Lord
Lurgan, Lord
Dormer, Lord
Sefton, Earl
Godolphin, Lord
Sutherland, Duke
Minto, Earl
Anglesey, Marquess
Vaux, Lord
Ilchester, Earl
Suffield, Earl
Cawdor, Earl
Cowper, Earl
Gainsborough, Earl
Clare, Earl
Bolingbroke, Viscount
Chester, Bishop
Craven, Earl
Suffolk, Earl
Portsmouth, Earl
Durham, Earl
Lansdowne, Marquess
Campbell, Lord
Llandaff, Bishop

House adjourned till To-morrow.

HOUSE OF COMMONS.

Thursday, February 26, 1857.

MINUTES.] NEW MEMBER SWORN.—For Colches-
ter, John Gurdon Rebow, esq.

PUBLIC BILL.—1^o Fiscal Affairs (Ireland).

DECIMAL COINAGE—QUESTION.

MR. BEAMISH said, he would beg to ask the right hon. Gentleman the Chancellor of the Exchequer the date of the Royal Commission to inquire into the expediency of adopting a Decimal Coinage, the number of sittings the Commissioners had had, what progress they had made, and when a Report might be expected from them?

THE CHANCELLOR OF THE EXCHE-
QUER said, that in answer to the first part of the question, he had to mention that the date of the Commission was October, 1855. The Commissioners had held eighteen sittings. With respect to the latter part of the question, and in order to answer it satisfactorily, namely, as to the progress made, it was desirable to explain shortly the course pursued by the Commission. The attention of the Commissioners was directed, in the first instance, to a careful examination of the Report of the Committee of the House of Commons, and of the evidence on which that Report was founded. It then pro-
ceeded to call before it as witnesses those

persons who were understood, by their publications or otherwise, to be the most prominent and best-informed of the opponents of the recommendations of the Parliamentary Committee. At the same time the Commission applied itself to the preparation of a series of questions to be sent to foreign countries in which a decimal coinage had been introduced, with the view of eliciting information on several points, namely:—The previous state of the coinage, and the reasons which led to the introduction of a decimal coinage; the difficulties which had been found to attend the change; the extent to which the decimal coinage had been brought into practical use; and the result, how far satisfactory or otherwise. The last of the replies to these queries had but recently been received, and they were now under the consideration of the Commission. The Commission hoped very shortly to make a preliminary Report for the purpose of submitting to the Crown the information obtained respecting the state of the coinage in foreign countries, and the evidence of the witnesses already examined before the Commission, together with some other documents. By that means the Commission hoped that the attention of the public might be directed to many important considerations and difficulties connected with the subject, without a careful examination of which no safe and satisfactory judgment could be formed. Some important branches of the question still remained for investigation; consequently it was not possible at present to speak with confidence as to the probable period at which a final Report might be expected. The witnesses now about to be called were public officers connected with the army and navy, and who, from their experience, were competent to give an opinion respecting the application of the decimal coinage to those branches of the public service. The Master of the Mint would also be called upon to explain the time, labour, and cost of providing any new coins which the decimal system would require. It was also proposed to examine witnesses from the several revenue departments, and connected with the most important branches of manufacturing industry and commerce. Nor could these inquiries be completed without endeavouring as far as practicable to trace the effects which decimal coinage might produce on the ordinary operations of the market, on the expenditure of the working classes, and on the payment of the wages of labour.

DISEASE AMONG CATTLE—QUESTION.

MR. STAFFORD said, he wished to ask whether the attention of the Government had been called to the epidemic disease among cattle in central Europe; and whether the Board of Trade had taken any measures to prevent the landing of diseased cattle in this country?

MR. LOWE replied that the attention of the Board of Trade had been called to the subject, and the Board had put itself in communication with the Foreign Office, requesting that department to obtain from Consuls abroad all the information possible on the subject. The Board of Trade had likewise put itself in communication with the Customs, which department possessed an Act of Parliament under which it had powers sufficient to prevent the importation of infected animals. As an instance that the officers of that department were not wanting in diligence, he could inform the House that on a calf on board the *Concordia*, from Rotterdam, exhibiting symptoms of murrain, they had the animal killed. A *post-mortem* investigation confirmed the suspicion that the animal was infected, and the body was accordingly destroyed. The remainder of the cargo was examined and found free from disease.

THE TEA DUTIES—COMMITTEE OF
WAYS AND MEANS—QUESTION.

MR. MILNER GIBSON said, that communications had been made to him from his constituents, complaining of the interruptions caused to the tea trade pending the decision of the House on the scheme of the Chancellor of the Exchequer; and he therefore wished to know whether it was not possible to take the tea duties first in the Committee of Ways and Means, so that the earliest possible decision might be taken on that subject, and the trade relieved from its present embarrassment?

THE CHANCELLOR OF THE EXCHEQUER said, he believed that, in point of order, it was not competent for him to adopt that course. The first Resolution, relating to the income tax, had been read in Committee and progress reported, and he apprehended that that matter must be disposed of first of all.

MR. GLADSTONE said, that with reference to the question raised by his right hon. Friend the Member for Manchester, he desired to state the course he intended to take. He had given notice of a Resolution on the Motion that the Speaker do

leave the chair, to the effect that the House retain the present duties on tea and sugar. His object was to induce the House not to permit any increase of the duties on tea and sugar before they went to the question of the remission of the war duties on incomes. But having considered the matter in reference to the rules of the House, he thought that would be an inconvenient mode of discussing the subject. He should therefore make no preliminary Motion, but move, in Committee of Ways and Means, a Resolution to the effect that the tea duty, from and after the 5th of April next, should be 1*s.* 3*d.* in the pound, as provided by the present law. If the Chancellor of the Exchequer was right in supposing that the Resolution on the tea duties could not be taken first, he (Mr. Gladstone) would take the sense of the House to-morrow upon the proposition of which he had given notice, and the future course with regard to the Budget would depend upon the disposition which might be manifested by the Government with regard to the tea duty.

CHINA.

RESOLUTIONS MOVED. DEBATE ADJOURNED.

MR. COBDEN rose to submit the Resolutions of which he had given notice respecting the hostilities in China, and said: Knowing, Sir, to how large an extent the national conscience has been moved upon the question to which I am about to invite the attention of the House, judging from the manifestations of opinion given by those organs of opinion by which we learn what is passing in the minds of the people of this great nation, and believing from all the indications which we can have that there is a large amount of sympathy felt for the subject of my Resolutions, I can only regret that the task which I have to perform has not fallen into abler hands. But let me, therefore, stipulate at the outset that, whatever may be the decision of the House, it may be taken on the merits, and that it shall not be allowed to suffer, to any degree, on account of its advocate. I beg distinctly to state that I have no personal or party object in view, and that I have no motive whatever, but to arrive at a just decision on the important question which I am about to submit. Personally, I have every motive for avoiding to give pain to any one, and still more to visit with retribution the gentleman who now fills the situation

of Plenipotentiary at Hong Kong, who, except his conduct is endorsed and adopted by the Government, I hold to be entirely responsible for the proceedings which I am about to bring under notice. Sir John Bowring is an acquaintance of mine of twenty years' standing. I can have no vindictive feeling against him, and I have no desire for vengeance upon any person. I wish the Government had not adopted a hasty decision upon this subject, as we might then, without embarrassment, have come to a consideration of the case before us solely with the object of dealing with it on the principles of justice.

Now, Sir, to begin at the beginning, it appears that on the 8th of October last—a vessel called a *lorcha*—which is a name derived from the Portuguese settlement at Macao, on the mouth of the Canton River, opposite to that where Hong Kong lies, and which merely means that it is built after the European model, not that it is built in Europe—was boarded in the Canton river by Chinese officers. Twelve men were taken from it on a charge which appears to be substantiated by the depositions of witnesses, that some of them had been concerned in an act of piracy. Twelve men were removed from, and two were left in charge of, the ship. Immediately upon the matter coming to the knowledge of Mr. Parkes, our Consul at Canton, he made a demand upon the Governor of Canton, claiming the return of these men, on the ground that, by the treaty between this country and China, any malfeasants found on board of a British vessel and claimed by the Chinese authorities, should be demanded from the Consul, and not taken by the Chinese officers out of a British ship. The answer given to the demand of Mr. Parkes—and the whole of the question turns upon this point—was that the ship was not a British but a Chinese ship. The matter was referred to Sir John Bowring at Hong Kong, which is about six hours' steam passage from Canton. On the 10th, that is, two days after, nine of these men were returned to Mr. Parkes. Three others, against whom grave suspicion existed, were retained in order that their case might be further inquired into. And thus the matter remained, when Sir John Bowring determined that unless within forty-eight hours the whole of the men were returned in a formal and specified manner, and an apology offered for the act of the Chinese officers, and a pledge given that no such act should be committed in

future, naval operations should be commenced against the Chinese. On the 22nd of October the whole of the men were returned; and a letter was sent in which Yeh, the Chinese Governor of the province, stated that the ship was not a British ship, that the English had really no concern in it, but that he returned the men at the instance of the Consul. That letter was accompanied by a promise that in future great care should be taken that British ships should never be visited improperly by Chinese officers. On the 23rd—that is to say, the day after—operations were commenced against the Barrier Forts on the Canton river. From the 23rd of October to the 13th of November these naval and military operations were continuous. The Barrier Forts, the Bogue Forts, the Blenheim Forts, and the Dutch Folly Forts, and twenty-three Chinese junks, were all taken or destroyed. The suburbs of Canton were pulled, burnt, or battered down, that the ships might fire upon the walls of the town; and bear in mind that these suburbs contained a population which were entirely dependent upon the foreign trade, and were our only friends in the neighbourhood of that city. These operations continued until the 13th of November; the governor's house in the city was shelled, and shells were thrown at a range of 2,000 yards that they might reach the quarter in which the various Government officers resided at the other side of the town. These things are set forth in the pathetic appeals made by the inhabitants, by repeated communications from the Governor, and by the statements of deputations, including some men of world-wide reputation, such as the Howquas and others engaged in trade. This was the state of things up to the date of the last advices.

Sir, I lay these things before the House as the basis for our investigation, not with the view of appealing to your humanity, not with the view of exciting your feelings, but that we may know that we are now at war with China, and that great devastation and destruction of property have occurred. What I ask is, that we shall inquire who were the authors of this war, and why it was commenced? and that I ask not in the interest of the Chinese, but for the defence of our own honour. I ask you to consider this case precisely as if you were dealing with a strong Power instead of a weak one. I confess I have seen with humiliation the tendency in this country to pursue two courses of policy—one towards

the strong, and the other towards the weak. Now, Sir, if I know anything of my countrymen, or anything of this House of Commons, that is not the natural quality of Englishmen. It never was our ancient reputation. We have had the character of being sometimes a little arrogant, a little overbearing, and of having a tendency to pick a quarrel; but we never yet acquired the character of being bullies to the weak and cowards to the strong. Let us consider this case precisely as if we were dealing with America instead of China. We have a treaty with China, which in our international relations with that country puts us on a footing of perfect equality. It is not one of the old conventions such as existed between Turkey and the other European States, in which certain concessions were made without binding clauses on both sides. Our treaty with China binds us to a reciprocal policy just as our treaty with America does; and what I say is, let us in our dealings with that country observe towards them that justice which we observe towards the United States, or France, or Russia.

I ask, what are the grounds of this devastation and warfare which are now being carried on in the Canton river? Our Plenipotentiary in China alleges that a violation of our treaty rights has taken place in regard to this vessel, the *Arrow*. In the first place, I think that is a question which might have been referred home before resorting to extreme measures. In the next place, I ask, what is the case as a question of international law? I will take the opinion of one of the highest legal authorities of the country; and I should, after the statement which I heard made by Lord Lyndhurst in another place on Tuesday evening, think myself very presumptuous if I were to detain you by any statement of opinions. I heard Lord Lyndhurst declare that, with reference to this case of the *Arrow*, the Chinese Governor is right; and I heard him say that, in giving his opinion, he could not do better than use the very words used by the Chinese Governor—that this vessel, the *Arrow*, is not in any respect a British vessel. But we have other grounds of testing the legality of this matter. When Mr. Parkes communicated the fact of this visit to the lorcha to Sir John Bowring, he received an answer; and what was that answer? Sir John Bowring being then within six hours' steam from Canton, receives the letter written by Mr. Parkes

on the 10th, and on the 11th he writes a letter, in which he says :—

“ It appears, on examination, that the *Arrow* had no right to hoist the British flag ; the licence to do so expired on the 27th of September, from which period she has not been entitled to protection. You will send back the register to be delivered to the Colonial Office.”

And on the following day, when not called upon to refer to the subject, he says :—

“ I will consider the regranting the register of the *Arrow*, if applied for ; but there can be no doubt, that after the expiry of the licence, protection could not be legally granted.”

Now, Sir, I might stop here. Here is the whole case. But what course did Sir John Bowring recommend Mr. Parkes to take under these circumstances ? I ask you to consider the matter as though you were dealing with another Power. If you please, we will suppose that instead of being at Hong Kong dealing with Canton, we are at Washington dealing with Charleston. Not long ago a law was passed in South Carolina, which went very much against the most cherished predilections of this country, by requiring that when a coloured citizen of this country—as much an Englishman as you or I—arrived at Charleston, he should be taken out of the English ship, put into gaol, and kept in custody there until the ship was ready to sail. Now, if there could be one measure more calculated than another to wound our susceptibilities as a nation it was that. What did our Consul at Charleston do ? Did he send for Her Majesty's ships of war, and bombard the Governor's residence ? No, he sent to Washington and informed our Minister of the matter. The Minister went to the Secretary for Foreign Affairs, and received an explanation which amounted to nothing else than this,—“ We are in a difficulty, and you must have patience with us.” And we had patience ; we did not resort to force. Now, had this case which we are now considering occurred in America, what would have been the course of our Ambassador at Washington when he received the letter of our Consul at Charleston saying that he had demanded reparation from the American authorities there ? When he referred to the documents which he had in his archives, and found that owing to the lapse of time the instrument upon which the Consul had proceeded had become void, and therefore he had no legal standing ground as against the American Government—which was precisely the case, as admitted in this in-

stance, the licence having expired fourteen days before—he would have written back to the Consul saying, “ You have been too precipitate. The captain of the ship, by neglecting to renew his licence, has placed himself in an illegal position. You have been very rash in demanding redress from the Governor of South Carolina. Make your apology as soon as you can, and get out of this business.” What was the conduct of Sir John Bowring ? After telling Mr. Parkes that the licence had expired and that the *Arrow* had no right to hoist the British flag, he added, “ but the Chinese have no knowledge of its expiration.” When I read that letter in the country it was in *The Times* newspaper ; I would not believe its fidelity, but sent to London for a copy of the *Gazette*, in order that I might read the document in the original. Always wishing to save the character of an absent man, and believing that that must have been penned in a moment of hallucination, I say that it is the most flagitious public document that I ever saw. The statement itself being published reveals a state of mind which war-rants one in saying, and compels one to say, that the statement is false ; because there is an avowal of falsehood and a disposition to profit by it. I have frequently complained of the number of public documents which are laid before us in a mutilated shape ; I always regard with suspicion any letters which are headed “ Extract ;” but what was the right hon. Gentleman about who had the revising of these documents ? Why did not he leave out that part of the letter ? For the credit of the country and his own credit I wish he had. [“ No, no !”] At all events, let it be understood that if we follow out the policy adopted by Sir John Bowring upon no better foundation than this, we take upon ourselves the responsibility of his acts and share the guilt of that statement.

Now, Sir, connected with this transaction there are questions as to whether, when the *Arrow* was boarded, she had her colours flying and that her English master was on board. After what we have heard, I think all these questions secondary ; but I am by no means satisfied that we stand any better in regard to them than in regard to that to which I have just referred. Hon. Gentlemen who have read the correspondence will have observed that in the first letter written on this subject by Consul Parkes, he says he has proof in his possession, showing, beyond the possibility of

doubt, that when the vessel was boarded there was a British captain on board, that he remonstrated against the acts of the Chinese, and that the British flag was also flying at the time. Now, the fact turns out afterwards that the captain, in his own declaration, states that he was not on board the vessel; that he was taking his breakfast with another captain in another vessel. That, however, I regard as altogether of secondary importance. But there is another illegality in this matter. Here are two illegalities which you have to contend with:—First, the clear doctrine of constitutional law laid down by Lord Lyndhurst that you cannot give rights to a Chinese shipowner as against his own Government. An unlearned man like myself and the Chinese Governor Yeh seem instinctively to have come to the same conclusion. I cannot for the life of me see how it is possible that we can invest ourselves with the power, at Hong Kong, of annexing the whole Chinese mercantile marine,—of protecting it against its own Government, and absolving Chinese subjects from their natural allegiance. But, besides the illegality admitted by Sir John Bowring, there is another. Even admitting that the lorcha's register was all in order and that the licence had been paid up, still it is declared authoritatively, and is beyond a doubt, that the Hong Kong Government had no power to violate the statute law of this country by giving any such licence. The Hong Kong legislature cannot act in contravention of the fundamental principle of our Navigation Act; and therefore the whole register and licence were mere waste paper, even if they were in order. Thus you have a threefold illegality to struggle against. The noble Lord (Viscount Palmerston) I see is taking a note. I wish him to answer one thing that was said by his colleague in another place. Lord Clarendon, alluding to this point, used a very fallacious argument. He said, a Hong Kong register could not give imperial rights to a ship, but could give only British protection to a ship in China. That is the very place where we say it cannot give protection. It can give protection anywhere else but there. How can the legislation of the Hong Kong Government, irrespective of the Legislature of this country, have any force in China? It is only through the instrumentality of an Act of Parliament here that the Hong Kong legislature exists at all, and none of its acts are

binding in China, or anywhere in fact, without the confirmation of this country. I do not wish to convert this into a legal debate, and it would be presumption in me to say another word on this part of the question. The Duke of Argyll, indeed, finding himself entirely beaten on the law of the case, says "Do not argue this subject on low, legal, and technical grounds. You must try it on broad general grounds." I leave it to other Members of this House to vindicate the legal profession, which lies at the foundation of all civilization, from the unworthy aspersions thus inferentially cast upon it.

Assuming, then, that the whole thing was illegal on our part—and this cannot be denied, for no lawyer with a reputation at stake, and who is not on the Treasury Bench, will venture to assert a doctrine contrary to that laid down by Lord Lyndhurst—I pass to another branch of the question, with which I can more appropriately deal. It may be true that although the Chinese did not violate the law, still they might have had the intention to insult us. It is alleged that in boarding the *Arrow* the Chinese authorities did it premeditatedly in order to insult us. Having the law on their side, they yet might have enforced it with that view. I say that is quite a distinct issue; but let us see what grounds there are for this assertion. In the first place, without travelling out of the question, I may remind you of the exceptional character of the trade carried on by European vessels on the coast of China. We all know that a great deal of irregular trade exists on that coast. Do you suppose it a very extraordinary thing that the Chinese authorities should board a vessel of European build and carrying the British flag? In the correspondence relating to the registration of colonial vessels at Hong Kong, Sir John Bowring gives a case in which two vessels entitled to bear our flag were seized by the Chinese authorities because they had cargoes of salt. Being seized under the treaty their contents were liable to confiscation, but the Chinese Government had no right to retain the vessels themselves. The Chinese having taken the vessels to empty them, and dismantled them and kept them too long, our agents made a demand for their return, and sent a ship of war's cutter to bring them away. This might have been all very regular; but it only leads to the inference that the Chinese have occasion

to visit our vessels without necessarily intending to insult us. I hold in my hand a communication from an American gentleman, who left Canton on the 16th of last November, and was one of those who entered within the walls of that town in the rear of our forces. His name, which I am at liberty to mention, is Cook—helives at Whampoa, where he has been for four years, holding the position of United States marshal, and therefore having jurisdiction over the flag of his own country. In course of conversation Mr. Cook, in answer to my inquiries, stated many cases in which British ships, with the British flag, were engaged in smuggling transactions, and he mentioned one in particular of so very glaring a nature that I asked him to put it on paper, in order that I might read it publicly. I give this as an example of what has been going on in the neighbourhood of Canton, to afford a valid plea for what the Chinese authorities have done in this case of the lorcha. Mr. Cook, in his letter, written to-day, says :—

“In answer to your query whether I have any objections to the use of my name regarding our conversation on China matters, I say, most certainly not, and I will give you the facts in regard to the seizure of the lorcha as near as possible, from memory, having no data to refer to. During the summer of 1855, in June or July, there lay near our chop, which is close to Her Britannic Majesty's Vice Consulate at Whampoa, from ten to fifteen lorchas, engaged in smuggling salt, and eight or ten of this number hoisted British flags during the day, the salt being discharged at night. The number of vessels was thus large at that time in consequence of the Mandarin boats having been sent above Canton to repulse the rebels, but the Government could not keep ignorant of so bold a matter long, and twelve or fifteen Mandarin boats, each containing upwards of sixty men, made their appearance early in the morning, and captured the whole fleet, five or six of which had British flags flying at the time, the Europeans (generally a captain) as well as the Chinese jumping overboard and swimming to the different vessels for safety, several of whom came on board of our vessel. The Mandarin force took the captured fleet to Canton, and the parties having the right to fly the flag subsequently claimed their vessels, which were eventually returned, and the remainder retained by the Government. This is by no means an isolated case as regards the illegal use of the flag, and you have only to refer to the Hong Kong papers to find plenty of cases where the right was questioned to grant the flag as it had been done by the Hong Kong authorities.”

In justice to Mr. Cook I must say—and without the proviso he would, I am sure, feel that I had been guilty of a breach of faith—that he is as completely an anti-Chinese as anybody I ever met. He wishes

Mr. Cobden

every success to every one who will go and attack the Chinese for the purpose of making them more American and more European in their notions; and he would not be supposed to say a word to excuse them from any horrors that you may inflict upon them. Yet he candidly tells me, “You have chosen a quarrel which is the most unlucky that you could possibly have stumbled into, for (he adds) you have not a leg to stand upon in the affair of the *Arrow*.” I confess I listened with some humiliation to what he said of the doings of ships carrying our flag; and when so much is asserted about our flag being insulted, I cannot help feeling that it is such transactions as these which dishonour and insult our flag. Mr. Cook, who, as the American marshal, has control over the American flag, also said to me in a very significant tone, “I don't allow any such doings as these under our stars and stripes.” In what position do we place the Chinese authorities by our licences? I will tell you on the same authority. A Chinese goes to Hong Kong, and by means of some mystification which they have adopted there—such as becoming the tenant of Crown lands, or becoming a partner with somebody else who is—for you will observe the Chinese are infinitely clever in matters of partnership and are exceedingly prone to limited liability—a Chinese subject, I say, goes to Hong Kong, obtains an English ship, and then gets an Englishman for a captain. What sort of a man is this captain? Why, any man with a round hat and a European coat on will do. He is put on board and called the nominal captain. The ship is owned by a Chinese, she is manned by Chinese; but they keep this man on board, who is generally some loose fish—some stray person, or runaway apprentice; and in this very case you have Mr. Kennedy and another witness both stating their ages at not above twenty-one. When we hear of young men of twenty-one being placed in positions of this sort, I think we may draw a very natural inference. In fact, they are, I am told, nearly always runaway apprentices or idle young seamen. They have plenty of grog to drink, and have nothing else to do but to drink it, for they are not expected to take any share whatever in the working of the ship. That is the process which is going on in the Chinese waters, and it is most dishonourable, I contend, to us as a nation to permit it. One of the consequences which I should expect from the

appointment of a Committee would be a strict inquiry into the trade carried on with China, and an endeavour to devise some scheme to put a stop to this disgraceful system of obtaining licences. Hon. Gentlemen will be able now to see from the letter which I have read the advantages of having one of these licences. A dozen smuggling vessels are seized; half of them, having a colonial register, are entitled to carry the British flag, because they have paid the licences and are registered. The Chinese authorities take out their cargoes, but are obliged to return the vessels. As to the other half of the vessels, they are seized and confiscated with their cargoes; and the smugglers also are kept, so that a smuggler who has a register can carry on his trade with nothing to fear, except the occasional loss of his cargo. This, then, is a reason why we ought to be tolerant towards the Chinese, and not assume, as a matter of course, that they intended to insult us because they boarded this *lorcha*, even though the British flag might be flying at the time. I must beg the House to remember who the correspondents were. On the one side you have Consul Parkes, a gentleman of considerable ability, no doubt, and a good linguist (I believe some of us saw him not long ago when he came over with the Siamese treaty), but still a young man, without experience and without having gone through the gradations of civil employment calculated to give him that moderation, prudence, and discretion which he may one day possess; and, on the other side, the Governor of a province which, according to Mr. Montgomery Martin's book, contains 20,000,000 inhabitants, a Cabinet Minister, and one who has no doubt gone through all the grades of civil employment. Now bear these facts in mind, and I ask any man who has read this correspondence, does it bear upon the face of it the slightest intimation that the Chinese Governor wished to insult the British authority? Must it not be admitted—as was said by Lord Derby in that brilliant and admirable speech of his—that “on the one side there were courtesy, forbearance, and temper, while on the other there were arrogance and presumption?” The correspondence loses half its effect if we do not bear in mind the dates and the circumstances under which it was written. While it was being carried on, every day witnessed the demolition of some fort or the burning of some buildings; and yet, here on the 12th of November, a fortnight

after his own house had been shelled and entered by a hostile force—(I have no doubt that the officers and men who performed their duty conducted themselves with all moderation, but I am informed that they were followed by a rabble who destroyed a great deal of valuable property)—Commissioner Yeh writes to Sir John Bowring in this mild and conciliatory tone:—

“Again, the twelve men seized were all taken back by Hew, assistant magistrate of Nanhac, on the 22nd ult.; but Consul Parkes declined to receive either them or a despatch sent with them from me. The letter under acknowledgment says that, had the authorities been accessible to the Consul, the affair might have been disposed of in a single interview. The assistant magistrate, Hew, was sent twice with the men to be surrendered; it is through him that (foreign) correspondence with me is always transmitted. Now, the assistant magistrate is a commissioned officer of the Chinese Empire. Heretofore any foreign business that has had to be transacted by deputy has been transacted by officers similarly deputed, and the present was a case of all others requiring common conference; but Consul Parkes had made up his mind not to consent to what was proposed. On a subsequent occasion I sent Tseang, Prefect of Lay-chow-foo, to the foreign factories to consider what steps should be taken; but the Consul now insisted on something more than (the rendition of) the men captured on board the *lorcha*. There being in all this no inaccessibility on the part of Chinese officials, what was there to make an immediate adjustment impracticable? Yet on the 23rd, 24th, and 25th ult. the different forts of the city were occupied or destroyed, and from the 27th ult. to the 5th inst. a cannonade was kept up, by which numberless dwelling-houses in the new and old city were consumed, with considerable loss of life. I still forbore, remembering how many years you had been at peace with us; but the people were now gnashing their teeth with rage at the terrible suffering to which they had been subjected. Imagine it, that the simple fact being that a seizure was made by the Chinese Government of Chinese offenders, whom it was a duty to seize, it is pretended that the British ensign was hauled down; and this is followed up by a movement of troops and a cannonade, to the infliction of terrible suffering on the people. I must beg your Excellency to pass an opinion on such a state of things.”

Does not this letter prove that the man who wrote it under such harrowing circumstances had, above all things, a desire to conciliate and smooth down the differences which existed? Nothing is more striking in this correspondence than the manner in which Commissioner Yeh constantly harps upon the same string—that the *Arrow* was not a British vessel. I have counted in the papers no less than eight letters in which that declaration is reiterated in different forms to Consul Parkes, to Sir John Bowring, to Admiral

Seymour, and, I believe, even to the American representative. There are instances in which his language is as terse, logical, and argumentative as if it had been Lord Lyndhurst himself who spoke. Here is an example—and I read this extract because it is the very *dictum* laid down by Lord Lyndhurst the other night. Writing to Sir John Bowring on the 21st of October, Yeh says,—“The whole question amounts to this — a lorcha built by a Chinese purchased a British flag; that did not make her a British vessel.” I venture to say that Westminster Hall, with the Court of Chancery to boot, could not frame a decision more terse and more comprehensive than that. It is the whole law of the case. A Chinese by buying a British flag cannot make a Chinese vessel a British vessel. And it is a most remarkable thing that during the whole of this discussion our authorities never once attempted to answer this argument. What is still more remarkable, Lord Cranworth talked a good deal about something else the other night, but he never attempted to answer it. I have no doubt we shall hear the Attorney General talk a great deal about something else to-night. But I venture to say that we shall not hear any man with a character to lose as a lawyer, much less a man who aspires one day to sit on the woolsack, declare in express language that that *dictum* of Commissioner Yeh is unsound in law. Here is another instance. Yeh writes to our Plenipotentiary on the 17th of November :—

“I have always understood foreign flags to be each one peculiar to a nation; they are never made so little of as even to be lent; how, then, could a foreign nation do anything so irregular as to sell its flag to China?”

Observe the acute reasoning of this man. He puts the question at once upon its real footing—“You have not made a Chinese vessel a British vessel; you have only sold your flag to a Chinese vessel.” He then goes on,—

“This appears to your Excellency a proceeding in accordance with law; all I can say is, that I am not aware that foreign nations have any such law. As I have said before, therefore, had the flag belonged *bonâ fide* to a British merchant vessel, it would have been proper to follow some other course than the one pursued; but the fact being that a Chinese had fraudulently assumed the flag, why should Mr. Consul Parkes have put himself forward as his advocate? Simply because he wanted a pretext for making trouble.”

Upon my honour, I believe the whole matter is contained in these last words. I be-

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lieve there was a preconceived design to pick a quarrel, and I very much suspect that there has been more or less encouragement forwarded from head quarters. I might read numberless passages from the correspondence, but as the attention of hon. Gentlemen has already been called to them by the discussion which has occurred in another place, it is unnecessary for me to trouble the House with any lengthy quotations. I may say, however, that all the communications on the part of the Chinese authorities manifest a forbearance, a temper, and a desire to conciliate which should put to the blush any man who asserts that they intended to insult the British representatives. I observe that in another place Lord Clarendon did not content himself with referring to recent transactions, but he said that for a long time past the Chinese Government and authorities have been encroaching upon the rights of foreigners, and have shown a disposition to infringe the Articles of the treaty. I can only say that if such conduct has been pursued by the Chinese authorities it was the duty of Her Majesty's Government to take earlier steps to check their proceedings. Why did the Government allow us to drift into a quarrel in which our cause is bad, if for years sufficient grounds have existed for their interference? If, as Lord Clarendon tells us, these wrongs have been inflicted upon English, French, and Americans, why, in the name of common sense, did not that noble Lord, or the Prime Minister, or some one in authority, say to France and to the United States, “We are joint parties to the treaty with China; our rights are invaded; the terms of the treaty are not fairly fulfilled; let us make joint representations on the subject at Pekin?” That would have been a statesman-like mode of proceeding; but why did the Government allow these infractions of the treaty to go on until your representatives have stumbled into a quarrel, and commenced a war for which, in the opinion of your best lawyers, there is no legal grounds? Was it statesmanlike to omit the opportunity of setting matters right when every one would have admitted you were justified in doing so, and then to take up this dirty quarrel in a manner for which all the world will cry shame upon you? I deny that the assumption of Lord Clarendon is true. I say that if you refer to the blue-books that have been laid upon the table since 1842, you will find most striking proofs that the Chinese authori-

ties, in every part of the empire to which we have access, have manifested the most consistent and earnest desire to carry out the provisions of the treaty.

I will make one remark with reference to the correspondence recently laid before us. Why was this blue-book laid upon the table on the very morning of the day on which Lord Derby was to call attention to the subject, and why was a paper presented in the name of the Sovereign caricatured by being termed "Correspondence respecting Insults in China?" My experience in these matters almost tempts me to say that this blue-book was laid upon the table on that morning for the very purpose of mystifying us. Many hon. Members—plain, simple-minded country gentlemen—who have not so voracious an appetite for blue-books as I have, would say, "Mercy on us! Here is a book of 225 pages, all about the insults we have suffered in China. It's high time that Lord Clarendon should interfere for the protection of British interests, and it's quite right to go to war on the subject if necessary." I have read the blue-book through, and what is it? It consists of garbled extracts from correspondence extending from the year 1842 to the year 1856. What do those extracts relate to? A few street riots, a few village rows. An Englishman straying out of bounds to shoot is hooted back by the peasants. An Englishman goes out shooting, shoots a boy, and blinds him. The Consul awards the boy 200 dollars to buy a piece of land. That is put down as an "insult in China." When I commenced reading the book I thought "Here is the record (garbled, as I will afterwards show you) of all the disputes and the misunderstandings we have had with China since we concluded the treaty which gave us access to the five ports of that empire." Now, I will ask the House to turn their attention to the position occupied by this country during the same time with regard to the other great Powers of the civilized world. What have been your relations with the United States during that period? Three times you have been on the verge of war on the subjects of boundary disputes, enlistment disputes, and fishery disputes. I have seen a large fleet at Spithead reviewed by the Queen, well knowing at the time its significance—that it was meant to back the representations we were making to those who are our co-religionists, and I may almost say our countrymen. Then, what has been our position with

regard to France? Twice we have debated the measures to be adopted in order to guard against the possible descent of the French upon our shores. We have called out our militia and we have increased our fleet, for fear of violent proceedings on the part of France. What have been the relations existing between England and Russia? Those Powers have engaged in the most gigantic duel ever fought; they have waged the most bloody and costly war—for the time of its duration—that ever occurred,—a war in which four or five empires were involved. I may be told that China is now plunged into revolution; but within the last sixteen years has not all Europe been plunged into revolution? Talk of insults to England! Were not all the English workmen in France driven from the railroads of that country? If such a thing happened in a country whose manners, habits, and religion are similar to our own, ought we not, in dealing with an empire to which we have so recently gained admission, and which has had so little contact with the Western world, to have exhibited more tolerance and moderation? Is it not an insult to this House to bring down such a blue-book as that upon the table, in order to make up a case for Lord Clarendon, on the ground that we have had constant reasons to complain of the breach of our treaty with China. I have said I would show the House that the extracts contained in this book are not fairly given. Many of those extracts are collected from Returns which were laid before the House long ago, and I will trouble the House with some extracts from the original papers. Now, here is a letter from Sir John Davis, the British Plenipotentiary, addressed to Lord Palmerston, and dated "Hong Kong, Feb. 15, 1847," which, if it be in the blue-book before us, I have not been able to find.

"My Lord—I deemed it right on the approach of the Chinese year, when Canton is crowded with idle persons, to address the enclosed official despatch on the 2nd instant, to Captain Talbot, not that I have any expectation of the occurrence of acts of violence and disorder, if our own people will only behave with common abstinence.

"The following extract of a letter from Major-General D'Aguilar, now at Canton, will tend to corroborate all that Rear-Admiral Sir Thomas Cochrane, myself, and the Consul, have had occasion to report upon this subject; and we have none of us any motives for seeking popularity by appealing to passion rather than reason:—

"I have been a great deal on the river, and constantly in the streets about the factories, and extended some of my walks close to the city gates, and have never met with anything but courtesy

and civility. I believe a great deal—I may say everything—depends upon ourselves, and that a kind manner and a bearing free from offence is the best security against all approach to violence and insult.”

Before I read a letter in a kindred spirit from Admiral Cochrane, I may observe that I have sometimes been accused of entertaining feelings hostile to the military and naval services. I have many excellent and brave friends in both services, and, although I am a friend to peace, yet in a question of veracity I would take the word of a soldier or a sailor rather than that of any one else. This letter is dated “Her Majesty’s ship *Agincourt*, Hong Kong, Nov. 20, 1846” :—

“My dear Governor, — In pursuance of the intimation I communicated to you of visiting Canton for the purpose of seeing, before my departure for England, the changes that may have occurred in the four years that had elapsed since I was last there, as well as to ascertain how far any just cause existed for the apprehensions of the British merchants resident at Canton, or for a ship of war being constantly stationed off the factory gardens, to her imminent peril, were any real hostilities to take place, I went there from hence on Sunday and on Monday, landing in plain clothes, accompanied by my flag-lieutenant and Captain M'Dougal. I walked for full six hours in every part of the town where I thought it likely to meet a crowd, finding myself, without intending it, close to the dreaded city gate, within seven or eight doors of which I passed some time in a shop making purchases, the doors surrounded as usual by lookers on from the crowded street that leads to the gate, of whom not a single individual showed the slightest incivility. On the contrary, some in the most friendly and respectful manner examined the texture of my coat as well as my gloves, the latter being, as you know, a curiosity to them. In short, I sought every position where public feeling was likely to be exhibited, and blinked none; and I can positively declare that I and those with me passed through the streets with as much freedom and as little inconvenience as in any street in London, and met with precisely the same reception I have done at Shanghai or Ningpo, and if any circumstance had been required to confirm the opinion I have more than once expressed—namely, that the Chinese will never be the aggressors—the visit of Monday would fully do so; and if I required further proof of the bullying disposition of my own countrymen among foreigners in the first instance, and their unreasonable expectations as to anticipated protection afterwards, it will be found in what has already passed, and in the statement made to you by the Consul on the first recall of the *Nemesis*, and another by her commander on his arrival here, that, on being ordered down the river after lying three months without moving from the factory gardens, the merchants made loud complaints, and I expected to have heard that she had been followed by a petition for her return. If the merchants would believe that their best and, by far most efficient protection is to be found in their own circumspect conduct in treating the people

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with urbanity and goodwill, and in avoiding rather than seeking sources of conflict, I feel persuaded that they will soon practically discover in these measures more persuasive advocates with the Chinese than in all the force I could bring against them.”

I do not know whether my right hon. Friend (Mr. Labouchere) can find that letter in the blue-book, but I have not been able to find it. The correspondence appears to me to have been culled to find some letters of a very different character. I will only trouble the House with one other letter. It is a letter by Sir John Davis, written in 1846. You had riots at Canton afterwards, and great destruction of property. The letter is dated the 12th of November, 1846, and Sir John Davis, writing to Lord Palmerston, says :—

“I am not the first who has been compelled to remark that it is more difficult to deal with our own countrymen at Canton than with the Chinese Government; and I offer the last proof of this in the fact that it has cost me infinitely more trouble to make Mr. Compton pay a fine of 200 dollars than to obtain compensation to our merchants of 46,000 dollars for losses which occurred partly from their own misconduct.”

I do not find that letter in the blue-book. Sir John Davis, also writing to Lord Palmerston, on the 26th of January, 1847, says :—

“I may add, that the subjects of every other civilized Government get on more quietly with the Chinese, and clamour less for protection, than our own.”

Lord Clarendon gave great prominence to the case of the merchants. Now, Sir, it is probable that I am the only man who would say on this subject what I am about to say without being misunderstood. No one will doubt my mercantile tendencies. All my sympathies are with the mercantile classes, and my public life has been passed in enlarging the sphere of their honourable and beneficial employment. Lord Clarendon called attention to the English merchants in China, and said, they were all in favour of the violent proceedings which have been carried on in Canton. In one of these papers—which I need not read to you—I find a communication on that subject, written in 1847, by Sir George Bonham, who says, that there are a great many young men there, some of them engaged as junior partners and clerks at Canton, who have not a large stake at issue, and who are naturally eager to have access to the country, and to compel the Chinese to break down the barriers to their excursions; but that on consulting

the older and more experienced men he did not find that they were in favour of hostile proceedings, although he admitted they were in a minority. I sympathize with the position of the English merchants residing at Canton. It is not a pleasant thing to live on the borders of a river, and not to have a distance of two miles for exercise. At all events, it would not suit me, who am fond of exercise, and I should be most glad to see them in the course of being emancipated from that state of duress in which they are placed at Canton. One of my reasons for regretting that which is being done is, that it tends to retard indefinitely any such extension of the liberty of my countrymen. But while I say this, I cannot lose sight of the fact, that there are a great many merchants in China who are engaged in a traffic of a very exceptional character, which is detrimental not merely to the health, but to the morals, to the souls and bodies, of the Chinese. That trade is founded on a certain degree of licence and lawlessness; it flourishes in times of disorders and commotion, and anything which plunges the East in anarchy and confusion is promoting the interest of these merchants and serving their unholy gains. With those merchants I have no sympathy; but I am afraid that English merchants abroad do to some extent merit the reflections made by the gallant men whose letters I have read. And I doubt whether it is always for their benefit, as merchants, that they are placed in a position which enables them to summon to their aid an overwhelming force to compel the authorities to yield to their demands. If hon. Gentlemen opposite will not take offence at a reference to a bygone question, I should say that there may be too much protection for British merchants as well as for British agriculture. It is a fact, that while our exports are going on increasing they are passing more and more through the hands of foreigners, and not through the hands of Englishmen. I speak from ocular observation and personal experience when I say, that if you go to the Mediterranean, or the Levant, or to any of the ancient seats of commercial activity, you will find the English merchants, with all their probity and honour, which I maintain is on an equality with that of any other people, have been for some time in foreign countries declining in numbers. At Genoa, Venice, Leghorn, Trieste, Smyrna, Constantinople, you will find that the trade has passed out

of the hands of British merchants, and into the hands of the Greeks, Swiss, or Germans, all belonging to countries that have no navy to protect them at all. This is the fact; and what is the inference? It may be that English merchants are not educated sufficiently in foreign languages. But it may be also that Englishmen carry with them their haughty and inflexible demeanour into their intercourse with the natives of other countries. The noble Lord inscribes "*Civis Romanus sum*" on our passports, which may be a very good thing to guard us in our footsteps. But "*Civis Romanus sum*" is not a very attractive motto to put over the door of our counting-houses abroad. Now, without wishing to do more than convey a friendly warning to a class with whom I have so great a sympathy, I may remark, that our merchants have at present a very large trade in China, in South America, and in India; but the same failings which have lost the footing of our merchants in the Mediterranean, may be also a disadvantage to us in China and elsewhere.

I come now, Sir, to the consideration of the case of the Chinese merchants as it is put forward by Lord Clarendon, and I will take the memorial of the East India and China Association of Liverpool. These gentlemen are telling our Foreign Minister what they wish him to do in China, and let hon. Gentlemen hear what these moderate Gentlemen wish to see effected:—

"That a revision of the tariff of Customs duties should be made consistent with the spirit of the treaty concluded by Sir Henry Pottinger—namely, an *ad valorem* duty of 5 per cent on imports and exports."

That is certainly a tariff which I should like to see applied to Liverpool. Let my Liverpool friends begin at home, and put themselves on the same platform with the Chinese. They then go on to say:—

"The British Government should insist on the right of opening to foreign trade any port on the coast of China or on the banks of any navigable river at any time they may think fit, and of placing consuls at such ports; that our ships of war should have the free navigation of and access to all the ports and rivers of China."

Let us, by way of illustration and bringing the matter nearer home, suppose that this is a document which has come to us from Moscow, and that it is addressed, not to China, but to Turkey. Let us read it thus:—"The Russian Government should insist on the right of opening to foreign trade any port on the coast of Turkey, or on the banks of any navigable river, at

any time they may think fit, and of placing consuls at such ports; that Russian ships of war should have the free navigation of and access to all the ports and rivers of Turkey." Can you imagine anything more stunning than the explosion which would take place at Liverpool if such a ukase as that were to come to us from Russia? As a friend, not an enemy, of these gentlemen, I must say that such language as that is to be reprobated. I say it is to be reprobated, because it tends to place us who sympathize with mercantile men at a great disadvantage as regards even the naval and military classes. Contrast the kindly and conciliatory language used by General D'Aguiar and Admiral Cochrane with the downright selfish violence and the unreasoning injustice with which the Liverpool Association would treat an empire containing 300,000,000 people. I think I know more about the trade of China than these gentlemen, and I will venture to say that there is not a great empire in the world where trade is so free. I only wish that we had, not five ports, but one port in France, Austria, or Russia, where we should have the same low tariff as we now have in China. There is not a country on the face of the earth where trade is carried on with greater facility than in China. There is no place where if you send a ship you can get her unloaded and loaded with greater despatch, where the port charges and other expenses are so moderate, or where you are more certain to find a cargo of the produce of the country. You will find that statement corroborated by the evidence of captains who have sailed to every quarter of the globe, and who have stated before a Committee of this House that there is no country in the world where trade can be carried on with greater facility than in China. Mr. Cook, the gentleman to whom I have already referred, confirmed it to me to-day. He said, "I have known a ship of 1,500 tons coming into Whampoa, and discharging her ballast, taking in her cargo, and sailing in five days." He added, "Can you beat that in Liverpool?" I am afraid not. But what is it that the Liverpool Association want? Do they think that by opening a dozen other ports they will necessarily, by sheer violence, increase their trade? That was tried in the last war. We all remember the gloom which hung over this country in the summer of 1842. It was once remarked by Sir Robert Peel that the fine harvest of that year and the news

of the Chinese treaty saved England from the most fearful state of panic and distress. We all know that the report of the treaty with China when received here raised the most extravagant expectations. Our friends in Lancashire threw up their caps, and said, "In an empire of 300,000,000 people, and with free access to the northern ports, if every Chinaman buys a cotton nightcap all our mills will be kept going." What, then, has been the result to our exports? During the last three years our exports to China have not averaged more than £1,250,000. Before the war broke out we had frequently years in which our manufactured exports amounted to as much as that. In fact, since 1842 we have not added to our exports to China at all, at least as far as our manufactures are concerned. We have increased our consumption of tea; but that is all. I have here a letter, from the East India and China Association of London, signed by my hon. Friend the Member for Lancaster (Mr. Gregson), and written in so different a spirit from that of the Liverpool Association, that I have not one word to say against it, except that I think my hon. Friend has too great dependence upon what can be done for him by force of arms in China. You will find it stated in that letter that—

"Our trade with China has become one of the greatest importance. The import at the time of the treaty was, in 1842, 42,000,000 lb. of tea; in 1856, 87,000,000 lb."

It is hardly fair to compare these years, because 1842 was a year of war, while 1856 was a year of large consumption. The statement in the letter with respect to silk is still more fallacious. It is this:—"In 1842 (yearly average), 3,000 bales; in 1856, 56,000 bales." Well, that may be accounted for by the failure of the silk crops in France and other parts of Europe, and it is an illustration of the immense resources of China that when you have a sudden demand for silk, owing to the failure of the crops in Europe, by sending silver you can get any supply you want from China, no matter how unexpected may be the demand. But it is not fair to put that as the normal state of our trade. I have said that our imports have increased. Those imports have been paid largely by opium. It is said that our exports to India have also increased. True, our merchants may send their longcloths to India, and there exchange them for opium; that opium may

go to China, and in return for it we may get silver back to India or to England. But I apprehend that if the land in India were not employed in growing poppies, it would be employed in growing something else, enabling the natives to buy the long-cloths of England, and that if the Chinese were not spending large sums upon opium they too would buy something else. That question, however, I shall not go into; it is a very large one, and would be apt to excite angry passions. What I wish to say is, when the Liverpool merchants ask you to compel China to admit them to all her rivers, accompanied by ships of war, and to allow them to set up their shops wherever they please, do not upon their authority be deluded into the belief that the war in 1842 has increased our trade with China, and that a new war is likely to be followed by similar results. I venture to predict that the hostilities in which we are now engaged with China will diminish, not increase, our exports.

Having trespassed so long upon the time of the House, I shall allude to only one other point—the claim of foreigners for admission to Canton. I have been careful to word my Motion with a salvo upon that question. I am of opinion, whatever doubts may be entertained by others, that when the treaty was signed in 1842 it was contemplated that foreigners should have as free access to Canton as to Shanghai, or any other of the open ports. But a controversy has been carried on on that subject between our officials at Hong Kong and the authorities of Canton. In the papers will be found despatches not only from Mr. Bonham, but from the noble Lord now at the head of the Government, in which the very best possible grounds are urged why our authorities at Hong Kong should not persist in trying to gain admission for English merchants to Canton. It is stated, and I think in good faith, that the population of Canton, and, in fact, the population of that province of which Canton is the capital, is fierce and ungovernable; that they have hostile feelings towards the English; and that if our merchants were admitted into Canton, the greater contact would only lead to greater ill-will. I believe that apprehension is well founded. Whether it arises from the fierce and lawless disposition of the Chinese, or from their past intercourse with the East India Company—which we all know yielded much for a little temporary peace—or whether it appertains to

their southern clime—for in all countries the southern region is inhabited by the more fierce and turbulent part of the population—I know not; but certain it is that the Cantonese entertain feelings of the most hostile kind towards the foreigners, and I believe it was in good faith that it was urged by the Chinese Commissioner, by our own Plenipotentiary, and by Lord Palmerston himself, that it was not desirable to press further the question of admission to Canton. But let our merchants bear in mind that what we are now fighting for is not the admission of foreigners into Canton. The *sine quâ non* of Sir John Bowring, who certainly, I believe with Lord Derby, has a monomania about getting into Canton, is that the foreign authorities, not the foreign merchants, should be allowed to enter that city. I will ask the House, is it worth while fighting for this, that Sir John Bowring should have the right to go into Canton in one costume or another, especially when the Governor was ready to meet him half-way out of the town? I always thought that if a person of state and dignity left his own palace to meet another half-way it was a greater compliment than staying and making the reception at home. I cannot understand what we are fighting for, and why Sir John Bowring should think himself degraded by an interview with Governor Yeh at Howqua's packing-house. This is a topic worth nothing but a laugh. But is this admission to Canton for which we are fighting of any use? Canton is a walled city, occupied by a native population, with streets eight feet wide. Would any Englishman ever dream of living in such a place? Does an Englishman live in the Turkish quarters of Constantinople? No; the habits and religion of the two races separate them. What would be the advantage to English residents in that part of China of admission into Canton? If they had free access into the country, and could take a ride or a walk for exercise, that would be a benefit to them; but the population in the neighbourhood is turbulent and insubordinate, and our countrymen are not likely to receive good treatment there; and if the privilege were conceded, nobody would ever go into the city except to stare about him, or to make an observation for his note book. I apprehend that what the Cantonese authorities say is true—that the population is so turbulent that Englishmen could not expect very good treatment. But if admission to Canton

were desirable, is this the time for pressing for it? The blue-book teems with reasons against such an idea. What do the inhabitants of Canton say in their address? They say:—

"The late affair of the lorcha was a trifle; it was no case for deep-seated animosity, as a great offence that could not be forgotten; yet you have suddenly taken up arms, and for several days you have been firing shell, until you have burned dwellings and destroyed people in untold numbers. It cannot be either told how many old people, infants, and females have left their homes in affliction. If your countrymen have not seen this, they have surely heard, have they not, that such is the case? What offence has been committed by the people of Canton that such a calamity should befall them? Again, it has come to our knowledge that you are insisting on official receptions within the city. This is doubtless with a view to amicable relations; but, when your only proceeding is to open a fire upon us which destroys the people, supposing that you were to obtain admission into the city, still the sons, brothers, and kindred of the people whom you have burned out and killed will be ready to lay down their lives to be avenged on your countrymen, nor will the authorities be able to prevent them."

There is great good sense in that; and one of Governor Yeh's letters might have been penned by the Duke of Wellington—it is so sententious. I allude to that in which Governor Yeh, in answer to Sir John Bowring, who asked for admission to Canton, stated that he could not go out of his palace on account of the people, who were complaining of the proceedings of the English. He says, "If I went into the town, I do not know how I should ever get out again;" meaning that the people would so crowd upon him with their complaints. On the same subject Governor Yeh wrote to Sir John Bowring:—

"In a letter from his Excellency Admiral Seymour, received some days ago, he says that the present proposition is in no way connected with those of former years; that his demand is simply for the admission of the foreign representatives. The proposition made before was objected to by the entire population of Canton; the people affected by the present proposition are the same Canton people; the city is the same Canton city; it is not another and separate Canton city. How can it be said that there is no connection whatever between the two propositions? But more than this, the Canton people are very fierce and violent, differing in temper from the inhabitants of other provinces; admission into the city was refused you in 1849 by the people of Canton; and the people of Canton of the present day are the people of Canton of the year 1849; and there is this additional difficulty in mooted the question of admitting British subjects into the city now; namely, that the strong feeling against your Excellency's countrymen having been aggravated by the terrible suffering to which the people have been subjected

without a cause, they are even more averse to the concession than they were before."

That is perfectly natural, and should have put an end to the mooted of the matter at the time. It is important that hon. Gentlemen should address themselves to this point, on which there is much misconception out of doors—namely, are the Chinese authorities in good faith when they tell you that they cannot with convenience or safety carry out that clause of the treaty which provides for admission of the English into Canton? I believe that they are in good faith, and the facts, I think, prove that. A previous Governor of Canton wrote to his Emperor with quaintness, but much truth, "The inhabitants of Canton, who are anxious to fight are many, but those who are conversant with justice are few." I think that that may also be said of the merchants of Liverpool, whose memorial I have read. The papers already before Parliament are full of proofs of the kind. There is a communication from Sir George Bonham, stating that when a number of our merchants removed to Foo-chow-foo, they took with them their native servants from Canton; but these were found to be so pugnacious that the inhabitants of the province of Fokien, in which Foo-chow-foo is situated, begged that they (the Cantonese) might all be sent away. But, under any circumstances, I do not think that our admission to the city of Canton would be of a farthing's use. There are thousands of inhabitants outside the walls, in the suburbs which have been destroyed, and these are the shopkeepers and brokers. It is with them that we do business, and if we had free access into the city we should still have to do our business outside. Therefore, we have no grievance against the Chinese for not opening Canton.

But, Sir, supposing everything I have said on this subject could be contradicted and invalidated, I have only to ask, whether it is right that, with respect to a country with which we have treaty alliances, our representative should be allowed to declare war and carry on war without sanction from this country? That is a question which I intend scarcely to touch upon, because others will be able to deal with it better; but it is apparent, on the very face of these papers, that the very difficulty into which we have fallen was foreseen, and that our authorities on the spot have been warned against the very acts they have committed. It is not merely that they have acted against general prin-

ciples, which it is the interest of all nations to regard; but Sir John Bowring has acted positively contrary to his instructions in regard to the employment of troops. There are letters from Lords Malmesbury and Granville, and particularly one from Earl Grey, which one can feel and understand; and these letters gave peremptory directions that on no account aggressive measures should be resorted to without recourse to England. You have therefore to deal with your representative abroad, who not only has violated a sound principle of international law, but has gone against express injunctions. I perceive a great change in the tone of the correspondence between Sir John Bowring and Lord Clarendon, and that which passed between him and other Ministers with whom he had to deal. When Lord Clarendon came into office, there seems to be some slackening of the rein, leading to the inference that the check previously held over our representative was withdrawn, and that we were "drifting" into a war with China, as we had into the late war, from the want of a firm hand on the part of persons in authority. Recollecting the instructions of Earl Grey, and looking into the correspondence which has taken place, I cannot help surmising that something must have taken place to lead our Plenipotentiary to suppose, that if we got into conflict with the Chinese on the question of entering Canton, it would not be unfavourably regarded at home.

The manner, then, in which we have been dragged into war, and the position of difficulty in which we have been placed, are much to be deplored. But, looking to the future, I think you must confess that you find yourselves in a very difficult position. What are you going to do? You have destroyed the whole of the suburbs of the town of Canton; you have destroyed the modern residences of the merchants down to the river's edge; you have destroyed several hundred yards of streets in the old town; that is to say, the busy places of commerce. All the factories have been destroyed. Right and left houses have perished, or been burnt up by incendiaries, pillaged by rebels, or bombarded in order that freer range may be given to our guns. I have spoken to some of those who have come from China since this affair began, and they assure me that capitalists will desert Canton and

that that town will never be able to recover its business. They have deserted Canton because they felt too insecure to carry on their business, and it is supposed that that feeling will be lasting. The general impression is, that capital will depart from Canton, and receive employment in other ports. You have therefore destroyed that very port on which your commerce depended. It is surely not that for which you are carrying on war. And what is to be your position for the future? You have entered into a war which cannot be defended. Sir John Bowring did not tell Commissioner Yeh that this was not a legal ship; but our debates are published to the world. Lord Lyndhurst is an authority in America and France as well as here. What will they think of us when they read that that noble and learned Lord has declared the quarrel to be founded on our part on a triple illegality, and that we cannot, in fact, urge a single fact in defence of our conduct. We had a very good case before if you had chosen to insist upon it; but the noble Lord at the head of the Government has given up the claim for admission into Canton. You might have gone to Peking and said, "Fulfil the treaty of 1842, open the gates of Canton as you promised to do." But Lord Clarendon says that this quarrel has nothing whatever to do with that. No; it was necessary that that ground should be abandoned because, bad as this case is, the present Government could rely upon no other defence than this about the *Arrow*, inasmuch as the question about entering would get up an old controversy to which other nations were not parties. They were therefore obliged to raise a quarrel in which they expected other nations would join. But do you suppose that France and America will join with you now, and join in making common cause with you on the ground of this *Arrow*? I speak advisedly when I say that I believe the American Government will not approve the course that has been taken. I believe they will not join in these violent proceedings. There are some people who know the French Government better than I do; but is it likely, when you have so bad, so wretched, and so dirty a case as this of the *Arrow*, that any one will take share in it on your side? You must give up your case some time or other; and when so proper a time as this to declare that you do not approve these

miserable proceedings, which have been carried on in your name unwarrantably by your subordinate representatives? But, may not this war, if it should go on, lead to complications with other Powers? May it not lead to complications with America? I see in these papers that the American merchants immediately protested against it. An American house at Canton has publicly protested against this war, as having been commenced without notice, and have declared that they will therefore hold England responsible for any damage that may be done to their property. Well, what do you propose for the future? Part of the wall of Canton was battered down in the expectation that the Governor would yield. But he has not yielded, although you have bombarded the city itself and thrown shells into it. What then do you propose to do? You have done everything short of burning the town—if, indeed, that has not been commenced. If you do that you will raise a cry of horror from every civilized people. I see by the Indian papers that the *Friend of India*, which is always a great advocate of annexation, tells Sir John Bowring to play the part of another Clive, and to enter upon a career of conquest, and to annex China as we have annexed India. Well, are you sure that extensive territorial acquisitions in China would be acquiesced in by other Powers? The United States of America are only half the distance from China that you are. They have a great Pacific as well as an Atlantic empire. I am not sure that America would acquiesce in your making an India of China. Does anybody who knows anything about China believe that you could annex it? It is an empire with 300,000,000 people. How are you to govern them? Nobody that has ever thought upon the subject would dream of your being able to do so. Then, what do you propose to do? I say, undo what you have done. The wisest course which you could adopt would be to repudiate the acts of your representative, who has acted without authority and without instructions. That would be a statesman-like and prudent course. Disavow the acts of your representatives in this miserable affair of the *Arrow*; but try, at the same time, to get those facilities of internal intercourse in that great country which your merchants so much desire, and which your representations will, in all probability, enable you to obtain. America and France

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would lend you a joint influence in making such representations, which you never can hope to have while you are fighting on behalf of this affair of the *Arrow*.

But, Sir, I have said enough with regard to my view upon the subject; I leave the matter in the hands of the House. I hope we shall not hear it said in this House—as it has been in another place—that these are barbarous people, and that you must deal with them by force. I tell you that if you attempt to deal thus with them, it will be a difficult matter, and one, too, that will be costly to the people of this country. You will be disappointed, and deservedly so, if relying upon the supposition that you will be able to coerce the Chinese Government by force—you will be disappointed if you think that you will be repaid by increased commerce for the employment of violence. If you make the attempt you will be disappointed again as you have been disappointed before. And, Sir, are these people so barbarous that we should attempt to coerce them by force into granting what we wish? Here is an empire in which is the only relic of the oldest civilization of the world—one which, 2,700 years ago, according to some authorities, had a system of primary education—which had its system of logic before the time of Aristotle, and its code of morals before that of Socrates. Here is a country which has had its uninterrupted traditions and histories for so long a period—that supplied silks and other articles of luxury to the Romans 2,000 years ago! They are the very soul of commerce in the East, and one of the wealthiest nations in the world. They are the most industrious people in Asia, having acquired the name of the ants of the East. You find them carrying on their industry in foreign countries with that assiduity and laboriousness which characterize the Scotch and the Swiss. You find them not as barbarians at home, where they cultivate all the arts and sciences, and where they have carried all, except one, to a point of perfection but little below our own—but that one is war. You have there a people who have carried agriculture to a state of horticulture, and whose great cities rival in population those of the Western world. Now, there must be something in such a people deserving of respect. If in speaking of them we stigmatize them as barbarians, and threaten them with force because we say they are

inaccessible to reason, it must be because we do not understand them; because their ways are not our ways, nor our ways theirs. Now, is not so venerable an empire as that deserving of some sympathy—at least of some justice—at the hands of conservative England? To the representatives of the people in this House I commend this question, with full confidence that they will do justice to that people. The hon. Gentleman then moved the following Resolutions:—

“That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river; and, without expressing an opinion as to the extent to which the Government of China may have afforded this Country cause of complaint respecting the non-fulfilment of the Treaty of 1842, this House considers that the Papers which have been laid upon the Table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*:

“That a Select Committee be appointed to inquire into the state of our commercial relations with China.”

MR. MILNER GIBSON seconded the Motion.

Motion made, and Question proposed.

MR. LABOUCHERE: Sir, I am very far from regretting, still less shall I venture to complain, that this subject has been brought before the attention of the House by the hon. Gentleman who has just resumed his seat. I think there is no Member in this House, whatever judgment he may have formed of these transactions, who will not concur with me in thinking that it would be unbecoming that they should take place without receiving the deliberate consideration of the House of Commons. They deeply concern most important commercial interests in this country—they affect still more deeply interests which are much more considerable—the reputation and credit of the British Empire. I can assure the House that I do not shrink from this discussion: on the contrary, I am persuaded that, when the case has been fairly and impartially considered by this House, it will come to the opinion that, however much any warfare of this description is to be regretted between parties whose strength is so unequal as that of England and China, yet that, under the circumstances in which we were placed, no blame can justly attach either to those local authorities who were entrusted with the care of British interests at Canton, or to him on whom the immense weight of that responsibility rests, and who have a

right to the just, or, at all events, to the indulgent consideration of their countrymen. I think that the Government could not have pursued any other course without betraying the interests that were entrusted to their care, and without lowering the British character in the eyes of the world, than that of supporting those officials who had acted, as they thought, in a manner both just and politic.

Sir, I cannot treat so lightly as the hon. Gentleman has, a fact which is at once apparent upon the face of these papers, and which I think must have struck every Member who has read them. These things were not done in a corner. They were not done in some obscure part of the world, where England adopted a course against a semi-barbarous people, without any intelligent and civilized people to judge of their conduct. They were done in the face of a great European community,—in the face of a great community of English merchants—men who carry with them through the world the feelings and opinions of Englishmen—men whom I believe the hon. Gentleman has libelled when he says that they advised the British authorities to adopt at Canton a course against which not only every English, but every Christian and every human feeling revolts. [MR. COBDEN: No, no!] Yes! I appeal to the House whether that was not the manner in which the hon. Gentleman thought fit to stigmatize this great body of English gentlemen?

MR. COBDEN: I beg the right hon. Gentleman's pardon. Let him specify what I said.

MR. LABOUCHERE: I will specify reasons why I state that the hon. Gentleman spoke thus of them. [MR. COBDEN: Reasons!] The hon. Gentleman said that the judgment of the whole British community was so warped by their own mercantile and selfish interest, that they were blind to those considerations of humanity and justice, which ought to have had weight with them. I, Sir, have a very different opinion of Englishmen in any quarter of the world, no matter where they are to be found. I have never been personally engaged in commerce, but my family and my connections have all been in trade, and I have learnt to form an estimate of the character of the British merchant very different from that which appears to have been formed by the hon. Gentleman. He has drawn a very affecting picture of the violent and high-handed proceedings of

the British representatives at Canton, and has contrasted them with the forbearing, just, and scrupulous spirit which has characterized the conduct of the local Chinese authorities. I will not insist upon the fact that the entire European mercantile community at Canton appear to have approved these proceedings, and that we have not received from them the slightest protest against their justice and policy. I will not even insist upon the sympathy displayed by the French and American residents in that part of the country, although the Consul representing the latter nation pushed his martial sympathies so far as to accompany our troops on their advance to Canton; but I will appeal to testimony to which I think the hon. Gentleman himself will attach some importance. I hold in my hand a letter addressed by the American Chief Superintendent of trade at Macao to his fellow-countrymen, in which he expresses his opinion as to the general character of the Chinese administration at Canton, and as to the manner in which it is necessary to deal with the authorities there. This document is not included in the papers already presented to the House, because it has only just arrived, but it will appear in the next batch of papers, and I will take the liberty of reading it to the House. It is dated December 27, 1856, and was issued from the legation of the United States at Macao. It is to this effect:—

“To the Merchants and other Citizens
of the United States.

“His Excellency Peter Parker, Commissioner of the United States of America to China, &c., referring to the notice of the 9th instant, hereby makes known that the reply of the Imperial Commissioner to his Excellency's despatch of that date was received last evening, and that, with the semblance of a desire to maintain friendly relations between the two countries, the same disposition to evade obligation, misrepresent facts, and erroneously interpret treaty stipulations which for years has characterized the correspondence of Imperial Commissioners still obtains with his Excellency Yeh. The resumption of trade to any extent at the port of Canton during the existence of the local hostilities is not encouraged by the tenor of the communication now received, and means more ample than those now at command will be required to meet the emergency of the public interests of the United States in China, and the satisfactory and proper adjustment of the relation of the five ports is an event yet future.

“By order,

“S. WELLS WILLIAMS.

“Secretary of the United States
American Legation.”

I, therefore, imagine that it was put forward after the recent difficulty between

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America and China was for the moment settled, and expresses, not the effects of any temporary irritation, but the deliberate judgment of this, the chief American officer in China, as to the general character of the proceedings of the local Government at Canton. The tone of this document is such that it might have been put forth by Sir John Bowring instead of by Mr. Williams. Had it been put forward by the friends of Sir John Bowring it would have been treated with very little ceremony by some Gentlemen; but I hope that as it proceeds from an American and not from a British Commissioner, it may be thought entitled to more respect and attention. I believe the fact to be that for some time the relations of every foreign Government and the Government of Canton have been so thoroughly unsatisfactory, and have been gradually becoming so much more so, that the foreign residents generally felt that the existing state of things was so insufferable and so detrimental to their interests that they were willing that, even at the price of the temporary interruption of commercial intercourse (which must have been to them a matter of great injury and regret), the Chinese should be taught that they could not, without check, set aside treaty obligations and commit acts of violence and injustice against the lives and property of Europeans and Americans. We cannot, therefore, be surprised that a crisis has at length occurred which has been long anticipated. It is one thing to hold amicable relations with a Government which knows how to regulate any differences that may arise in a just spirit; it is another to be placed in contact with a Government which has no respect for the obligations of treaties, and which avails itself of every opportunity of outraging the rights of Europeans. If we desire to form a just decision upon this question, it is necessary to bear these things in mind.

The hon. Gentleman (Mr. Cobden) has expressed a hope that this question will be decided without respect to party feelings. I heartily join in that desire, and I am persuaded that there are many Members of this House who are determined to vote upon this subject, not as Whigs or Tories, not as Liberals or Conservatives, but as Englishmen jealous for the honour of their country, determined to uphold her interests and her rights, and not to be led away by a Resolution which, I must say, is one of the most ambiguous and obscure which has ever been presented to this House. I am

afraid that we are getting into a very bad practice in regard to the Resolutions proposed in this House; and that, no matter to what subject they refer, whether to our finances, our foreign policy, or any other question, a desire is evinced to give to the Resolutions submitted to us as little meaning as possible, in order to enable any one to support them who may happen to have a taste for voting against the Government. The result of this desire is, that instead of matters being fairly submitted to the judgment of the House, some vague, indefinite, purposeless Resolution is put together, which in reality affirms nothing, but the wording of which enables Gentlemen of the most opposite opinions to go into the same lobby. I will stop for a moment to consider the Resolution of my hon. Friend the Member for the West Riding. It begins by saying—

“That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river.”

Of course we all agree to that. We always hear of any interruption of tranquillity with regret, especially when the strength of the contending parties is so unequal as it is in the present instance. The hon. Gentleman then goes on to say—

“And, without expressing an opinion as to the extent to which the Government of China may have afforded this country cause of complaint respecting the non-fulfilment of the treaty of 1842,”—

Why, Sir, I should think that it is quite necessary for the House to consider that, if they mean to come to any conclusion. I am surprised that the clear intellect of my hon. Friend could have framed a Resolution by which he asks the House to come to a conclusion without considering the cause or the amount of the grievance. Then mark the logical nature of the conclusion—

“This House considers that the papers which have been laid upon the table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*.”

How can you say that, irrespective of the opinion you may form from the papers as to whether the Chinese authorities give us just cause of complaint or not? This is the most singularly illogical Resolution I ever heard propounded in this House. To his series of inconsistent and incongruous propositions the hon. Gentleman tacks on these words:—“That a Select Committee

be appointed to inquire into the state of our commercial relations with China.” The appointment of such a Committee may or may not be desirable. That is quite a distinct question in itself, and does not follow as a natural or necessary corollary from the preceding parts of the Resolution. In one of the shortest, but by no means the worst, speeches ever made in this House, the hon. and learned Member for Midhurst (Mr. Warren) the other day said,—“Fancy a proposal to refer the British constitution to a Select Committee!” Equally preposterous is the idea of referring the foreign relations of this country to such a tribunal. Why, that is a matter for the House to determine. If this House thinks that the local authorities of Hong Kong have erred in demanding redress for what they regarded as an unwarranted aggression—if it thinks that we have done wrong in approving the conduct of our officials—let it frankly and manfully say so in clear and intelligible language, and we will do our best to meet it; but let not the House allow it to go forth to the world that it agrees to a Motion every sentence of which conflicts with the one that immediately follows it.

Sir, I am unwilling to entangle myself in the thorny legal arguments raised in this case. Any opinion of mine on such points would carry no weight, and I therefore leave them to my hon. and learned Friends who have studied this part of the subject. But, although I do not profess to be a lawyer, I think that these matters have no essential bearing on the question at issue, which requires no legal subtlety or special knowledge to understand it. With regard to this *lorcha*—the *causa teterrima* of the whole dispute—let the House not confound two classes of British registered vessels, both authorized to carry our flag, but between which there is an important distinction. The first class is one entitled to an Imperial register with all its incidents. These vessels, when our navigation laws were enforced, were liable to many restrictions as to manning, ownership, &c., and their privileges were jealously guarded. But from the very exigencies of trade another category of ships has always existed, entitled to a colonial or only partial register, the forms attending which are far laxer in their nature. Many hon. Members are no doubt aware of what is called the “Mediterranean pass.” The Mediterranean pass system has existed for more than 200

years; and under it vessels trading between Malta and Gibraltar, and other places in the Mediterranean, and not at all British-built or British-manned—in some instances not even British-owned—were authorized to carry our flag and claim our protection. In 1825 an Order in Council was issued for the purpose of investing any ship or vessel “with the national character of a British ship” (the House will observe that no words can be larger or more explicit), and it declared that vessels trading with the Mediterranean should be entitled to this privilege, although they had not been built in England, were not manned by Englishmen, and not even owned by native-born British subjects;—it was considered enough that the owner should have had, while on shore, a fixed place of abode at Gibraltar, or other British colony, for the term of fifteen years, up to the time of granting or issuing such licence. These rights were not conferred under Act of Parliament, but by the prerogative of the Crown; and this prerogative has been exercised by the Crown in all times, either directly by an Order in Council, or else by a mode equal to that—namely, in the case of a conquered or ceded colony, by the local legislature, confirmed by the authority of the Queen. Now, it is under this latter form that licences are given to lorchas at Hong Kong, a ceded colony of the British Crown. That colony is inhabited by about 60,000 Chinese, many of them engaged in mercantile pursuits, but few of them British subjects in the full sense of the term. It was necessary that their lawful trade should be protected; and the mode resorted to for doing this was by granting registers, not to encourage smuggling, but to prevent that and all other abuses. The ordinance establishing this system was actually passed in consequence of the representations and complaints of the Chinese Government, to whom a copy of that document was communicated by the local Government of Hong Kong; and it is only now that, in connection with the register of this particular lorch, in which so many holes are picked, that a doubt is started as to the legality of the ordinance. It is perfectly clear that the Chinese authorities knew they were doing wrong when they boarded the *Arrow* in the Canton river. We have the testimony of two respectable English witnesses, supported by Chinese evidence, that the British flag was flying at the time; and although I hear it said that the

colours were already down, there is not a tittle of reliable proof of that assertion. Governor Yeh, indeed, says, “It is well known to your honourable nation that your flag is never hoisted at that particular part of the river where this lorch lay.” Now, the hon. Member for the West Riding read a letter to us to-night which spoke directly to the contrary. [Mr. COBDEN: The letter referred to Whampoa.] I believe that makes no difference. The Chinese authorities had no right to go with a high hand and haul down the flag; but, if they had had any ground of complaint, they should have represented the abuse of the flag to our officials and requested that it might be prevented in future. If a similar case occurred between France and England, and there was a dispute as to whether a particular vessel was really French or English, a complaint would be made to the authorities of the country whose flag had been used, instead of forcibly boarding her, hauling down her colours, and seizing her crew. This was no mere case of visiting a ship to give her a notice, as has been ingeniously represented—it was nothing more nor less than an outrage carried out in the most violent form. I cannot admit that the British officials behaved in an intemperate manner, as has been stated by the hon. Member for the West Riding, and it is wholly gratuitous to ascribe to them any intention to pick a quarrel with the Chinese. Consul Parkes did no more than his duty; and I cannot conceive how he could have acted, under the circumstances, in a more temperate and becoming manner. He says:—

“I have, therefore, to lay the case before your Excellency, confident that your superior judgment will lead you at once to admit that an insult so publicly committed must be equally publicly atoned. I therefore request your Excellency to direct that the men who have been carried away from the *Arrow* be returned by the captain, Leang-kwo-ting, to that vessel in my presence; and if accused of any crime, they may then be conveyed to the British consulate, where, in conjunction with proper officers deputed by your Excellency for the purpose, I shall be prepared to investigate the case.”

I am not myself acquainted with Mr. Parkes, but in justice to an officer on a distant station, who has a difficult duty to perform, and who has been so unjustifiably attacked in this House, I am bound to say that those who know him well have assured me that he is a man of good sense and good temper, and the last man in the world to behave in an intemperate manner on such an occasion. When Commis-

sioner Yeh refused the satisfaction which was asked, did Mr. Parkes at once resort to violent measures? Far from it. He allowed an interval of several days to elapse. He communicated with Sir John Bowring; who, when he arrived on the scene of action, repeated, in his turn, courteously and temperately, but still in that clear and distinct manner which the representatives of the British Crown ought always to employ, the demand that reparation should be given for the insult offered to our flag. This, also, was refused. The controversy went on. I will not pursue it step by step, because hon. Members have, no doubt, made themselves acquainted with the whole progress of events in the papers which have been laid before the House; but it was not until the Chinese had exhausted every kind of subterfuge and evasion, in which they are so well skilled, to avoid giving satisfaction, that something like hostile measures were resorted to. At first hostilities were commenced at a distance from Canton. The Barrier Forts were taken; that failed to produce an effect, and stronger measures were taken by Admiral Seymour, who, I must say, appears to have conducted the operations throughout with the humanity and judgment to be expected from a man of his high reputation. It was not until the very last moment that Canton was attacked. I have heard it said that Canton was bombarded, but there has been no such thing as a bombardment of Canton in the ordinary sense of the word. Undoubtedly, hostile measures were most reluctantly resorted to, and they were, as far as possible, confined within the limits of humanity.

Sir, I come now to a question which to a certain degree has been mixed up with this matter—the right of entering into Canton. Every one is aware that this is a right which was conceded to us in the most express terms by the treaty of 1842, and which, though its exercise has been postponed by the consent of the British Government, has never been abandoned. The precise time for pressing that right was a matter of prudence and discretion, and I cannot say that I am satisfied that it was an improper moment, after hostilities had been commenced, to demand, not an indiscriminate entry for all the British residents, but that free official intercourse which, if it had been granted, it can scarcely be doubted would have been most

conducive to an amicable settlement of the differences.

I now come to a most important point of the hon. Gentleman's speech. He has stated that Sir John Bowring has acted in direct violation of positive instructions given by Earl Grey, and never since revoked,—that in no case were aggressive hostilities to be commenced against the local Government of Canton without first referring home for instructions. I am prepared to express my opinion that Sir John Bowring has not made himself liable to any such imputation. Undoubtedly, it was the intention of the Government at home when Earl Grey sent out these instructions, looking to the circumstances of the period, that the British authority should not be committed in aggressive collision with the Chinese, and by our local representative, at a time when there was not a force on the spot to support such an operation; but it is absurd to say that it was intended to tie the hands of the Commissioner under all contingencies, and for all future time—that he should never do more than defend himself, nor even take steps to obtain redress for insult offered to our flag. If such had been the character of those instructions, and the Chinese had become acquainted with it, never would an official have been placed in so deplorable a situation as our Chief Superintendent of Trade with China. The Chinese would have known that they might attack him when they liked and proceed to any extremities, but that he would never venture to return blow for blow. I have heard it said that it is a terrible thing that a British official at Hong Kong should have the power to involve England in war with China. I deny altogether that we are at war with China, and I hope we shall not be; we have a dispute with the local Government of Canton, but I sincerely hope that it may not assume the proportions of a Chinese war. But when I am told that no Governor can go to this stretch of authority I must beg leave to differ from that doctrine. I am no lawyer, and therefore shall not attempt to argue the question on technical grounds, but I think it is entirely disposed of by this passage from Lord Stowell, whose authority on these subjects I suppose no one will question. That great lawyer, speaking of the law of nations, says—

“A commander going out to a distant station may reasonably be supposed to carry with him

such a portion of sovereign authority delegated to him as may be necessary to provide for the exigencies of the service in which he is employed. On stations in Europe where Government is almost at hand to superintend and direct the course of operations under which it may be expedient that particular hostilities should be carried on, it may be different; but in distant parts of the world it cannot be disputed."

Now, that, I think, settles the question. If it was necessary for the interest of this country, Sir John Bowring had that power, and I think the case was one which fully justified him in exercising it. American authorities were largely quoted by the hon. Member for the West Riding; but I must remind him that the Americans did not act upon this doctrine; for when, in the course of these events, a Chinese battery fired on an American vessel, they, without waiting to write to Washington for instructions, moved a war steamer down and demolished the battery at once.

I have now endeavoured to show the House that there was no precipitation on the part of the British local authorities. So far from desiring to pick a quarrel, they were most anxious to avoid it; they gave ample opportunity for making a proper reparation for the unwarrantable affront to the British flag. The character of the local Chinese Government is such that it was impossible to apply to them those maxims and that conduct which are proper and usual between civilized nations. I agree most cordially that there is no reason why, because a nation with whom we happen to have dealings is semi-barbarous, that we should act towards it with violence, and with a disposition to make might the rule of right. On the contrary, we are bound by every consideration of religion and policy to be more than ordinarily forbearing with such nations. But, on the other hand, it is more necessary to make a display of force sooner, and in a different manner, in dealing with nations which understand no other argument than force than it would be in dealing with Christian and civilized communities. Any man who is acquainted with China will tell you that everything like concession or abandonment of your real rights is at once ascribed, not to your sense of justice, but to weakness and fear. This circumstance should undoubtedly induce additional caution in entering into hostilities with such a people; but if you are convinced that the grounds upon which you proceed are just and reasonable, you cannot safely, or consistently

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with the interests of humanity, retreat from that ground. I firmly believe that in this quarrel we have substantially and really right on our side. I can have no doubt, on reading the papers, that the British flag was hauled down designedly, insultingly, and outrageously, by Chinese officials in Chinese waters. I can have no doubt that such reparation as was understood to be sufficient by the Chinese themselves, and by those Europeans most conversant with Chinese customs, was not afforded. I believe, therefore, that the British officials had no option but to resort to those measures of force which they unwillingly adopted. On the part of the Government at home, I should certainly feel great regret if their conduct was visited by the censure of this House in consequence of these proceedings; but I should still more regret to see the Government exhibiting the weakness and pusillanimity of shrinking from the discharge of their duty in supporting British officials who have been placed in a most difficult and responsible position. If the Government shrunk from protecting British commerce and British honour, and said to their representatives who have discharged that duty, "We will censure, recall, and disgrace you," they would no longer deserve to be served by upright, honest, or independent men. I have, however, no apprehension as to the result of this discussion. The House would indeed abandon that policy which it has always supported, if it shrunk from supporting officials placed in circumstances similar to those of our representatives in China.

The hon. Gentleman who brought forward the Motion drew a very lively, but I think a very exaggerated, picture of the consequences which might follow from the conduct of our representatives. He said that if he supported the policy of the Government he would encourage them in the most wild and extraordinary visions of ambition. The hon. Gentleman charged the Government with a desire to annex China to the British dominions, and asked what foreign countries would say to such a step? I can assure the hon. Gentleman that we have no such wish or intention. The unfortunate dispute that has arisen has occurred, not with the empire of China, but with the local Government of Canton, which keeps the Court of Peking in the dark, and endeavours to induce a belief that it is overawing and checking all the pretensions

of the "barbarians" who trade with the Chinese at Canton. My hope is, that the dispute will not spread into a general war with the empire of China. I trust the result will be, not only that commercial relations will be established between the English and Chinese authorities, but that our entire relations with the empire of China will be placed on a far more satisfactory footing. I believe these objects, which are not narrow or selfish, but such as may be sought by all civilized Christian nations, will be accomplished with the cordial co-operation of America and France. If that be the case, I believe that immense benefit will accrue in the first instance to the trade of this and all other European nations, and ultimately to the Chinese Empire itself. I trust in God the time may come, and that we may see it, when the vast population of the Chinese Empire may be brought into communication with the more fortunate races which enjoy the blessings of civilization, and that we may see them emancipated from the ignorance and thralldom of heathenism, and, above all, from that tyrannical and cruel Government which, like its Commissioner at Canton, seems only to exist for the misery and degradation of the human race. I was surprised to hear a man like the hon. Member for the West Riding talk about Commissioner Yeh with any patience. What does that hon. Member think of the barbarous proclamation of Commissioner Yeh offering 100 dollars for every Englishman's head? Does not that fact reflect some light upon the mild and humane disposition which my hon. Friend attributed to Commissioner Yeh? Has the hon. Gentleman read an account of the cruel murder of an unoffending French missionary and of other Christians under Yeh's administration? These circumstances have excited the just indignation of Europeans, and I trust, for the sake of humanity, for the sake of the world, and especially for the sake of China itself, that measures will be taken to establish a better state of things in that country. I leave this question in the hands of the House, with a full conviction of what their verdict will be. I do not believe they will censure the conduct either of the English local authorities in China, or of the Government which has felt it a duty to support them; and above all, if they were disposed to censure us, I believe they would adopt some more rational, logical, and reasonable form of doing so than

has been devised by the hon. Member for the West Riding.

SIR BULWER LYTTON: Sir, although the right hon. Gentleman has spoken with great earnestness, and although he has touched upon a great variety of subjects, I do not think he has succeeded in giving a very satisfactory reply to the powerful arguments of the hon. Member for the West Riding; and if the House will vouchsafe me its indulgence, I think I may be able to show, without any tedious references to Parliamentary papers, how groundless is the position assumed by the right hon. Gentleman. Let me first briefly state the nature of the question before us, and then show, from the wording of the Resolution, how little it merits the condemnation of the right hon. Gentleman. The two main questions before us, out of which many others incidentally arise, are—first, was this vessel, the *Arrow*, *bonâ fide* a vessel belonging to the English nation, according to the plain meaning of the 17th Article of the Supplementary Treaty; and next, if that was the case, were the circumstances attending the alleged outrage on the part of the Chinese authorities, such as to warrant the adoption of the consequent proceedings on the part of the British authorities? The 17th Article of the Supplementary Treaty contains regulations respecting certain small vessels belonging to the English nation. The hon. Member for the West Riding asks, very properly, "How can a vessel that is notoriously Chinese in every stage of its history,—that is built, owned, manned, fought for, litigated for by Chinese, with nothing English about it except a mere lad of twenty years of age, who was hired by the Danish Consul as the nominal master,—how can that be a vessel belonging to the English nation according to the plain meaning of the 17th Article?" The right hon. Secretary for the Colonies (Mr. Labouchere) referred us to the practice we adopt in the Mediterranean. I will presently show the right hon. Gentleman that the illustration does not apply. The only mode in which a Chinese vessel could become a vessel belonging to the English nation is by the colonial ordinance, and you might as well by a colonial ordinance attempt to turn a tea tree into an oak tree. Your colonial ordinances may bind your own subjects, but neither a colonial ordinance nor even an Act of Parliament can have the effect of altering the international

law with regard to other nations, whom such ordinance or Act of Parliament may concern. You refer to the Treaty of Nankin, you put your own construction upon its Articles; the Chinese have a right to refer to the date of that treaty. And if at the period when the treaty was concluded no class of vessels similar to the *Arrow* did belong, or could by any possibility have belonged, to the English nation, the Chinese are not bound to allow you a right by subsequent internal regulations to appropriate to the English nation a certain class of ships which by build and ownership and crew essentially belonged to the Chinese nation; for a fundamental maxim in the construction of all treaties, which the noble Lord at the head of the Government will not deny, is that it must be construed by the forms and usages prevalent at the time the treaty was drawn up and concluded. But, according to the words of the treaty and the usage in force at its date, no such vessels could by any possibility have belonged to the English nation? If the Chinese had asked you while that clause in the treaty was under discussion to define what you meant by a British vessel, you could only have referred them to our navigation laws. By our navigation laws, as they existed at the time the treaty was made, every British vessel must have had a British subject for an owner, and her crew must also have been three-fourths British subjects. It was not until the year 1854, many years after that treaty was made, that by the Merchant Shipping Act you could have attempted to torture this Chinese vessel into an English one; and how is it done then? why, by destroying the vital principle of the Act itself, and granting to foreigners, not naturalized, the right of ownership which the Act confines to the subjects of the British Crown.

I now come to the supposed parallel which the right hon. Gentleman has found in the ownerships of vessels in the Mediterranean. The difference between the two cases is this—there you do not take a vessel belonging to another Sovereign, and you do here. I concede that by the Alien Act of 1847 you may grant naturalization to every Chinese in Hong Kong. But then you cannot alter the operation of the law of nations in their behalf. You cannot, by the law of nations, give such naturalization the force of a protection to such natives in their own country against the

independent Sovereign whose natural-born subjects they are. I ask the noble Lord—I ask any hon. Member—to tell me whether, if a foreigner gets letters of naturalization or protection they will avail him in the country of the independent Sovereign to whom the naturalized subject has belonged? You may naturalize an Austrian, but you cannot give him a passport that will protect him in Austria against the Emperor of Austria, unless Austria has first denaturalized him. I will suppose, then, that the naturalization of these Chinese aliens had given them rights which would avail them anywhere except in the seas and the empire of China; but it could not give them protection there unless China had denaturalized them or absolved them from their allegiance. This axiom belongs not to law only but to civilization, and it is founded upon the most obvious principles of reason. For how can you protect the vessels and the subjects of an independent Sovereign within his own jurisdiction and domain, and make your laws and customs supersede the laws and customs of the country to which the persons you protect owe an allegiance from which they have never been absolved? How, in a word, can you turn a Chinese vessel into a British vessel and Chinese subjects into British subjects without usurping the sovereign rights of the Emperor of China in his own dominions? The only pretext by which this *lorcha* could be said to be a British vessel is to be found in the 17th Article, which declares that every British vessel shall have a sailing letter or other act of registration, which she is to deliver up to the British Consul on arrival, and which is to be restored when she sails. It is contended that because this vessel had a sailing letter she was unequivocally British. But the Article only refers to vessels that are *bonâ fide* British and that would be considered British at the date of the treaty. It does not follow that every Chinese vessel which complies with your internal regulations is therefore a British vessel, in spite of the Chinese laws. According to the English law the *Arrow* could not have been a British vessel at the time of the treaty; she could not have been so according to the law of nations at the date of the dispute; and she cannot be made English merely by doing something which vessels legally English are required to do. If at the time of signing the 17th Article of the Supplementary Treaty you had said

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to the Chinese, "We claim the right hereafter to sell all the privileges and protection of the British flag to vessels belonging to Chinese natives," do you suppose the Chinese would have acceded to such a demand, or that England would have renewed the war for the monstrous privilege of selling the flag of England for fifty dollars? What was the reason for your claim alleged by the British agents to the authorities at Hong Kong in the preamble of this precious ordinance? Why, "That legal trading might be protected, and illegal trading prevented." What has been the result? In two instances our flag has been used in protecting smuggling, and in the present instance it was used to protect a pirate, to the destruction of legal trading by our cannon-balls and shells. To sum up, then—I say this vessel, belonging to Chinese subjects, manned by Chinese, and employed in Chinese waters, did not, at the date of the treaty, belong to the English nation. If you chose afterwards to call it so by a local ordinance, that might bind your own subjects, but would not acquire the force of international law, and would not bind the Chinese, if they had never agreed to it, which it was clear they never did. It is said by Wheaton, the most modern authority on international law, that where a nation alters its existing laws of trade and navigation so as to affect another nation, it may require the Act of the internal Legislature of the nation so affected in order to procure the adoption and execution of such alterations; and he instances the well-known case of the commercial treaty of Utrecht, which the British Parliament refused to execute, though the treaty itself had been concluded by the negotiators. It follows from this, as clearly as one problem of *Euclid* follows from another, that if, after a treaty has been concluded, you, as one of the contracting parties, alter your existing law so as to affect the Chinese, the other contracting party, your alterations will be binding on your own subjects, but that it will require the legislative power of China to give those altered laws force and effect in that country. The whole argument lies in this. If you cannot by the 17th Article of the treaty call this a British vessel, then you cannot avail yourselves of the 9th Article, which says, that if any Chinese malefactor be on board a British vessel, and the Chinese authorities wish to arrest him, they shall not forcibly enter upon such British vessel, but shall make

application to the British Consul. For that 9th Article applies to British merchantmen, and this is not a British merchantman but a Chinese vessel.

I will, however, grant for a moment the right of this vessel to be considered an English vessel, and then I ask, was the act of the Chinese so inexcusable—was it so outrageous, so insulting to the dignity of this country as to warrant the terrible revenge that we have inflicted? The right hon. Gentleman the Secretary for the Colonies had said that the evidence in the matter is so overwhelming in favour of the British authorities, that he wondered any man could question the course which they have pursued. What is the evidence on this subject? Four persons, two British and two Chinese, have deposed that the British flag was flying at the time the lorcha was boarded, and that it was hauled down. What was the evidence brought before the Imperial Commissioner Yeh? He had not four witnesses, but more than seventy—the soldiers, the mandarins, and the crew, who are computed at the number of sixty, and the twelve sailors whom he took away. If we may suppose, as is natural, that he had received the report of all these persons, he has against our four witnesses seventy witnesses—when he states that the flag was not flying, and could not therefore have been hauled down. We are inclined to believe our own countrymen; that is natural. Yeh is inclined to believe his. Is not that natural, also? And is it not the more excusable, because as the hon. Gentleman the Member for the West Riding has observed—and the statement has not been contradicted by the right hon. Gentleman—it is the established custom of English vessels in those waters not to have the flag flying until the vessel is under weigh. But, assuming that the flag was flying, according to the evidence of one of the Chinese, the mandarin who gave the orders for pulling down the flag said, "Why, this cannot be a foreign lorcha; there are no foreigners on board; haul down the flag." Grant that the mandarin was wrong; but still, when he comes in search of a pirate on board a vessel that had been notoriously a pirate ship—which was known to be so to all the Chinese authorities—which was stated to have been employed in the disturbances between the Imperialists and the insurgents—and when he does not find a single foreigner there, may he not excusably believe that the flag was

fraudulently hoisted? Observe, this is not merely a question of who was right and who was wrong, but whether the Chinese were so outrageously in the wrong as to justify the terrible punishment we have inflicted. Englishmen are not the Dracos of legislation. Every offence with us is not punishable by death. Are we mild philosophers in our domestic legislation, and ruthless exterminators in the enforcement of every questionable point of international law? It would be a monstrous inconsistency if, while we are mitigating, and have for the last thirty years been mitigating, our criminal code, and dealing mildly with offenders who prey upon the very vitals of the State, we should wage a ruthless war—no, not a war, but a wholesale massacre on our helpless customers at a remote corner of the globe. And what for? Why, to maintain a trumpety ordinance which our own Board of Trade has admitted to be of “very questionable propriety,” and which is at direct variance with the Acts of our own Imperial Parliament. It is a complaint against Commissioner Yeh that he will not apologize for the alleged insult offered to our flag. But if you ask Yeh to apologize—if you ask him to acknowledge that he believes the vessel to be Chinese and to belong to the English nation, you ask him to be a traitor to his Sovereign and his country, and to admit that the representatives of a foreign Sovereign can dictate laws to China. Instead, however, of making any such admission, Yeh holds to his statement that the *Arrow* is a Chinese vessel, and he hits the right nail on the head, and is strictly within the limits of international law, when he says so mildly to Sir John Bowring, with a view to prevent disputes in future, “I would be obliged to your Excellency if you would not give an English register to a Chinese ship.” I was surprised to hear the Colonial Secretary quote the language of Mr. Consul Parkes as something that was remarkably decorous and proper from an official of his rank. Will the House permit me to read a few words from a communication addressed by Consul Parkes to Commissioner Yeh, not for the sake of its proper tone, but on account of its prevarication? Mr. Consul Parkes says:—“I have seen clear and conclusive proof of the facts that your Excellency attempts to deny.” Attempts to deny! Where, Sir, in all Yeh’s correspondence shall we find a phrase so gratuitously insulting as that?

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It would have been quite as easy and more in conformity with diplomatic usage to say “Your Excellency is misinformed.” Mr. Consul Parkes informs Commissioner Yeh that he has seen clear and conclusive proof that the *Arrow* had an English ensign hoisted and an Englishman on board—facts, he adds, “of which there can be no further doubt or question.” Here, Sir, there is more than prevarication—there is positive untruth; for, according to our own evidence, there was no Englishman on board when the Chinese officials reached the vessel—the Englishman did not go on board till after the seizure; so here we have Consul Parkes deposing as to two facts being so clear and conclusive that there could be no doubt or question respecting them, while upon one of those “facts” he goes directly in the teeth of his own evidence. Is Commissioner Yeh so very unreasonable when he refuses to believe him as to the other fact? Lord Clarendon, with somewhat incautious haste, asserts that it was evidently an afterthought on the part of Yeh to say that the *Arrow* was not a British ship. It is too much to ask Lord Clarendon to condescend to look into the papers concerning any case before him; but if we had a Minister of less commanding capacity, who would descend to that drudgery, he would see that, so far from its being an afterthought, Yeh states in his first letter that the *Arrow* was not an English lorch. Before the affair of the *Arrow*, in the case of the two Chinese smugglers whom we took under our protection, the Chinese authorities used exactly the same arguments—namely, that a Chinese vessel cannot be altered into an English vessel; and they not only said that, but acted upon it. The case of our officials is greatly aggravated, when we find Sir John Bowring deliberately stating that this vessel, for which we are committing such havoc of law, of order, of property, and of life, is not legally entitled to our protection. Such is the statement made by Sir John Bowring to Mr. Consul Parkes; and yet these officials not only continue to urge their claim upon China, knowing it to be unjust, but they proceed in the deception, step by step, to the bombardment of a city containing 1,000,000 inhabitants. I was not astonished at the thrill of indignation that ran through the House when the hon. Member for the West Riding, with that peculiar and enviable eloquence of his, alluded to the miserable argument that the Chinese did not know

the true position of the *Arrow*. Why, Sir, a falsehood does not exist only in the telling a lie, but in the wilful suppression of truth; and this suppression of truth Lord Clarendon, a Minister of the Crown, does not hesitate to re-echo and approve. In the magniloquent appeal with which the Colonial Secretary concluded his peroration, he talked loftily of vindicating the honour of the nation. The honour of the nation! Sir, prevarication and falsehood have nothing to do with the honour of the English nation; they appertain rather to the honour of an Old Bailey attorney. We have heard a great deal about the dissimulation and duplicity of Russia. How Russia will chuckle at this! Here is a Minister of the Crown, the austere negotiator of the Paris Conference, the rebuker of Russian duplicity, approving colonial agents in the maintenance of a claim which they knew to be illegal, and the assertion of a fact which they knew to be untruth! But another excuse has been advanced. It is said that by the 10th rule of the ordinance the register of the *Arrow* might continue in force for more than the year for which it was granted. That is not the case, and the argument was not thought of at the time. It never occurred to Sir John Bowring, who had no doubt that the vessel was not entitled to our protection, and it was never mooted until the town had been bombarded. The proviso in the 10th rule, upon which the excuse is founded, refers to the claims of the owner to renew the licence, and not to the continued force and effect of an old register after its expiration. It simply means that if the vessel be detained at sea by unavoidable circumstances, the licence may be renewed, notwithstanding that irregularity; but it does not mean that the force and effect of the licence shall be continued in the interval. If you look at the ordinance, that would be found to be impossible, because no limit as to time is placed during which the vessel might be at sea; and, therefore, according to your construction, the vessel might remain out many years and the licence still have force. It is quite clear that Sir John Bowring interprets this part of the ordinance as I do. Since, he says, "I will consider if the licence can be renewed, but there is no doubt that the vessel's right to protection has expired." Were there ever, then, more miserable special pleas for the defence of violence and fraud? The right hon. Gentleman said that there had been no

desire to quarrel with China; but I ask if the Government had not predetermined upon these hostilities, what better moment could have been chosen to take us out of this affair with dignity than when Lord Clarendon hears that the licence of the vessel had expired? How well might we have said to the Chinese (retaining the right to this class of vessel if we thought proper) that we had found a technical difficulty in the fact of the expiration of the vessel's licence; and as it was doubtful whether she was entitled at that time to the British flag, and as we were a nation singularly just, and lived under a Government singularly humane, you, the Chinese, shall have the benefit of the doubt. Then, if we wished to gain an entry into the city of Canton, we should have had a better claim in our forbearance than we have had in our violence. If, however, we were too candid to own that we could be the least in the wrong; and if it were necessary for the dignity of this country not to suffer the least affront from China, however unintentional, then I say, that when we captured a Chinese junk, with a valuable cargo, instructions should have been given that that capture was a sufficient reprisal. But, if that was not enough, we might have stopped short after bombarding the Barrier Forts. Good heavens, Sir, it is a stain on the nineteenth century that we hurried on to the shelling of a city, the destruction of its property, the slaughter of its inhabitants, who were disavowing offence and imploring mercy! And all for what? In order that we may convince these barbarians how unenlightened is their prejudice against foreigners. Then there comes this new feature of the case—the alleged infraction of the Treaty of Canton in not admitting the English into the city of Canton. Now, I am going to raise the question a little more boldly than it has been raised by the hon. Member for the West Riding, and I would ask the noble Lord at the head of the Government, than whom no greater authority exists as to the law of nations, whether, according to the law of nations, as interpreted by all authorities, the Chinese Emperor may not feel specially exempt from the fulfilment of this part of the treaty? For the fulfilment of treaties there are five conditions: the most essential of the five is, that its fulfilment shall be practical and not pernicious to the State and people of the Power that enters into the engagement. Nothing is more clearly laid

down by Vattel than that proposition. I need not quote him to show that where a treaty is not practicable it cannot be fulfilled. No one wants a Vattel to tell him that: but on the latter and more delicate part of the proposition, namely, that a sovereign may be exempted from fulfilling a treaty where it proves fatally pernicious to the people he is primarily bound to protect, Vattel is more worth attention. He cites the well-known instance of Louis XII., who was called on by the States General of France to break his treaty with the Emperor Maximilian and the Archduke Philip, on the ground that it was pernicious to the French people. Frederick the Great has treated this very critical question with the acute distinctions of a king whom the subject vitally interested. But he plainly allows the broad fact that one sovereign should not and cannot bind another sovereign to do that which, not being intended at the time, would, if done, prove destructive to his State or pernicious to his people. Then, I ask, first, are you sure that the Emperor of China can practically effect your entrance into the city of Canton? Secondly, what are really the powers of the Chinese Emperor over the provincial city of Canton? We know little of the political constitution of China, but it is perfectly clear that it differs essentially from all modern Oriental nations. When the French Jesuits went there, they were struck with the similarity of the manners of the Chinese to those of the ancient Egyptians, and one wrote a work to prove that China was a colony from ancient Egypt. I believe a Chinese scholar replied, "Not so, but Egypt was a colony from China!" However that be, what most struck the Jesuits was, that under the forms of despotism there prevailed, as there did in Egypt, a religious respect for the feelings, customs, and habits of the people which the Chinese Emperor could not venture to transgress. Are you sure, then, that it is in the Emperor's power, or in that of his Viceroy, to enforce our entry into Canton against the will of its population? If he attempted to do so by a violent exercise of prerogative, the attempt might be fatal to him at a time when his empire is rent by rebellion. The Emperor of China has admitted us into every port into which it was possible for him to give us admission, and if he does not admit us into Canton, may it not then be solely because he cannot do so; and might not a violent effort on his part

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to force us on the inhabitants be fruitless in itself, but more injurious to him than we had ever presupposed? Ought we, then, to insist on what it may not be possible for an ally to grant? No; does not Vattel expressly declare that, "when a treaty, which has been concluded with upright intentions, becomes thus difficult of fulfilment, nothing can be more honourable, more praiseworthy, or more conformable to the histories of international treaties than to relax the terms of such treaty as far as possible without exposing yourselves to loss and danger." How much more, then, may we be disposed to do so, when it is not by relaxation, but by rigorously insisting, that loss, if not danger to ourselves, is incurred. The right hon. Gentleman tells the House that this is not the first time that China has insulted us. But does not Sir John Bowring tell us that, in 1852, before he began to revive the obnoxious claim to enter the city, that so far from desiring to insult us, "the Chinese were in a state of unusual tranquillity, and the prejudices against foreigners are gradually subsiding." That was the happy state of things which he found in 1852, and which he began to disturb in 1854. And the moment in which Sir John Bowring, in his innocent simplicity, becomes animated with the most friendly intentions of entering the city of Canton at all hazards, is that in which we are uniting all the inhabitants against us, and justifying the prejudices which led them to exclude us. The whole of this question was brought in 1849, before the noble Viscount now at the head of the Government. Sir George Bonham was then the representative of this country in China. I am sure that more admirable despatches than those written at that time by the noble Viscount on this subject I have never read. Sir George Bonham fairly put before the noble Viscount all the bearings of the case. He stated all the disadvantages that would accrue from our not enforcing that part of the treaty. All the rubbish we have heard about the Chinese not being sufficiently afraid of our power was urged then as now; but Sir George Bonham came to the conclusion that the advantages of enforcing the treaty would be as nothing compared with the risk and the danger accompanying it; and the noble Viscount, in one of those admirable despatches which he wrote to Sir George Bonham, stated distinctly that "it had always appeared to him to be doubtful

whether the right of entering the city of Canton would be productive of any material advantage to British residents, while it had been plain that the unrestricted entrance of British residents into that city might lead to disputes and collisions between British subjects and Chinese, the consequences of which might be serious."

All the advantages to be gained, then, in the opinion of the noble Viscount and Sir G. Bonham, could not arise from the indiscriminate entrance into Canton, be it observed, of the commercial English—no; that was deemed to be undesirable on all sides—no; but only from the convenience that the English Superintendent and Consul should have access to the Chinese authorities on special occasions. No doubt that object was a very desirable one; desirable in 1849, and desirable now. But in 1849 the noble Viscount said that that object, however desirable in itself, "was not worth a naval and military operation;" and accordingly he resolved, not to renounce it, but to suspend it indefinitely, and that for reasons which apply more strongly at the present day than they did at that time; because if ever the treaty was to be enforced by naval and military operations, surely the time to do it was when the treaty was fresh, and our moral claim had not been weakened by its having been left in abeyance for eight years. If the main reason that we did not urge it then was the prejudice which existed on the part of the inhabitants of Canton, and the noble Viscount wisely left it until time had softened that prejudice, can we expect that prejudice now to diminish when we have bombarded the city, and every Chinese who has lost a brother or son in the conflict is thirsting for revenge? The more, therefore, I admire the prudence of the noble Viscount in 1849, the more I am astonished that he should have lent his sanction to a diametrically opposite policy in 1856. Lord Malmesbury no less wisely enforced the precaution which the noble Viscount had laid down; and Lord Clarendon is the first of our Ministers who, listening to the siren voice of Sir John Bowring, has plunged us into the Charybdis. With regard to Sir John Bowring we all know that he is an able and accomplished man; but he is also a man of enthusiastic temperament, and, like all men of genius, is very desirous of carrying out his own wishes. From the first he was seized by a strong ambition to obtain an entrance into Canton; and although I do not doubt that Sir John Bowring is as humane and honourable a

man towards his own countrymen as any amongst us, yet when agents of European Governments come in contact with Oriental nations, they are apt to be gradually warped from the straight line of humanity and justice they would adopt at home. It is then that we look to a wise Government to guard against the over zeal of agents by salutary cautions which foresee and prevent their errors, and by temperate rebuke when the errors are first incurred. When a Government forsakes this duty—when it places before us nothing but unqualified approval of actions like those recorded in the papers laid on our table—all subordinate agents, like colonial Superintendents and Consuls, vanish from our eyes, and it is only with the Government that we have to deal. Here, then, in my place as a representative of the people, it is the Government that I charge. I charge them with sanctioning an ordinance which, unknown to Parliament, has turned into a dead letter that grand Act of the Imperial Legislature which regulates the whole trade and navigation of the country. I charge them with approving the enforcement of that ordinance by measures that equally violate the laws of nations and the spirit of English honour. I charge them with lending the authority of the Crown to homicide under false pretences, belying the generous character of our country, and offensive to every sentiment of right and justice which our nature receives from Heaven! You tell us it is necessary that China should learn to know our force. It is not true: all these papers tell us that China knows and dreads our force; and what China doubts is, the friendliness of our intentions and the simple rectitude of our objects. In dealing with nations less civilized than ourselves, it is by lofty truth and forbearing humanity that the genius of commerce contrasts the ambition of conquerors. Talk not of the interests of trade! Your trade cannot prosper if you make yourselves an object of detestation to those you trade with. You may, indeed, force a road for your merchants to the market-place at Canton over the ruins of the city and the corpses of your customers—you may carry your tariffs at the point of the sword and surround your factories by armed garrisons and bristling cannon, but I warn you that your trade will fly the place, for commerce recoils from unnecessary bloodshed. *Et udam spernit humum fugiente pennâ.*

MR. LLOYD DAVIES said, he could

not see that there was any logical connection between the speeches of the hon. Member for the West Riding and the hon. Baronet who had just sat down and the Motion submitted to the House. That Motion was not one that reflected on the Ministry. If it were, he should comprehend it, and should be able, by an analysis of the blue-books, to understand what were the points on which Ministers might be assailed or on which our agents in China had erred. But instead of asking the House to condemn the Ministry for their sanction of the proceedings in China, the Motion merely asked the House to appoint a Committee to inquire into our commercial relations with China. The hon. Member for the West Riding had referred as a parallel to our connection with America, and had placed our conduct towards the United States in contrast with our conduct to China. He (Mr. L. Davies) would take another instance—namely, the conduct of the hon. Member himself and those who sat with him three Sessions ago, when this country was on the eve of the war with Russia. Upon the course which the hon. Member and his Friends took on that occasion, and upon that alone, he (Mr. L. Davies) would found his opposition to the Motion before the House. What did the hon. Member and his Friends then do? Why, they represented themselves as embodying the opinions of the people of England; they represented that opinion to the Emperor of Russia through the delegates whom they sent from England to St. Petersburg, and their doing so fortified the Emperor in those aggressive measures which afterwards led to the calamities of the Crimean war. What was the parallel now? The House was asked now to appoint a Committee nominally to inquire into our commercial relations with China; but they must take the real key to the motive for that proposal from the speech of its mover. It was, in fact, to assail the whole of our movements in the Chinese war; it was to paralyse all the efforts which were now in progress to bring the war to a close; in short, it would give nerve to the enemy, and weaken ourselves where we ought to be strengthened. On that principle, then, he decidedly objected to the Motion for appointing this Committee. If he were asked simply to declare whether the measures taken by Sir John Bowring were correct or not, there was no condemnation of the hon. Member or of the hon. Baronet (Sir Bulwer Lytton),

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however strong, in which he would not coincide; but that was not the practical question they had now to deal with. The question was, would they not be acting in a most impolitic manner, and most injuriously to the public interest, by consenting to the appointment of a Committee? Why, what would such a Committee be worth? In the first place, the blue-books would be of no service whatever. All the evidence they supplied was already in their possession. The result would be that they must get witnesses from China to give evidence, before they would be able to arrive at a conclusion that would be either satisfactory or useful. To appoint such a Committee, then, would be to suspend a sword over the heads of all the British authorities in China. They would know there was an inquiry going on into their conduct, and that fact would be quite enough to prevent their acting with the promptitude and energy that were desirable. If it were meant to assail those authorities, let it be done by a direct vote of the House. If it were meant to assail the Government, the same straightforward course was open to the hon. Member. In taking the course he (Mr. L. Davies) had resolved upon, he begged to state that he was acting without the slightest concert with any single individual on that (the Opposition) side of the House. He was influenced and guided solely by public principle; and he did say that great evil would follow the appointment of a Committee like the one proposed. At the same time he did not hesitate to declare that he strongly condemned the policy the Government had adopted with respect to China. He thought the recent attack on Canton was nothing short of a massacre. But that was not what the hon. Member wished to inquire into. Let the war be first brought to a termination. Let steps be taken to induce Ministers to bring it to a close, and then they might properly and dispassionately inquire whether the English authorities in China had acted with precipitancy, and had jeopardized lives and property they ought to have protected. To do so now, however, was to inflict injury upon the public service, paralyse all our efforts abroad, and throw discredit upon the country. He had intended to propose an Amendment, but he had learned upon inquiry that it would have the effect of narrowing the discussion, and he should therefore content himself with voting against the Resolution.

MR. COBDEN rose to explain to the hon. Gentleman that his Resolutions were two in number, and would be put separately. The hon. Member (Mr. Davies) could therefore, if he pleased, vote for the first and against the second; but he (Mr. Cobden) hoped that he would vote for both.

MR. SPEAKER said, that the propositions of the hon. Member for the West Riding appeared on the Paper as one Resolution; there was no distinction made. They must, therefore, according to the forms of the House, stand or fall together, unless the House permitted this Resolution to be withdrawn, and allowed him to put the two Resolutions separately.

SIR JOHN RAMSDEN said: Sir, it must be admitted, that if we are to discuss this question on the very narrow grounds to which we are invited by the terms of the Motion which has been placed in your hands, and with the view to pronounce a censure upon the British authorities in China, or rather upon the Government at home for approving of the conduct of those authorities, while at the same time we put aside altogether the violation of the treaty, which is their alleged justification and defence, we may find very little difficulty in coming to the conclusion, unfavourable to our countrymen, to which the hon. Member for the West Riding (Mr. Cobden) invites us. Or, if we consent to join issue upon it as a mere dry question of law, dependent upon nice legal technicalities and points of casuistry, then I am free to confess that the papers before us, even without the great and practised ability which has been brought to bear upon the subject, furnish ample materials for coming to the most contradictory conclusions. But the speeches of those hon. Members who have taken part in this discussion, breaking away from those restrictions which the hon. opener of this debate, by the language of his Motion, has endeavoured to impose, have suggested to us what are the points, and they are short and clear and unmistakable, to which we must address ourselves, with a view to a correct judgment, founded not on a narrow and limited, and still less on an exclusively legal view of the subject, but founded on considerations of national policy and duty, which, as the hon. Baronet (Sir Bulwer Lytton) has truly insisted, can only be based on principles of national morality and justice. The speech of the hon. Baronet himself has suggested three questions:—Was the *Arrow* a legally-registered British vessel,

owned by a British subject, and as such entitled to British protection? Was the boarding of the *Arrow*, with the forcible abstraction of her crew, a violation of the treaty of 1843? And thirdly, were the proceedings of the British authorities in China, in demanding an apology, and, when that apology was denied them, in adopting those stronger measures on which the hon. Member for the West Riding has dwelt with so much eloquence and feeling—were those proceedings justifiable under the circumstances then existing? I cannot accept the invitation to put out of sight the question whether the treaty had or had not been violated by the Chinese. In my opinion, that question lies at the bottom of the whole transaction, and must be kept in view at every point of the discussion. Nor can it be prejudiced by the counter-charge which has been advanced against British merchants and authorities, of having encouraged the smuggling trade in opium. No complaint on that head had been made by the Chinese, and the hon. Gentleman, who is better informed on these subjects than most of us, knows well why no complaint was likely to be made—because the Chinese authorities themselves are the great encouragers of that smuggling trade in opium by which they make their fortunes, and therefore we can hardly be expected to act as police for the Emperor of China against the dishonesty of his own officials. But that is not the point at issue, and any remarks upon that subject can only have the effect of diverting our attention from the real question before us. Now, was the *lorcha* a legally-registered British vessel? Of course, if you say that she could not be so, unless her owner was a British subject in the ordinary legal acceptance of the term—that is to say, that he had either been born in the British dominions, or had received letters of naturalization—in that case, undoubtedly she was not. These two qualifications of birth or naturalization confer every British right and privilege in every quarter of the globe. But there is another, and a more limited right, which the Queen of England, in the exercise of Her Prerogative, has in some cases granted to residents in Her colonial possessions, in order that they, for purposes of trade within certain prescribed boundaries, might have the protection of the country in which they have come to settle. Accordingly, the colonial ordinance No. 4, of the year 1855, was

passed, whereby foreigners by birth, but settlers or residents in Hong Kong, might obtain colonial registers for their trading vessels under certain conditions, which were imposed as much in the interest of the Chinese as in that of the British Government. For not only the legitimate coasting trade in these seas, but also smuggling and piracy, had been carried on in these small vessels using the British flag; and it was with a view to check this abuse, and to enable the Chinese authorities to distinguish between legitimate traders and smugglers, that this ordinance was passed, enabling the Governor of Hong Kong to grant colonial registers to trading vessels under certain conditions. These registers were to be in force for one year, or until the vessel returned to the waters of the colony; for, as to the construction of this Article, I must, with all deference, express my dissent from the views taken by the hon. Baronet opposite. The conditions under which these registers were granted were as follows:—The owner of the vessel must be a registered lessee of Crown property within the colony; then a declaration of ownership, with proof thereof, must be made to the satisfaction of the Colonial Secretary. Again, the name of the vessel must be painted both in Chinese and Roman letters, four inches long, on a conspicuous part of the stern, and, in addition to all this, the master of the vessel must be either a British subject, or one conversant with the English language; and then comes that to which I beg to call the particular attention of the House, and the more so, because it has been so entirely overlooked by the hon. Gentleman—I mean the additional article of the treaty of 1843, to be found at the end of the papers first delivered, which is in these words:—“Every British lorcha” (mind, it says “British” lorcha) “shall have a sailing letter or register in Chinese and English, under the seal and signature of the Chief Superintendent of Trade, describing her appearance, burden, &c.,” and then follows what has a most important bearing on the present question—“Every such lorcha shall, on reaching Canton, deliver up her sailing letter or register to the British Consul, who will obtain permission from the Hoppo for her to discharge her cargo, which she is not to do without such permission,” under the forfeiture of heavy penalties. Now, the House will see immediately how materially this, which the hon. Gen-

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tleman omitted to notice, bears upon the point at issue. This regulation, as to what the registered British lorcha was to do on arriving at Canton, is an article of the treaty. The other regulation as to the conditions necessary to entitle a vessel to obtain the register, is part of the colonial ordinance No. 4, of 1855, of which a translation was communicated to Yeh, the Chinese Imperial Commissioner, as we learn by these papers, in the month of July last year. Then was the time for the Chinese Government to object, if there was an infringement of their rights, and to make their objections known by a formal communication to the representative of that Government which had granted the right to carry the British flag, and not by a postponed and public insult to that flag itself. But as no objection was made by Yeh to the ordinance when formally communicated to him by the British authorities, his acquiescence was justly assumed. Such being the well-known regulations, what were the facts? The *Arrow* was a registered British lorcha; her owner was a registered lessee of Crown property within the colony; he must have made a declaration of ownership, with proof thereof, to the satisfaction of the Colonial Secretary. Her name must have been painted in Chinese and Roman letters conspicuous on her stern; she had, as we know, a British subject, Thomas Kennedy, for master. Then comes in that additional article of the treaty to which I have already adverted. On arriving at Canton, where she was well known as a trader to the legal ports, she delivered up her sailing letter to the British Consul, who obtained for her, as a British vessel, the permission of the Hoppo to discharge her cargo; she had discharged it, and was about to sail on the very day when her crew were seized. The fact, then, seems to be established that, entering Canton with a British register, and entitled to carry the British flag, she was acknowledged by both British and Chinese authorities, and dealt with in that capacity. But the Chinese authorities were informed that a notorious pirate was on board this lorcha, which they had received into the port as a British lorcha, and they desired to seize him. How, then, ought they to have proceeded under the treaty? how were they bound to proceed? Hon. Gentlemen may inform themselves by referring to the 9th Article of the Supplementary Treaty, which provides that if natives of

China, offending against their Government, shall flee to British ships for refuge, application shall be made to the British Consul, who is bound to deliver them up. But instead of adopting this prescribed course, the Chinese officials proceed with a company of soldiers on board the *Iorcha*, tear down the British flag, seize twelve of our crew, bind them, and forcibly carry them away. The hon. Member for the West Riding reminds me that the Chinese deny that the British flag was flying; but this fact is proved by the concurrent testimony of four witnesses, two of them Englishmen, and the testimony of all four concurs as to having seen the flag up and having seen a mandarin soldier tear it down, and we cannot set against this evidence of our own countrymen, so clear, so consistent in all its parts, and so corroborated—and I think the hon. Gentleman cannot seriously intend that we should set against it—the contradictory denials of the Chinese Commissioner, whose letters, from first to last, are such a tissue of evasion and deceit. And now, the character of the *Arrow* as a British vessel, and the outrage on the British flag, in violation of the treaty, being established, we come to the more serious and difficult question of the reprisals on the part of the British authorities,—and here I must express my concurrence with much that fell from the hon. Member for the West Riding, and especially in his remarks as to the too great exclusion of Parliament from any real knowledge or control in the administration of foreign affairs. This, however, is not the fault of the present or any former Government—the House of Commons itself is alone responsible for submitting to it—and I trust the time is not far distant when we shall see established a more wholesome and constitutional control over our foreign policy. I concur with him as to the jealousy with which we should watch the proceedings of Consuls in the position of Mr. Parkes. I join with him in deploring the violent measures resorted to at Canton. The destruction of property and the sacrifice of life impart a gloomy complexion to these proceedings—and if, on the part of the Admiral or Consul, I could detect any sign of animosity to the Chinese, any insensibility to the gravity of the circumstances, any reckless disregard of duty or responsibility, then, Sir, I would join with the hon. Gentleman in passing upon them the very heaviest censure which it is in the power of Parliament to inflict.

But I search in vain through these despatches for one hasty or ill-considered act, or one angry expression. If reparation was to be demanded, the demand was made in temperate language, and ample time was given to the Commissioner to reconsider his justification and approval of the conduct of his officers.

Undoubtedly, Sir John Bowring did fall into that error of which the hon. Gentleman has availed himself, magnifying so immensely, as I think, if I may venture to use such an expression, both its character and importance—undoubtedly Sir John Bowring was in error when he stated to Consul Parkes, on the 13th of October, that the expiry of her register disentitled the *Arrow* to protection. But he evidently forgot or overlooked the extension enjoyed by a vessel which had not returned to the waters of the colony so as to have an opportunity of renewing her register. And when hon. Gentlemen blame Sir John Bowring for persisting in his demand for reparation after this supposed discovery, I would venture to remind them that the character and manifest intention of the insult cannot be affected by an accident of which the Chinese were not aware, and that Sir John Bowring had to deal with this, not as an isolated case, but as one of a long series of insults and outrages with which these pages abound. I know not whether I have risen from a perusal of these papers, extending over a period of fourteen years, more impressed with admiration for the patience, the forbearance, the judgment, and the ability, which throughout that long period has been displayed by the servants of the British Government, both at home and abroad, or with indignation and abhorrence for the duplicity, the perfidy, the cruel and murderous barbarity of those with whom they had to deal. Read through those despatches, from 1842 up to the present time—from the very day of the Pottinger Treaty, each successive Foreign Minister, whether it be Lord Aberdeen, or Lord Clarendon, Lord Malmesbury, or Lord Granville, the noble Lord the present First Minister of the Crown, or the noble Lord the Member for London, it has been the fate of each successive Minister to receive from each successive Resident or Consul the same tale of insecurity and outrage, of contumely and insult. One day the Vice Consul is insulted, the next day the chaplain is beaten. Here a factory is fired. There a missionary is bastinadoed. At one time the

interpreter is spit upon. At another time a merchant is cruelly tortured, or even murdered. And all this not by lawless individuals, but with the connivance, if not at the instigation, of the Government itself. To show to what a height these proceedings had advanced by their impunity, will the House allow me to read a handbill which was circulated at Canton in July last year, shortly before the outrage on the *lorcha*. It will give some idea of the position, so full of difficulty and danger, of the British residents at Canton.

“(Translation.)

“The absence of interruption to the peace of the country is of the same vital importance, in our opinion, as the maintenance of regularity in the avocations of its inhabitants. We now call public attention to the fact, that in the province of Canton, from the earliest to the present times, barbarians have never been allowed to go into the villages. Recently, however, a set of unprincipled vagabonds have been met with who, without any fear of shame or exposure, carry on a secret intercourse with the barbarian dogs, and combine with them in a number of ways for working out their crafty schemes. Night and day we see them entering the villages, and occasioning so much trouble by their irregularities, that gods and men must unite in detestation of their practices. To judge of the extent of the evil to which our provincial metropolis is thus exposed, we have only to look to Shanghai and Hong Kong, and take note of the iniquities that are there committed.

“Hereafter, therefore, whenever any barbarian dogs come within our limits, we ought, by calling together our families, to maintain the dignity of our city (or province), and, bravely rushing upon them, kill every one. Thus may we, in the first place, appease the anger of Heaven; in the second, give evidence of our loyalty and patriotism; and, in the third, restore peace and quiet to our homes. How great would be the happiness we should thus secure !”

And with this atrocious, but characteristic document before us (which, as we are told on the next page, is supposed to have emanated from the Government), hon. Gentlemen talk to us about dealing with the Chinese on the principles of international law; and ask how, under similar circumstances, we should have acted to America or France? I ask them, would America or France have sanctioned such a proclamation as this? Would America or France have offered thirty dollars for every Englishman's head? I never, till this evening, heard of international law between a civilized and a barbarous nation. Internationality implies reciprocity; and that between nations so far advanced in civilization as to acknowledge a common code of moral and religious obligations. But when we have to deal with a semi-barbarous people, by whom

those obligations are repudiated, we must, on our own responsibility, adopt that course of national policy which is prescribed by the acknowledged laws of morality and justice.

I fear I have already trespassed too long on the indulgence of the House; and will therefore only say in conclusion, that the question of free and unrestricted intercourse with the Chinese authorities, and access to the city of Canton, to which we are entitled by treaty, and to the non-fulfilment of which our merchants and Consuls ascribe every difficulty that has arisen, is now fairly raised, and will be, I hope, finally settled. The hon. Gentleman imagines that we are entering upon a very serious war—I have no such apprehensions, for in the papers delivered to us I find a most significant document, headed “Decision of the Canton Question by the Privy Council of China,” which completely reassures and convinces me, that by a firm policy now, we may prevent these differences at Canton from swelling into more than a mere local quarrel, which, wisely and justly dealt with, must terminate advantageously for both nations, and for the permanent interests of commerce and peace.

SIR THOMAS HERBERT said, that having served in China during the whole of the late war, he naturally felt an interest in everything connected with that interesting country. He could not but deeply regret the commencement of another war, the more so as the necessity for it seemed to him to rest upon no just grounds. The more he studied the official documents already furnished, and the more he had heard in reference to the untoward events, the more inexcusable did the conduct of our authorities in the Canton river appear, and the more did he deplore their ill-considered proceedings. Admitting that the Governor of Canton had been ten times more in the wrong, the violent course taken by our representative was one which he had expected to have heard censured, and not vindicated. Considering that the whole of the crew of the *Arrow* had been sent back to Mr. Consul Parkes, the seizure and retention of one of the Imperial junks might have been supposed to be an adequate substitute for the apology which the High Commissioner was called upon to make, at least until instructions were received from the Home Government on the subject. Surely the circumstances of the case were no justification for our represent-

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ative, upon his own authority, ordering the Admiral not only to destroy forts, but to bombard for three days a commercial town, containing a million and a half of inhabitants, involving an indiscriminate slaughter of unoffending and unresisting citizens. It was said, too, that such a bombardment was an act of signal forbearance! Forbearance it was, with a vengeance! He could not imagine how a British Admiral, without any declaration of war, or orders from the Admiralty, could have been a party, and, as it appeared, a willing party, to such frightful transactions, and that he should think he was at liberty and warranted to destroy the lives and property of a city because it happened to be governed by a man whom he regarded as being guilty of the crime of pertinacity and discourtesy for declining his offered visit at his yamun in the city. The Admiral, however, did, without invitation, visit the Governor's yamun by force of shell and shot, but did not find his Excellency at home. And the Admiral gave a proof of his forbearance and Christian feeling, as he seemed to take credit for abstaining from the wholesale destruction of life and property on the Sunday, as a day of rest, and to perform his Church duties. He wished for the sake of humanity that our representative had exhibited some real forbearance by not resorting to such extreme and cruel measures until he had the sanction of Her Majesty's Government. The whole proceeding was one much to be deplored, and which he could not permit himself to think would be approved by that House or the country.

SIR ERSKINE PERRY said, that, as the Motion before the House had assumed the form of a vote of censure upon the Government, he thought it incumbent upon independent supporters of the Government like himself to explain distinctly the grounds upon which they intended to vote. If the Resolution had been proposed on the other side as a party Motion, however strong might have been his conviction with regard to those grave questions to which it referred, he would have felt it his duty to give his unhesitating support to Her Majesty's Government, because he believed it was the best Government that could be formed under existing circumstances, and he would not assist any attempt of the Opposition to displace it. The Motion having, however, been brought forward on that (the Ministerial) side of the House, and not with any intention of

turning out the Government, it appeared to him that independent Members like himself were bound to consider the meaning and object of the Resolution, and if in his conscience he believed its terms were true and supported by facts, he would feel bound to give his vote in its favour. Having necessarily paid much attention to Eastern affairs, he was impressed with the gravity of the question involved in the Resolution. That principle embraced universal principles of international law, which ought to be considered on the broad basis of right and wrong, which was at the bottom of international law and international morality. The questions raised by the Resolution were two:—first, were the British authorities right in the claim they set up against the Chinese authorities? and, secondly, if the right was on our side, were we justified in resorting to those extreme measures, which were, he believed, deplored on all sides of that House? The naked question of right was—were the Chinese authorities justified in seizing, in Chinese waters, individuals who were Chinese subjects and accused of criminal offences? This question must be decided either by the recognized principles of international law, or by some modification of that law introduced by treaty or by the usage of nations. Mr. Wheaton, a high authority on this subject, and who was Minister Plenipotentiary at several European Courts, laid it down that, if there were no express prohibition, the ports of a State were considered open to the armed and commissioned ships of a friendly nation, and that such vessels were exempt from the jurisdiction of the local authorities; but that if private or merchant vessels of a State entered the ports of a friendly Power they were not exempt from local jurisdiction, except by express compact, and only to the extent provided by such compact. If, therefore, no compact existed on this subject between China and England, the Chinese jurisdiction over the lorcha was founded on the clearest rights. But it was said, that those rights had been modified by the Treaty of Nankin. He was satisfied, however, that any hon. Member acquainted with the law of nations would be of opinion that the 9th Article of that treaty had not the slightest reference to such a class of cases, and it was, in fact, merely an extradition treaty; that is to say, a treaty by which China bound herself to give up English fugitives from justice, when coming into Chinese ter-

ritory, and England entered into similar obligations with respect to Chinese criminals. He might give the House an illustration of his meaning by a reference to facts with which they were familiar. There was an extradition treaty between France and England; but the other day, when it was ascertained that a notorious criminal, who had been expelled from his seat in that House, was residing within the French jurisdiction, it was found that his extradition could not be claimed because his offence did not come within the terms of the treaty. But if Mr. Sadleir had come up the Thames in a French vessel, although the tricolour flag might have been flying at the main, did any one suppose that the British authorities would not have had the power, under the law of nations, of boarding the ship and seizing the culprit? He might be asked, however, if he maintained that British ships entering the waters of China would have no exemption whatever. By no means, but on a principle altogether distinct from the Treaty of Nankin, namely, that European nations in dealing with Eastern Powers had always claimed an immunity from Eastern law for all European criminals found within the jurisdiction of those Powers. It was, therefore, important to ascertain whether the *Arrow* was or was not a British vessel. If she was a British-owned vessel, and the parties seized on board were British subjects, the English authorities were undoubtedly justified in demanding their reddition; but if these men were not British subjects, and if the vessel was not entitled to a British registry, they would not fall within the category he had described. Now, British ships, and British subjects, possessing as they do great privileges, have been carefully defined by the Imperial Legislature. He had been surprised to hear it asserted by the right hon. Gentleman the Secretary for the Colonies—and he saw a similar statement had been made elsewhere by the Lord Chancellor—that the Governments of Crown colonies were entitled by virtue of the prerogative to override the general law of the land. He (Sir E. Perry) would take upon himself to say that was not the law. This was the law; the Governments of Crown colonies had the power of legislating upon all questions upon which the Imperial Legislature had not decided; but it was not competent for them to alter the Imperial law. And he contended that the *Arrow* could not by any provision, either of the colonial legislature or by virtue of any practice

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which existed in Hong Kong, obtain the rights of a British vessel either under the terms of the treaty or under any distinct practice and usage in China recognizing the immunities belonging to British subjects. If the claim be asserted under the treaty, then the term British vessel must be explained by the meaning that term bore at the time of the treaty, not by any claims in a colonial Act passed some years subsequently extending the meaning, even if the colony had power to pass such an Act, which it had not. If the claim rests on the immunity of British subjects from the Chinese criminal law, it is then quite clear that this Chinese-owned vessel and these Chinamen possessed no immunity whatever by the law and usage of nations. But, passing from the question of international law to the far graver question of international morality, and assuming that the British officials in Hong Kong were entitled to claim the reddition of these Chinese malefactors, and that the English had a right, as they undoubtedly had under the treaty, to enter into the city of Canton, did the Chinese deserve the terrible punishment we had inflicted upon them for refusing these demands? The sole principle of policy which ought to govern our intercourse with China was that which had reference to the mutual benefit of trade. What had been the relations between China and England during the last fifteen years, since the date of the treaty? Our imports had increased immensely, not only in tea, but silk, and new articles of consumption had been introduced. It was quite true that there had not been the same extension of commerce in our exports, and that British manufactures had not been taken in the quantities that had been anticipated; and much disappointment had followed. English merchants were at first delirious with delight at the prospect of finding a market among 360,000,000 of the most industrious people of the East; but those anticipations had not yet been realized, and our export trade had scarcely increased at all during the last fourteen years. Nevertheless, our trade with China was in a very flourishing condition. Why then was it, as has been insisted on so triumphantly, that the English merchants in China were the patrons, the fosterers, and the promoters of these hostilities? If the fact were so, it was very important. Without casting aspersions upon any body of men, he must be allowed to state what he believed to be the explanation why men whose pur-

suits were pacific and whose daily toil was for gain were goading on the Government to send out armaments, and to bring about a cessation of peaceful relations. Now, he had heard these facts stated, and he had never heard them contradicted. It was said that in the transactions between the English and Canton merchants the balance of debt was always in favour of the Cantonese. One American merchant who had failed a short time ago was indebted in the large sum of 250,000 dollars to a Chinese merchant. It was also said that these merchants had speculated in tea and silk to an enormous amount; and it was therefore plain that the breaking out of hostilities for a short time must be highly beneficial to the holders of large stocks, and very convenient in enabling English debtors to postpone payment to their creditors at Canton. It must further be remembered that these Englishmen at Canton, who were urging us to send out further armaments, were not called upon, like merchants at home, to bear the income tax or other burdens caused by a war. They were urging the Government to send further armaments to give them more ample protection; but they had no income tax to pay, no war taxes, or other charges; and without imputing to them any motives other than those which actuated all men, and which would probably influence himself, he thought it was natural they should desire to get as much assistance and pay as little for it as possible. But, finally, in testing the opinions of these China merchants—and he did not forget that he was speaking in the presence of some of them, and if the House were entirely composed of them, he would express his opinion with equal freedom—he must state that he was informed that almost every one of them was engaged in the illicit traffic in opium; that 30,000,000 dollars worth of opium were annually sold by British merchants in this illicit trade, at least three-fifths of which was sold at this very port of Canton. Now, they had heard that the Chinese officials were corrupt and connived at this illicit trade; and he did not deny that this was partially the case—it was common to all Eastern Governments; but he would assert, without fear of contradiction, that the respectable inhabitants in China were strongly opposed to this illicit trade—this wholesale smuggling—and to the thinly disguised connivance of the officers whose duty it was to suppress it. He

(Sir E. Perry) was told that they ought to shut their eyes to this, as having nothing to do with the immediate question before the House; but he asserted that it had all to do with the question, for it had produced those deep feelings of hostility to the English merchants and the English Government on the part of the Chinese, and a reciprocal feeling of animosity on the part of the English, so as satisfactorily to account for the truculent sentiments displayed by nearly all the British residents in China. He contended there were so many motives at work to disturb the judgment of China merchants as to make them very unsafe judges to follow on so important an occasion as this. He would now say a few words as to the course which he thought ought to be adopted by Her Majesty's Government. He quite agreed in the proposition that the English nation ought not to put up with insult from any foreign Power. But he denied that in respect to the *Arrow* we had any just claim for reparation; he would admit, however, that, with regard to the right of entry into Canton, we had an undoubted treaty claim. Whether we ought to enforce that claim was a question of policy which, he thought, must be decided in the negative; but we ought not to withdraw from the contest now that it had commenced, but were bound to protect British interests, and to send a naval force sufficient to do so. Should the opinion of the House be pronounced against the proceedings of our officials at Canton, it would behove the Government to send some man of eminence from England to inquire into the whole affair on the spot, armed with sufficient force in one hand to maintain the power of England, and in the other with terms of moderation and forbearance. The notions afloat in some quarters with regard to annexations in China had been derided as absurd. It was because he believed they were not so visionary as some imagined that he had ventured to occupy the attention of the House so long, and to raise his voice on behalf of more moderate, liberal, and Christian doctrines. The most influential journals in India were week after week crying out for annexation in China and Persia, and the same principles of action were advocated by portions of the Press in this country. He had no doubt that the noble Lord at the head of the Government would repudiate all such schemes; but the war might cause the overthrow of the Chinese Government, already tottering

to its base; and if Canton fell into our hands, and an attempt were made to create another Indian Empire in China, as loudly advocated by the *Friend of India*, the effects would be most disastrous to the best interests of this country.

Mr. GREGSON said, that as he had apparently been alluded to in such pointed terms by the hon. and learned Gentleman who had just sat down, he begged permission to say a few words. He would confidently assert that the hon. and learned Gentleman scandalized the English merchants at Canton when he stated that they were all engaged in the opium trade. None of those whom he (Mr. Gregson) represented had anything whatever to do with that traffic. That, however, had nothing to do with the question before the House; but as he (Mr. Gregson) had been thus put forward as the leader of the war party, he must speak from his long experience and intercourse with China—and he held in his hand a letter from twenty-nine gentlemen, now in London, who had resided for five, ten, and fifteen years in China, and who were as competent to form and express an opinion upon the question before the House as the hon. and learned Member—that they were well known, both here and in China, as men addicted to peace and to their own commercial pursuits. They were as averse to war as the hon. Member for the West Riding himself could be, and their worst wish with regard to that Gentleman was that, instead of contemplating events in China at home and through the medium of Parliamentary papers, he might have the benefit of a few years' residence at Canton. For his own part, he admired the hon. Member's sentiments as a friend of peace, though he believed that if the "Peace party" were now, or at any time, in power, we should have no peace whatever. [*Laughter.*] However the Members of that party might dislike national wars, they had evidently no objection to personal wars. If any person could have gone to China with pacific intentions, it must have been the hon. Member's friend, Sir John Bowring; and if Sir John Bowring had failed in preserving peace, the hon. Member might in justice infer that even he himself could not have succeeded. The case of the *Arrow* had been so fully argued that he would not enter into it; but he ventured to say that that case was understood both by Chinese and Europeans in the same sense. On all

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sides it was understood that the *Arrow* carried the British flag. ["Hear, hear!"] The very name *Arrow* indicated that she was an English ship, for a Chinese ship would not have received such a name from the Chinese. The Commissioner Yeh was not justified in the proceeding he adopted, which constituted another insult to be added to the long series previously offered. This Commissioner Yeh was a person of considerable influence; he was one of the guardians of the heir apparent, High Chancellor of the Privy Council or Love-embodying Cabinet, President of the Board of War, and holder of other offices. The British residents on the spot were the persons best qualified to give an opinion on the matters in dispute, and they had addressed a memorial to the Admiral expressing their approval of the course he had pursued, and their hope that he would insist on his reasonable demands. As chairman of the East India and China Association he had received a letter signed by twenty-nine gentlemen, who had been many years in Canton, and they stated that their correspondents in China approved the measures which the British authorities in China had been reluctantly compelled to have recourse to; that the real matter of regret was that the due performance of treaty obligations had not long since been insisted on; and that in their opinion coercive measures had been adopted only to the extent which the exigency of the case demanded. They added that it was their solemn conviction that if at the present juncture any sign of weakness or vacillation should be exhibited, or if the measures recently adopted were not vigorously prosecuted, under the authority of the Home Government, until every legitimate demand had been conceded and properly secured, ruptures between the two countries would be constantly recurring, and life and property would be henceforth unsafe in Canton. The Chinese there, again emboldened by a retrograde policy, would then in all probability induce their countrymen to interrupt the trade at the other ports, and even Her Majesty's colony of Hong Kong might be placed in serious jeopardy. Now surely the opinions of these gentlemen were entitled to consideration, inasmuch as the course they approved inferred the sacrifice of their own immediate private interests. He was sorry to hear the hon. Member for the West Riding speak so disparagingly of the character of

the British merchant. He did not think that the British merchant was the selfish and avaricious being that the hon. Gentleman represented him to be, and he hoped, notwithstanding the hon. Gentleman's declamation against the course adopted by the British authorities in China, the noble Lord at the head of the Government would do everything in his power to enable the British merchant, in whatever part of the world he might be, to exclaim "*Civis Britannicus sum*" with the same feelings as a Roman citizen of old could say, "*Civis Romanus sum*." The hon. Gentleman had said that the American and French Governments would not join us in the course we had adopted towards China; but the representatives of both those Governments had already participated in it. The hon. Gentleman had also said that the debates of the British Parliament were published to the world. Now, he (Mr. Gregson) was sorry that they were so published in this instance, because it would be seen from the reports of those debates that men could be found in the House of Commons who, instead of defending, bitterly condemned our representatives for defending the interests of our fellow-countrymen in distant regions of the world. He lamented as much as the hon. Member for the West Riding the calamities which had occurred in China, but he believed that they were inevitable. In conclusion, he begged to impress upon the noble Lord at the head of the Government the necessity of acting at this juncture of our affairs in China with the same firmness as he had done on a recent occasion, and to insist upon the fulfilment of our treaties with China as he had done on the fulfilment of our treaties with Russia. By so doing, he would be more likely to secure, in the words of that treaty, perpetual peace and friendship to be for ever established between the two countries.

LORD JOHN RUSSELL: I have every disposition to pay respect to the wishes and opinions of the British merchants trading at Canton; but, while we allow due weight to their opinions and representations, we must not forget that it becomes us, the House of Commons, when such a Motion as that of the hon. Member for the West Riding is put before us, seriously to contemplate what has taken place, and to decide according to our views of the rights, interests, and honour of our country, and not to allow our opinions to be entirely

guided by any set of merchants, however respectable they may be. With this view I listened with great attention, and with no less anxiety, to the statement of my right hon. Friend the Secretary of State for the Colonies. I had hoped that the ambiguities which seem to rest upon the policy of Her Majesty's Government might be dispelled by his statement, that some new arguments might be adduced, and that, above all, some view of their policy might be unfolded to which Parliament might look for future security. I am sorry to say that in all these particulars the speech of my right hon. Friend was a disappointment. The question is shortly divisible, as it appears to me, into three heads. The first is the case of the *lorcha Arrow*; the second, the entrance into Canton, demanded according to treaty; and the third, the policy which Her Majesty's Government intend to pursue, and the objects at which they aim by the hostilities that have been carried on in China. With regard to the first of these I will not trouble the House long, and I certainly need not enter into those questions of triple illegality to which my hon. Friend the Member for the West Riding referred. That argument has been stated by him with great perspicuity, and the general law of nations, so far as it affects this question, has been treated by my hon. and learned Friend the Member for Devonport. A statement, however, has been made by the Secretary of State for the Colonies which apparently bears upon this question, but which really does not seem to me to touch it at all. The right hon. Gentleman states that for a long time—he says for 200 years, but it matters not for how long—there has been the practice in certain of our colonies of granting licences or passes to colonial vessels, within certain limits and for certain specified purposes. No doubt these passes have been granted. No doubt they are legal, so far as they are not in contravention of any Act of the Imperial Parliament. But if they are in contravention of such an Act, I conceive that they are of no force or validity whatever. With regard to this particular question of the licence to the *lorcha*, it does seem as if Parliament had very lately declared that exceptions were to be made in the general law with regard to British vessels of British ownership. But, as these were exceptions, certain rules were laid down by which this privilege was strictly

guarded; and among those rules is laid down a provision that every ordinance of a colony should be sanctioned by Her Majesty in Council. That, I imagine, cannot be evaded or set aside, and it has not, I believe, been observed with regard to the colony of Hong Kong. I conceive the question to be, not whether in Gibraltar or Malta passes might be granted which would be effectual for certain purposes, but whether those passes which are given to persons who are, in fact, subjects of another country can override the laws of that country of which they are the subjects. My right hon. Friend seems to think that with regard to the Chinese we need not be so very particular as we are with other nations; but I will take the case of Gibraltar. Many Spanish subjects reside there. Now, suppose that one of these residents was the owner of one of those vessels to which passes had been given; that among a number of Spaniards on board there was a man who had been lately concerned in piracy; and that that vessel entered Malaga or Algeiras, I cannot believe that the Spanish authorities would hesitate to take that man out of the vessel and claim him as a person subject to their jurisdiction. In this respect the general law must obtain that, although your pass may be good in your own ports, it cannot prevail against the law of another country of which the crew of the vessel are the subjects. Will any man tell me that, supposing that the Governor of Malaga or Algeiras had arrested this man, supposing he had been claimed by the British authorities, but that claim had not been listened to and no apology had been made, the Governor of Gibraltar would have asked the Commander of Her Majesty's ships to attack Algeiras or Malaga, to burn the Spanish vessels in those ports, and to blow up the forts which protect them? I think every one must admit that no such course would have been pursued. It might have been that the Spanish authorities were wrong. The case would then have been referred home. The home authorities would have applied to the Spanish Government for redress. The correspondence might have lasted six months or perhaps a year, but I have no doubt that redress would have been given for the wrong committed. Let me say here with respect to this and to every other part of the question, that the gist of the accusation which has been made by the hon.

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Member for the West Riding (Mr. Cobden) is not that our representatives at Canton have raised disputed questions, but that they proceeded by force of arms to effect the solution of those questions when there was no such urgency in the case, and when arms need not have been resorted to until an appeal had been made to the authorities in this country. Then, Sir, we come to the next question—one no doubt of great importance—that of our right to enter into the city of Canton. The terms of the treaty are explicit enough on the subject, and they give us a right to enter the city of Canton as well as the other four ports to which we have access. But that question has been postponed from time to time, and my noble Friend at the head of the Government, when Secretary of State for Foreign Affairs, stated most able reasons and conclusive arguments against pressing that question. He said in substance—"Above all, it is one of those advantages which, if you can obtain it by fair negotiation, may be of considerable use; but the whole advantage will be destroyed if you attempt to obtain it by force of arms. Every concession which you might obtain will become useless and barren, and even injurious in your hands, if thus obtained." Unfortunately, Sir John Bowring has not taken that view of the question; and more than that, he has added this question, which of itself had been very difficult, and which since 1842 and 1856 had never been solved, to a quarrel already existing, and had thus embittered and aggravated the disunion between the Chinese Governor and ourselves. I can imagine that the British Government might decide in conformity with the views of the hon. Gentleman who spoke last—they might say, "Our treaty rights have not been fulfilled; we have suffered injuries; we must state these injuries to the Chinese Government, and, unless within a certain period they are redressed and our treaty rights are fully granted, we give notice that it will be a *casus belli*, and that the refusal shall be equivalent to a declaration of war." That might be possible. I do not say that it would be expedient, but it would be within the province of the supreme authority of Great Britain. But in that case how would you proceed? You would, in the first place, necessarily proceed with the authority of the British Government at home. So great a question, which has been so long in abeyance, ought not to be

settled without the full, solemn, and deliberate determination of the British Government. In the next place, you would give the Emperor of China a certain time within which to decide upon his course. I will not say that, if you said the decision must be made within a month, or six weeks, or three months, the Chinese Government would come to a determination to permit you to enter the city of Canton. It may be that they would so resolve. It may be that the question is not worth pressing; but this, at all events, would be in conformity with the usage of civilized nations, and would not be in contradiction to your own rights by treaty. But what has been done by Sir John Bowring, and Sir Michael Seymour acting in conformity with the wishes of Sir John Bowring? This occurrence with regard to the *Arrow* took place, I think, about the 8th of October. On the 21st and 22nd of that month Commissioner Yeh wrote letters which appear to me to be an apology for that occurrence. These letters are said by Sir John Bowring to be evasive. They do not appear so to me. He says most distinctly, "We considered this to be a Chinese vessel, and the information I have had is that the flag was not hauled down." To be sure, there is conflicting testimony upon that subject; but it is remarkable that the statement of one of the seamen who was on board the *Arrow* shows that the intention was not to insult the British Government, because he says that the mandarin who came on board, after looking round, said, "There is no British captain here, there is no Englishman here. This cannot be a British vessel, it must be a Chinese one, therefore haul down that flag." If that is a true statement, it certainly contradicts the Chinese Commissioner, and is in favour of the English testimony as to the flag being hauled down; but is it not a proof that if the mandarin had seen an English captain on board, he would not have lowered the flag, and would have asked him to redress the grievance of which he complained, that a pirate was harboured on board the ship? I conclude from this that it was not an intentional insult. But more than this. The Commissioner says:—"In future, if there are foreign lorchas in the port, I will take care that no men are taken out of them without communication with the Consul." Besides this he had restored the twelve men. Now, considering these three things,

that the flag, if taken down, was taken down because no Englishman was on board, that it was promised by the Commissioner that never again should a foreign lorcha be deprived of its men or have its flag hauled down, and that the men were restored—I think, in the case of what was after all but a very paltry affair, this satisfaction might have been taken, and Sir John Bowring might have said:—"I consider this affair is over, but I shall report it to my Government and see whether they think it necessary to take any further steps in the matter." Instead of pursuing that course, Sir Michael Seymour, on the 27th, in conjunction with Sir John Bowring, makes positive demands that this entrance into the city shall be granted, and instead of giving three months, or a month, or a week, proceeds that very same day to open fire, and to commence hostile operations. Is that the way to obtain redress from any Government? Is that the way in which a great question which had been in abeyance for so long should have been revived? It is at this point that I think the responsibility of Her Majesty's Government really begins. In the first instance, they received from Sir John Bowring and from the Admiral an account of the hauling down of the flag, and a statement that they had in consequence seized an Imperial junk. The Secretary of State replied that the law officers of the Crown had been consulted; that they were of opinion that the *Arrow* was legally entitled to the privileges of a British vessel, and that therefore he approved of the conduct of the authorities at Canton in having seized the junk. So far there was at least no great harm done, although I think there might have been added some caution not to pursue hostilities. But when they received—which must have been about the beginning of January—the account that hostilities had been continued, that Sir John Bowring and Sir Michael Seymour had on their own authority undertaken to raise this great question, upon which the whole of our amicable intercourse with Canton depended—namely, that of our entrance into the city—and that, without giving sufficient time for a reference to Peking or for a determination of the British Government, the Admiral had at once proceeded to attack the forts, and afterwards, I think, to destroy the fleet,—it does seem to me that Her Majesty's Government should have considered that these officials

had committed a serious offence against the interests of this country; that they had without cause put in jeopardy our amicable relations with a great and populous empire, and had presumed to take upon themselves the solution of a question which three different Secretaries of State had declared, in the clearest and most explicit language, should not be decided without a reference home and without due deliberation by Her Majesty's Government. What, however, was the language addressed by Lord Clarendon to Sir John Bowring and Sir Michael Seymour? On the 10th of January he informed Sir John Bowring that "Her Majesty's Government entirely approve the course which has been adopted by Sir Michael Seymour and yourself." Sir, I do think that this is a very serious matter; I do think that the giving their approbation in these few words, without explicit instructions, without saying what was to be done, without any notice of the assumption of authority, was neglecting the duty, the solemn duty, which was imposed on Her Majesty's Government. I now come to another part of the question which seems to me, serious as are the other points, to demand the especial consideration of Parliament, and of which hitherto we have had no information from Her Majesty's Government. My right hon. Friend the Secretary of State for the Colonies says, "We are not at war with China." Well, if we are not at war with China it is not the fault of Sir John Bowring, or of Admiral Seymour, or of Her Majesty's Government. It is the result of the forbearance of the Chinese Government in not immediately directing that at all other parts of their empire we should be regarded as carrying on hostilities with them. For I take it that, barbarians as the people are—and I certainly am not much of an admirer of Chinese civilization—no Power in Europe, and undoubtedly not the United States of America, would allow its forts to be battered and one of its seaports, containing more than 1,000,000 of inhabitants, to be fired in more than one or two places, and not resent such acts, as an attack upon its integrity and independence. The Chinese Government, however, has not done so, and happily we are not at war with it. But, then, what is to be our policy? I find that Sir John Bowring and Consul Parkes go very far on this subject. On the 8th of October and the following days

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Mr. Parkes asked that the men of the *lorcha* should be returned, that some kind of apology should be made for hauling down the British flag, and that an indemnity of some kind should be paid to the owner of the *Arrow* for the time she was detained. That, at all events, was not a very serious demand. As I have already said, I think that its spirit was complied with. But in the view of our authorities at Canton, it not being complied with, they proceeded on the 27th of the same month to add to that demand a further one, which could hardly be obtained except by hostilities, and hostilities, too, on the most extensive scale—namely, an entrance into the city of Canton. But this is not all. Is this policy adopted by our authorities at Canton also adopted by Her Majesty's Government? I am afraid not; because I see that on the 25th of November Sir John Bowring, writing to M. de Courcy, who had told him, with a degree of prudence and discretion that I could wish some of our English officers would imitate, that he had withdrawn the men whom he had sent in conjunction with the English, and that he would not undertake any operations without immediate authority from the Emperor of the French—Sir John Bowring, in reply, says:—

"I thank you at the same time very cordially for the evidence you have given of agreement and moral adhesion with us in the grave events that have taken place at Canton, which cannot but have an important bearing upon that great question which so deeply concerns us all—the revision of our treaties with China."

Now, what does that mean? You may ask, as I think you are entitled to ask, if you think it wise and politic so to do, that China should completely execute the treaty made by Sir H. Pottinger in 1842. You may say you will take nothing less than its full and strict fulfilment; but that is quite another question. You have no right to insist on new terms, such as that you shall be admitted to all other parts of China, or that you shall have an Embassy at Peking, and various other things that have been spoken of, without going to war, or without having a justifiable cause of war. I defy you to say that the hauling down of the flag of this miserable *lorcha*, and the refusal to admit you to Canton after you had made it an understanding almost since 1849 that you would not insist upon entering the place—I defy the British Government to say that they

have a justifiable cause of war with China, or any right to claim the revision of our treaties with that empire, upon two such contemptible pleas. You state that you are not at war at present,—that you have nothing but a local quarrel at Canton; but then these new terms and this new treaty cannot be granted by the Governor of Canton. They can be granted only by the Emperor of China, after a reference to Peking, and a mature consideration of the whole interests of England and of China. For my own part, I have no wish to see these operations entered upon. I fear they might lead to a long and bloody contest. I fear, especially in the present disorganized state of China, that they might produce such social anarchy, such a complete rupture of all relations between man and man in that country, that it would cease to be a civilized nation,—cease to be a nation with which we could advantageously carry on commercial intercourse. And uncertain and ambiguous objects like these are the benefits for which we are to risk the future prospects of our trade! An hon. Gentleman who has just addressed us spoke with some resentment of the conduct of the Chinese, and of various outrages, many of which were committed by low vagabonds in violation of their own laws. He told us, at the same time, of the increase in the export of silk from 3,000 to 50,000 bales, and the increase in the tea trade, we all know, has been enormous. Are the prospects of a friendly commerce, so beneficial and so useful to us in every respect, to be all sacrificed in order to secure some vain chimera which Sir John Bowring seeks at Canton? And we, the Commons of England, are not informed at this moment what these demands are! How do we know that Sir John Bowring may not by this time have framed new demands and looked for new advantages, or that our ships, our marines, and our troops may not be now engaged in enforcing them? A humorous pamphlet, called *Anticipation*, was once written, in which Mr. Hartley is introduced, and ridicule is cast on the common-place he talks as to the Government of this country being vested in “King, Lords, and Commons.” But, if we are to be uninformed of these things—if hostile operations are to be carried on, and we are not to be apprised of them—I think the truism of Mr. Hartley will become a very wise and weighty saying, which we all ought to take to heart. My right hon. Friend the Secretary for

the Colonies says that we are to emancipate China from its cruel and tyrannical Government.

MR. LABOUCHERE: I beg my noble Friend's pardon. He has—unintentionally, I am sure—misrepresented me. What I said was that I certainly entertained a hope that the result of these proceedings might be to emancipate Canton and its neighbourhood from the government of a man whom I believe to be one of the greatest possible curses and inflictions to those under him.

LORD JOHN RUSSELL: Here, at all events, we have a new demand. We are not satisfied with the appointments which the Emperor of China makes of his own Governors; and thus this gentleman, who is entrusted with the government of 10,000,000 people, is to be removed, and somebody else put in his place, who may, perhaps, be recommended by our Foreign Secretary to the Emperor's attention. In the matter of tendering advice to an independent Government I should have thought that our recent experience at Naples would have sufficed to warn us not to interfere with the internal affairs of China. Commissioner Yeh may be a very bad Governor. For a time we heard that he would probably be disavowed; but that does not appear to be the case; and the hon. Gentleman who spoke last gave us reasons for believing that he was very high in favour with the Emperor, and is not a person at likely to be removed—that, on the contrary, his views are likely to meet with approval from the Government of Peking. If that be so, I think you had better confine yourselves to demanding anything that you have a fair right to demand, but not to meddle with the Emperor of China's choice of the officers he will employ. Besides, how do you know that after all the Emperor might not say, “Well, my Commissioner may be a very intractable and violent sort of man; but I can't see that your own Superintendent has so very mild and easy a temper?” It is sad to think that the act of some inferior mandarin, probably, in the harbour of Canton, searching for a pirate and trying to make him subject to their criminal justice—with a doubtful, or even a bad case, it may be, in point of international law—should have led to consequences of bloodshed and destruction which cannot be too much deplored. I own I am sorry to find that, among all the papers laid before Parliament—among all the approbation which

has been bestowed upon the Superintendent and the Admiral, there is not a single expression of regret for the havoc and the misery which their acts have caused. It would but have been decent that, with their unqualified approval of the acts of our officials should have been mingled some word of sorrow for the dreadful consequences which have flowed from them. In other cases where a flag has been used to protect criminal pursuits, I find that my noble Friend at the head of the Government has with indignation complained of the prostitution of that flag. The flag to which I allude is that of the United States, when employed to protect the slave trade. In 1840 my noble Friend had a correspondence of considerable length with regard to various cases in which it appeared that Spanish vessels, with Spanish owners and Spanish crews engaged in the slave trade, had obtained licences from the American Consul at Cuba, and had then acquired the privilege of using the American flag. On that occasion my noble Friend wrote:—

“But there is an essential and fundamental difference between searching a vessel and examining her papers to see if she is legally provided with documents entitling her to the protection of any country, and especially of the country whose flag she may have hoisted at the time. For though by common parlance the word ‘flag’ is used to express the test of nationality, and though, according to that acceptance of the word, Her Majesty’s Government admit that British cruisers are not entitled in time of peace to search merchant vessels sailing under the American flag, yet Her Majesty’s Government do not mean thereby to say that a merchantman can exempt herself from search by merely hoisting a piece of bunting with the United States’ emblems and colours upon it.”

My noble Friend then proceeds thus:—

“Because what would be the consequence of a contrary practice? What would be the consequence if a vessel engaged in the slave trade could protect herself from search by merely hoisting the United States’ flag? Why, it is plain that in such case every slave-trading pirate, whether Spanish, Portuguese, or Brazilian, or English, or French, or of whatever nation he might be, would immediately sail under the colours of the United States. Every criminal could do that, though he could not procure genuine American papers. Thus, all the treaties concluded among the Christian Powers for the suppression of the slave trade would be rendered a dead letter; even the laws of England might be set at defiance by her own subjects, and the slave-traders would be invested with complete impunity.”

If opinions like these had been prevalent at Canton our officials would have said, “You might have searched this vessel in order to see whether she had papers, and having asked for the papers you would

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have been told that her register was with the Consul.” Then it would have been discovered in a short time that the register had expired, and that, according to Sir John Bowring’s own law, the *Arrow* was not entitled to British protection. There the case would have fallen, at least it ought to have fallen; but, unfortunately—and this is the worst part of the case, though I do not see that it has been visited with any censure by the Government—Sir John Bowring, while declaring to his Consul that the flag was not rightly used, and that the vessel had lost all right to British protection, stands up for her claim as against the Chinese Commissioner, and bids him apologize for this insult to the British flag, which had been lawfully used. We have heard much of late—a great deal too much, I think—of the *prestige* of England. We used to hear of the character, of the reputation, of the honour of England. I trust, Sir, that the character, the reputation, and the honour of this country are dear to us all; but, if the *prestige* of England is to be separate from those qualities, if it is to be separate from the character, from the reputation, and from the honour of our country, then I, for one, have no wish to maintain it. To those who argue, as I have heard some argue—“It is true we have a bad case; it is true we were in the wrong, it is true we have committed injustice, but we must persevere in that wrong; we must continue to act unjustly, or the Chinese will think that we are afraid,” I say, as has been said before, “Be just and fear not.” Whatever we lose in *prestige*, of which I do not presume to be a judge, I am convinced that the character and the honour of this country will be raised higher by such a policy. Never will England stand higher in the world’s estimation than when it can be said that, though troublesome and meddling officials prostitute her arms and induce a brave Admiral to commence hostilities which never ought to have been begun, yet the House of Commons, representing her people, have indignantly declared that they will be no parties to such injustice; and that neither for commercial advantages, nor for political advantages, nor for any other immediate advantages to their country, will they consent to stain that honour which, after all, has been and must be the sure foundation of her greatness.

Mr. LOWE said, he did not rise to answer the speech of the noble Lord the Member for the City of London, which had

been received with such signal favour by the House, but to ask the indulgence of the House while he adverted to one or two points which had not yet been noticed in the debate, and which were of great importance to the question at issue. This was not a question of the right of search, but of the boarding by an armed force of a vessel bearing the British flag, and taking out her crew. It had been maintained in the course of the debate, and the hon. Baronet opposite (Sir Bulwer Lytton) had strongly maintained that argument—that we could not by any municipal law of ours give to Chinese subjects any rights as against their own Government, and that, therefore, whatever law might be passed at Hong Kong left the rights of Chinese subjects exactly as it found them. The first observation which he would make on that was that it proved a great deal too much. If that doctrine were carried out to its consequences the result must be that a great portion of British shipping would not be within this treaty, or within any treaty in which the nature of British shipping was not distinctly set forth. We should be carried back to that which would be British shipping by the law of nations; and if no statute were allowed to enlarge the capacity of British shipping nothing could be regarded as British shipping which was not British-built, British-owned, and British-manned. This was the legitimate and the somewhat inconvenient consequence of that doctrine. Another objection which he had to it was that it was not altogether fair to speak of the inhabitants of the British colony of Hong Kong as Chinese subjects in the same sense as inhabitants of any part of China would be spoken of as Chinese subjects. Hong Kong was ceded by the Chinese Government to the Government of England, the people went with the country, and the sovereignty over them became vested in the British Crown. The supporters of the extreme doctrine laid down the maxim *Nemo patriam potest exuere*, and they maintained that these persons, though the Emperor of China had handed them over to the British Crown, and though he had ceased to perform towards them any of the functions of a Sovereign, were still to be regarded as subjects of the Emperor of China, and that therefore we could not by any law diminish the right of the Emperor of China over them. This, he contended, was a harsh and strained construction of that maxim, and one which could not be

justified by the circumstances of the case. The maxim of those who argued thus ought to be *Patria potest neminem exuere*, because, certainly, all a country could do to cast off its citizens had already been done by the Government of China with reference to the inhabitants of Hong Kong. They were now under the dominion, not of the Chinese, but of the British Crown. The British nation owed protection to them as much as to the inhabitants of any other portion of the British dominions. They might not be subjects of the Crown in ordinary parlance—in the same sense as the inhabitants of these isles were, or even as their own children would be at a future time, but still they were *quasi* subjects. We exercised power over them, and they owed allegiance to us. They might be indicted for high treason if they were to take up arms against Her Majesty. We had duties to perform to them. They were cast off by their own Government, and it was our duty to protect them, and to throw over them the ægis of our power. He submitted that this point had not been sufficiently considered; because it seemed to be supposed that we were seeking by our municipal laws to deprive the Emperor of China of his rights over a portion of his subjects living in China. In the name of humanity he would ask the House to consider, what condition could be more deplorable than that of the Chinese inhabitants of Hong Kong if, by the cession of that place to the British Crown, they had lost the protection of their own Government without acquiring that of any other—if they ceased to be Chinese citizens, without becoming British citizens, and if they were to lose all the rights they had inherited from their forefathers, without acquiring any in exchange. He apprehended it was upon this ground that the ordinance of which they had heard so much was passed. Those persons engaged in trade with China, as it was natural they should do, and it was considered right to register their ships, and to give them, not the same rights as British subjects, but a qualified or local description of rights for the purposes of trade with China. He would not now argue the question whether that ordinance was legal or not. He submitted that the intention was just and benevolent, and if by any flaw in the law that intention had been frustrated, as it was contended that it had been, he thought it was much to be regretted, for he conceived that the Chinese inhabitants of Hong Kong had a

strong claim upon the justice and consideration of Parliament. The question as to the ordinance was a very simple one. A noble Earl had argued in another place that that ordinance was void, because it had not been passed in pursuance of the 547th section of the Merchant Shipping Act. The ordinance could not have been passed in pursuance of that section, because the ordinance came into force in the colony on the 3rd of March, while the Act did not come into operation until the 1st of May. He maintained that the ordinance was legal in its inception; there was nothing to prevent the legislature of the colony from giving their qualified registry to Chinese ships; and it was for those who disputed the legality of the registers to show that there was anything to invalidate their effect. The hon. Baronet opposite (Sir Bulwer Lytton) had contended that in this instance the register had lost its effect because the year for which it was granted had expired while the ship was at sea and before its return to Hong Kong, and he relied upon the grammatical construction of the section in support of his view. The grammatical construction of the rule might admit of some doubt; but he (Mr. Lowe) contended that no judicature would put upon the Act so monstrous a construction as this—that a vessel leaving the colony of Hong Kong, and being at sea for a year, might, on the 365th day, have a right to fly the British flag and to claim British protection, but that on the 366th day—having been kept at sea by stress of weather—it should absolutely and immediately lose the protection of the British flag, and be exposed to contumelious and insolent treatment, without having the slightest claim to protection. This conclusion was so monstrous that he thought the human mind would refuse to adopt it, and he felt no doubt that if the statute was referred to the construction of a competent tribunal, although there might be some little grammatical difficulty, the clause would not be held to sanction such an absurdity. There was another point which had not been mentioned, and which he wished to press upon the attention of the House. The question at issue was whether or not the Chinese had violated the 9th Article of the treaty. That Article was in these terms:—

“If lawless natives of China, having committed crimes or offences against their own Government, shall flee to Hong Kong, or to the English ships of war, or English merchant ships, for refuge,

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they shall, if discovered by the English officers, be handed over at once to the Chinese officers for trial and punishment; or if, before such discovery be made by the English officers, it should be ascertained or suspected by the officers of the Government of China, whither such criminals and offenders have fled, a communication shall be made to the proper English officer, in order that the said criminals and offenders may be rigidly searched for, seized, and, on proof or admission of their guilt, delivered up. In like manner, if any soldier or sailor, or any other person, whatever his caste or country, who is a subject of the Crown of England, shall, from any cause or on any pretence, desert, fly, or escape into the Chinese territory, such soldier, or sailor, or other person, shall be apprehended and confined by the Chinese authorities and sent to the nearest British consular or other Government officer. In neither case shall concealment or refuge be afforded.”

The Chinese officers, however, did not make to the British Consul the communication required by the treaty, but they took the law into their own hands and seized the crew of the lorcha. Suppose, however, that, instead of seizing the crew, the Chinese mandarins had made the proper application to Mr. Parkes, the Consul, and had said to him,—“On board a lorcha now in the Canton river, flying the English flag, and having the name printed in Roman and Chinese letters, there are notorious pirates who have offended against the laws of China, and we demand that they be given up to us.” Suppose Mr. Parkes had replied, “That lorcha is not an English merchant ship, and I shall not interfere”—what words would have been strong enough to express the indignation of the hon. Member for the West Riding at the miserable quibbling, the paltry evasion, the wretched sophistry of the English authorities, who, having passed a colonial ordinance to give the vessel the character of a British ship, and having suffered her to fly the British flag, then turned round and sheltered themselves from the performance of their treaty engagements under the paltry quibble that the register was a colonial, and not an English register? If this would have been true of the English authorities, was it not equally true of the Chinese? After all, however, the main point in this case was not a mere question of legality, but a question as to the *animus* of the Chinese authorities. If the *animus* of the Chinese authorities was pure and fair towards the British representatives, and if they had only been misled in their proceedings, he thought the occurrences that had taken place could not be sufficiently regretted. But he was sorry to say that many circumstances ren-

dered it impossible to come to that conclusion. He would not dwell upon the long course of outrages which had taken place from the peace of 1843 down to the present moment. He would call the attention of the House to a document which showed that the very question which arose as to the *Arrow* had been brought by the authorities of Hong Kong before the Chinese Government. They knew what was likely to ensue if they took the law into their own hands; but with full knowledge and notice of the consequences they chose to do so. The 12th Article of the Supplementary Treaty provided that if the Chinese authorities detected vessels engaged in smuggling they should proceed to seize and confiscate the cargoes, but that the ships should be given up to the British officials. In a letter addressed by Sir John Bowring to Commissioner Yeh, and dated November 21, 1855,—eleven months before the occurrence under discussion—the following passages occurred:—

“Sir,—Mr. Consul Alcock has forwarded me copies of his correspondence with your Excellency regarding the seizure and detention by the Canton Customs of certain British lorchas alleged to have been engaged in salt smuggling. It is provided by Article 12 of the Supplementary Treaty that if any British vessel be detected smuggling, the Chinese authorities shall be at liberty to ‘seize and confiscate all goods, whatever their nature or value, that may have been so smuggled; and may also prohibit the ship from trading further, and may send her away as soon as her accounts are adjusted and paid.’ Such being the course prescribed by treaty, the Canton Customs, in seizing and dismantling the lorchas in question, exceeded their authority and committed a breach of treaty. The Consul applied to your Excellency and was told that the vessels were *pseudo* lorchas owned by Chinese, and that British subjects were in no way concerned.”

That was the precise answer given in the case now under discussion, and which some hon. Gentlemen contended was a *bonâ fide* answer on the part of the Chinese authorities. Sir John Bowring said, however,—

“Your Excellency seems not to be aware that Hong Kong being a British possession all persons, English, Chinese, or other, there residing may procure registers for boats owned by them, on complying with colonial ordinance No. 4, of 1855, of which I enclose a translation. The most important of its conditions, as your Excellency will see, is the giving of a bond by which the owner and two sureties bind themselves, under a penal sum of 1,000 dollars, to comply with all the provisions of the ordinance affecting registered vessels, and with all laws binding on British subjects with regard to trade in China. The allegation of

smuggling having been made within the port, the smuggled cargo alone was seizable. Over the vessels the British Consul alone had jurisdiction; and his appeal to your Excellency was made, no less with a view to the due punishment of the parties offending, than in consideration of those interests which it is his duty as Consul to protect. I have applied to our naval authorities to recover the vessels unlawfully detained by the Canton Customs. They have retaken them, and I shall now proceed to punish the guilty parties for their breach of the ordinance.”

It appeared, therefore, that eleven months before the occurrence which led to the present discussion a similar event had taken place—the seizure by the Chinese, under the 12th Article of the treaty, of a vessel, while they were only empowered to seize the cargo. On that occasion this colonial ordinance was brought to their attention, and they were told the vessels would be retaken by force, and were warned not to pursue a similar course in future. If the Chinese authorities had then made any remonstrance to the British officials with reference to the colonial registers they would have been entitled to the utmost respect and attention, but no remonstrances were made. The letter from which he had read extracts was allowed to remain on record for eleven months, and then, in the fulness of time, when it was thought the proper opportunity had arrived, in spite of the warning they had received, they seized the crew of a British lorcha upon which the British flag was flying. He thought it was impossible to acquit the Chinese authorities of unfair *animus* in this matter, because, if they had really only wished to capture the persons on board the lorcha, the most direct and easy course was to have made an application to the Consul; and they could not have erred through ignorance, because the ordinance had been brought under their attention not long previously, and must have been fresh in their minds. A nation might, without loss of dignity, ask for redress in a temperate manner; but it made a great difference when parties took the law into their own hands, and made a violent armed seizure of men. Much as he deplored the consequences, neither the British authorities at Canton nor the British Government at home were responsible for them, but those who had committed these lawless, ill-advised, and unjustifiable acts. He was no advocate for dealing with Oriental Powers upon different principles, where justice was concerned, from those adopted in dealing with European nations. Conscience

was of no country, and the laws of morality and justice were at least as extensive as the world in which we lived. But in the manner of dealing with an affront from Oriental nations there was a difference, for it was known that their conduct to those with whom they were brought in contact was proportioned to their ideas of their power of resisting their aggressions; and thus, insults which a great people might pass over, if offered by a member of the European confederacy, and leave to be dealt with by public opinion, must, when offered by Oriental nations, be resented and punished on the spot. That was, he admitted, no argument for pushing matters to extremity. But the violence, in the present case, did not come from us, but from the Chinese themselves. The Chinese were offered the opportunity of making a full measure of apology. They were requested to return the twelve men, and they did so. But they were to return them publicly—that is, to admit, in the face of the people, in whose presence they had dishonoured the British flag, that they were bound to make reparation. They dealt with us as hucksters and traders. They were willing to give back what they had taken; but our honour they declined to redress, and refused to this day. He had endeavoured to argue this case in a spirit of pure and calm reason, divested of feeling, a matter very difficult where the honour of the British flag was concerned. It was perhaps not very philosophical that a flag, which was nothing more than a bit of painted linen, should represent the national honour and dignity, and he dared to say the association of ideas rested on no profound metaphysical principle. If it were torn down by the Chinese and a little soiled in the encounter it probably could be washed, or the constituents of the hon. Gentleman the Member for the West Riding could, he dared to say, turn us out a new one. Yet, this very flag brave men had held to their breast and glued there with their best heart's blood rather than surrender it on the field of battle even to a gallant enemy—this very flag at which hon. Gentlemen opposite sneered, brave and honourable men had nailed to the mast, and had preferred to go down with it to the depths of the ocean rather than endure the ignominy of hauling it down in the face of an enemy. And they did wisely and worthily, for these emblems of power, dignity, and honour—emblems

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though they were—were themselves a power and an influence over the human mind, and in proportion as we regarded and respected them would they be regarded and respected by others.

MR. WARREN moved the adjournment of the debate.

Motion made, and Question proposed, "That the debate be now adjourned."

MR. MILNER GIBSON said, he had been under the impression that the Motion of his hon. Friend (Mr. Cobden) consisted of two separate Resolutions. That was the intention of his hon. Friend; but he understood the two Resolutions had been proposed by the Speaker as one Resolution. He held in his hand the original manuscript, handed in by his hon. Friend when he gave notice of his Motion. That manuscript separated the Motion into two Resolutions, with the figures "1" and "2" prefixed to each paragraph, and was prefaced by the word "Resolutions," in the plural number. He hoped that his hon. Friend would be allowed to amend the mistake made in printing the Resolutions, so that they might be submitted to the House in the form intended by his hon. Friend.

MR. SPEAKER: There can be no doubt it was the original intention of the hon. Member for the West Riding to move two Resolutions, though by some mistake of the printer they appear on the paper as one. The House will remember, however, that when the hon. Member sat down after addressing the House, he did not make any Motion; I was therefore left to infer that the hon. Member meant to move the Resolution I found on the paper; and not having been interrupted by the hon. Member, I certainly put as one Resolution what he intended to have been put as two Resolutions. Of course, if the House sees no objection, they can still be separated; but the Motion for the adjournment of the debate and the original Motion must both first be withdrawn.

MR. COBDEN said, his intention was, undoubtedly, to move the Resolutions separately, and he was utterly at a loss to conceive how the mistake had arisen. He thought directions ought to be given the printer to use more care in dealing with the manuscripts that were put into his hands, for he observed that a pencil mark had been run through the figure "2," and the word "Resolutions" converted into the singular from the plural.

VISCOUNT PALMERSTON apprehended the House could not reasonably object to allow the hon. Member to move his Resolutions in the manner he had originally intended—but he must say that he thought it was rather incumbent upon the hon. Gentleman to have looked at the Votes and seen whether his notice was printed in the manner he proposed to submit them to the House. Again, had he exercised that care which every Member who had a Motion to make should naturally exercise, and just hear whether the Resolutions were properly put or not, the mistake would have been avoided. He was sure, however, the House would not be disposed to offer any opposition to the change, but allow the Resolutions to be put from the Chair in the manner the hon. Gentleman said he first intended.

Motion, and Original Question, by leave, *withdrawn*.

Motion made, and Question proposed—

“That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river; and, without expressing an opinion as to the extent to which the Government of China may have afforded this Country cause of complaint respecting the non-fulfilment of the Treaty of 1842, this House considers that the Papers which have been laid upon the Table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*.”

MR. WARREN moved, that the debate be then adjourned.

MR. ROEBUCK: To what day?

VISCOUNT PALMERSTON: To to-morrow.

Debate *adjourned till To-morrow*.

The House *adjourned at half after Twelve o'clock*.

HOUSE OF LORDS,

Friday, February 27, 1857.

REPORTED CATTLE MURRAIN.

QUESTION.

LORD POLWARTH wished to ask his noble Friend the President of the Board of Trade, whether his attention had been called to the reports of a dangerous epidemic said to prevail extensively amongst the cattle in the North of Europe, and which, if it should reach the shores of this country, might be attended with the most serious consequences? He had no doubt that his noble Friend would inform them

Lordships that he had given the necessary instructions, and that every means had been taken, and would continue to be taken, to avert the evil.

LORD STANLEY OF ALDERLEY said, he had had no definite or official information of the existence of the disease in the north of Germany to which his noble Friend had referred; all that he knew upon the subject having been obtained from the statements in the public papers. He could, however, satisfy his noble Friend that the powers given by the authority of the Act of Parliament, and which he believed to be sufficient for the purpose, would be put in force. The Customs authorities were empowered by the Act in question to destroy all diseased animals which might be brought to any British port. Directions would be given to those authorities to watch narrowly the condition of the cattle brought to this country during the prevalence of the disease; and the consuls and other representatives of this country in the ports of Northern Europe would be instructed to make inquiries on the subject, and to communicate to the Government from time to time the information they obtained.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 27, 1857.

MINUTES.] PUBLIC BILLS.—1^o Savings Banks; Medical Profession.

LAW OF BANKRUPTCY—QUESTION.

MR. CROSSLEY said, he would beg to ask the hon. and learned Gentleman the Attorney General, if it was the intention of the Government to introduce any measure during the present Session to amend the Law of Bankruptcy by which the present costs might be greatly lessened: And whether it was the intention of the Government to introduce any measure by which creditors, by means of deeds of assignment, which should not as at present be deemed acts of bankruptcy, might be enabled by themselves to wind up insolvent estates?

THE ATTORNEY GENERAL said, with respect to the first part of the question of the hon. Member as to the introduction in the course of the present Session of a measure for lessening the costs of proceedings in bankruptcy, he was not aware that the attention of the Govern-

ment had been directed to the subject; and, with respect to the second part of the question, he had to state that the matter was under the consideration of Government.

ARCTIC EXPEDITION MEDALS.

QUESTION.

ADMIRAL WALCOTT said, he wished to ask the right hon. Baronet the First Lord of the Admiralty whether, as it was believed some objection seemed to be made to granting clasps to those who were to receive the Arctic Expedition Medals according to the number of times they had served in the Polar Regions, he would have any objection to having the number of times stamped on the bar of the medal in lieu of clasps?

SIR CHARLES WOOD said, that the question whether medals should be given for each Arctic voyage had been considered soon after the question had arisen relative to the granting of medals, and subsequently he had asked whether those officers and men who had been in the Antarctic and the Niger Expeditions were not to be included in the grant? One of the officers engaged in the Arctic Expeditions had also inquired whether it was intended to grant a medal for each year in which the claimants had been in the Arctic Expeditions, and a clasp for each voyage, because in that case he would be entitled to nine medals and twenty clasps. He thought that we had gone far enough in discrediting medals by the profusion with which they had been already granted—and the case put by the hon. and gallant Member for Christchurch had reduced the argument against that profusion *ad absurdum*. In the case of the officers engaged in the late war forty years ago, one simple medal was granted for all the services performed; and he thought the best course to pursue in the present case was to issue one simple medal for the Arctic voyages. The medal was ready to be issued. There was no bar on which the number of voyages could be engraved, and if that addition was to be made to them, it would require the issue of 48,000 circulars, and the reconstruction of the medal.

THE SARDINIAN COMMISSARIAT.

QUESTION.

LORD WILLIAM GRAHAM said, he would beg to ask the Chancellor of the *The Attorney General*

Exchequer whether he would lay on the table a Return of the amount repaid by the Sardinian Government for Commissariat Stores supplied during the War?

THE CHANCELLOR OF THE EXCHEQUER said, that the amount to be repaid by the Sardinian Government, on account of Commissariat Stores, was under consideration. The greatest amount claimed by this country was about £17,000, of which £15,000 had been directed by the Sardinian Government to be remitted; leaving a margin of £2,000, which was still in course of settlement.

THE CRIMEAN COMMISSIONERS—

PERSIA—QUESTIONS.

MR. LAYARD said, he wished to put three questions to the noble Lord at the head of the Government. Last Tuesday week the noble Lord said that he could not state whether any acknowledgment would be made of the services of Sir John McNeill and Colonel Tulloch; and he begged now to ask whether a communication had been made to those gentlemen, offering them £1,000 each, which offer had been indignantly rejected. He also wished to ask whether the Government had now received any confirmation with regard to a treaty between Russia and Persia, to which he had alluded on former occasions? And also, whether the negotiations with the Persian Ambassador at Paris had terminated, and when the papers on the subject would be laid on the table?

VISCOUNT PALMERSTON: Sir, in answer to the first question of the hon. Gentleman, I have to say it is true that an offer has been made to Sir John McNeill and Colonel Tulloch of the nature described by the hon. Gentleman. The offer was declined, not indignantly, but very courteously, and in kind language. With regard to the treaty to which the hon. Gentleman has referred, I have the satisfaction of stating to him and the House, on the authority of the Russian Minister at this Court, and on that of the Russian Minister for Foreign Affairs, that there is no foundation whatever for the report that such a treaty is in existence; to use the words of the Russian Minister at this Court, “the whole is an entire fable.” With regard to the negotiations at Paris, they are not yet concluded, but are still going on. No one knows better than my hon. Friend how slow Orientals are in matters of this kind,

and as the negotiations are still going on I am sure my hon. Friend and the House will see the necessity of not entering into any discussion which is likely to interfere with those negotiations.

IRISH CONSTABULARY—QUESTION.

Mr. CONOLLY said, he would beg to ask the right hon. Gentleman the Chief Secretary for Ireland, whether it was the intention of the Government to bring in a Bill for the redistribution of the Irish Constabulary with reference to the area and population of the counties of Ireland.

Mr. HORSMAN said, that a good deal of communication had taken place upon the subject between the Government and the Inspector of the Irish constabulary. The subject was surrounded by many difficulties, but the Government had determined to frame a measure upon it, and he hoped that measure would be introduced during the present Session.

THE SOLDIERS' FAMILIES AT COLCHESTER—QUESTION.

SIR JOHN TYRELL said, he hoped the hon. Under Secretary for War would not think him importunate if he again asked whether any communication had been received from Colchester on the subject of the destitution of the soldiers' wives there, and if so, whether he could lay it on the table? He had a letter in his hand which stated that the distress of these persons had been relieved but slightly, and that from private charity.

MR. FREDERICK PEEL said, a Report had been received from General Gascoigne, and he apprehended that there would be no objection to produce it. He would inform the hon. Gentleman on Monday.

LAND TRANSPORT CORPS—QUESTION.

On Motion that the House, at its rising, do adjourn to Monday,

SIR JAMES FERGUSSON said, he wished, in pursuance of notice, to call the attention of the House to the condition in which the Officers of the late Land Transport Corps were placed by the recent changes which had been made, and to put a question upon the subject of their half-pay to the hon. Under Secretary for War. Having spent some years of his life in Her Majesty's service, and having had an opportunity of learning the extreme value of

the services of non-commissioned officers, he had taken a great deal of interest in their welfare. He regretted to say, however, that in consequence of recent changes a great many men of that very deserving class had been reduced to a state of destitution while awaiting the decision of the Government, and none had experienced more hardship, in that respect, than the officers of the Land Transport Corps. That corps was formed during the early part of the late war, when great difficulty was experienced in conveying provisions and materials from Balaklava to the army. He had perused the warrant by which the corps was formed, to ascertain whether it was considered a part of the regular army; according to his view he certainly thought that the officers had the same right to half-pay as other officers. That corps did its duty admirably and had merited the praise of Colonel M'Murdo who commanded it. No inducement was spared to get good volunteer officers, the non-commissioned officers of the army not being very willing to accept commissions, because they were afraid that they would not be able to support themselves properly in their new position. At the close of the war the Land Transport Corps was at first reduced in number; but the officers soon learnt with great surprise that the whole corps was about to be disbanded, or rather transformed into the corps known as the Military Train, and they also learnt with dismay that the officers in the Land Transport Corps would not hold the same rank in the Military Train. The commanders were reduced in number and made lieutenants, while the lieutenants in the Land Transport Corps were swept away altogether. He considered it very cruel that men having been induced by great promises to enter the corps, should, after the services they had rendered, be treated in such a manner: he was well acquainted with several individual cases of great hardship. At the same time he did not intend to cast any reflection upon the distinguished officer who was at the head of the army, and who had administered the patronage in the most praiseworthy manner; his only object being to inquire what was to be the course adopted towards those officers—whether they were to be put on half-pay, allowed to sell their commissions, or to be thrown aside and neglected altogether? He could assure the House that his only object was to do justice to those ill-used persons, and, therefore, he would

conclude by putting the question of which he had given the formal notice—namely, whether it was intended to give the officers of the Land Transport Corps, whose services were no longer required, any half-pay or pension; and whether that half-pay would be on the same scale as that given to officers of corresponding rank in other branches of the service? To put himself in order he would move “That the House, at its rising, adjourn to Monday.”

SIR WILLIAM CODRINGTON said, he could confirm the remarks which had been made by the hon. and gallant Member for Ayrshire with regard to the good character and services of those non-commissioned officers who were taken indiscriminately from the Guards, the Line, the Artillery, and the Cavalry, and made officers in a corps which had been newly formed, and which was charged with the performance of very difficult duties. They had a great deal to do with horses, with harness, with carts, and with waggons; and, as they had the supervision of men placed in circumstances of great difficulty, it was necessary that they should be men of extremely good conduct. He should be very sorry to hear that these officers had been placed in a worse social and military position than they deserved.

SIR DE LACY EVANS said, he desired to add his testimony in favour of the gallant officers whose case was under consideration, and he would give notice that he should call the attention of the House to the subject on the discussion of the Army Estimates.

MR. FREDERICK PEEL said, it was quite true that, when the Land Transport Corps was formed, a great number of non-commissioned officers—some 120 or 130—were promoted from the Line and the Artillery, and he had always understood that they had rendered the country most excellent service. When the corps returned home from the Crimea it was disbanded and broken up, and the officers up to the present time had been receiving full pay. In place of the Land Transport Corps a Military Train had been formed, much reduced in number. It was, consequently, impossible that all the officers holding commissions in the Land Transport Corps should receive commissions in the Military Train; and the Commander in Chief, in making the appointments to that train, had had exclusive regard to the service in selecting those who had the most preferable claim. He understood that some

twenty to twenty-five officers of the Land Transport Corps had received commissions in the Military Train. Hon. Members must understand that there was a considerable distinction between the Land Transport Corps and the Military Train. The commissions in the latter were on the same footing as commissions in the army; and he was not surprised that officers who had been suddenly elevated to a higher rank, in consequence of the rapidity with which the Land Transport Corps had been organized, were now holding positions somewhat inferior. With respect to those officers who had not completed the term of service to qualify them for a pension, it was necessary for them to resume their former grade and serve out their time. If half-pay had been given to them as officers, it would only have been a temporary allowance, because they had not completed their service of three years' duration. Under those circumstances, Government had resolved to deal with them in a special manner. An application had been made to the Treasury to authorize a scale of allowance to the officers, varying with the rank which they held in the Land Transport Corps. They were not entitled to the rate which would have been granted had they served for a long period; but they would receive a higher rate than they would have been paid in the ranks, and that was the scale which would be adopted.

REPORTED CATTLE MURRAIN.

QUESTION.

MR. STAFFORD said, in consequence of the answer given to him on Thursday by the right hon. Gentleman the Vice President of the Board of Trade as to the murrain among cattle, he had to state to the House that it had caused out of doors the utmost alarm. The right hon. Gentleman seemed to think that the Board of Customs had shown extraordinary sagacity and energy in killing a single calf, but he was given to understand that a whole ship-load of cattle, supposed to be infected, had been allowed to pass. As long ago as June last the English Consul at Hamburg had called the attention of the noble Lord the Secretary of State for Foreign Affairs to the subject, and had informed him of the existence of the murrain—the same fatal disease which in the last century had destroyed 200,000,000 of cattle. It was a disease in the highest degree contagious;

Sir James Fergusson

the hide, hoof, and horns, were equally affected, and it was transmitted, not only by actual touch, but by effluvia, at the distance of only twenty paces. Considering the necessarily close contact of cattle carried on board ship, it seemed impossible to avoid infection if a single animal out of a cargo were affected. Now, as it had been deemed necessary to kill one animal, the obvious course would have been to reject the shipload, and to prohibit the importation of any more cattle from the infected districts of the Continent. But all they had heard was, that the Board of Customs had the power by law to take proper precautions. What the House wanted to know, however, was, not what the Board of Customs had power to do, but what it had done, or, if it had done nothing, what it intended to do. Under the present state of excitement on the subject, the answer of the right hon. Gentleman (Mr. Lowe) had been most unsatisfactory, and it was very desirable to know whether the Government intended to take any measures to prevent the introduction of infected animals into the country.

MR. LOWE said, that in the absence of notice of the hon. Gentleman's intention to put his question, he could only say that the Board of Trade had put themselves in communication with the Foreign Office in order to obtain from our consuls all possible information on the subject; they had also communicated with the Board of Customs, from which they had received assurances that they were perfectly awake to the danger which threatened the cattle of this country. As a proof of that, they had stopped one animal and had had it killed on suspicion of its being affected with this disease.

LORD NAAS said, he thought that the answer of the right hon. Gentleman was most unsatisfactory. The Board of Trade was in correspondence with the Board of Customs, and the Board of Customs was in communication with another department, and thus nothing was done to prevent the importation of this terrible malady. Mr. Hewett, in his book on cattle, said it was an epidemic first introduced into England in 1745, by two calves from Holland, and the consequence was the destruction of 40,000 head of cattle in Nottinghamshire and Leicestershire, and almost as many in Cheshire. The disease raged with scarcely any intermission for eight years, and visited nearly every part of the grazing districts of England. The disease was of a

most contagious character. It had been known to be carried in the clothes of persons who attended upon the cattle, and there had never been a case in which contact had occurred without the disease being communicated. The permitting a cargo of cattle to land, one of which was affected with this disorder, must have resulted from the grossest ignorance, or from want of instructions on the part of the officials. The practice of every State in Europe was at once to prohibit the importation of cattle from countries where disease had broken out, and all who had studied the subject were of opinion that it was the duty of our Government to adopt the same system. He sincerely hoped, therefore, that measures would be taken without delay to prevent the extension of this dreadful scourge.

MR. PACKE said, this was a subject which concerned every consumer of meat in the country as well as the graziers and breeders of cattle, and the answers given on that evening and the evening before by the Vice President of the Board of Trade were, he considered, most unsatisfactory. Since live cattle had been admitted duty free under Sir Robert Peel's measures there had been a very considerable increase in the fatal diseases to which cattle were liable, and the agricultural interest had been extremely patient under the losses to which it was thereby exposed. They knew that a shipload of diseased cattle had been dispersed over the country, causing great danger of contagion. Cattle bought at fairs sometimes did not show symptoms of the complaint till two or three weeks after they had caught the infection; and the most ruinous losses must ensue to the graziers if a check were not put immediately upon importation. He therefore entreated the noble Lord at the head of the Government to take this urgent matter into serious consideration.

VISCOUNT PALMERSTON: I shall certainly cause inquiries to be made upon the subject; and if any precautionary measures can be taken I shall be anxious to adopt them.

SIR JOHN TYRELL said, he had the misfortune to have been a farmer for a great number of years. The attention of the Royal Agricultural Society had been called to this subject many years ago, but it so happened that after much deliberation concerning the disease or epidemic, the Royal Agricultural Society came to the conclusion that nobody knew anything at all about it. The small-pox in sheep

had a few years ago suddenly disappeared in a most miraculous manner; he knew himself of a case where ten beasts of one breed and ten of another were on the same farm; the whole ten of one breed had the disease, the whole of the other ten escaped. He did not think the farmers could place any confidence in the authority of the right hon. Gentleman the Vice President of the Board of Trade—it was of a most limited character—according to his own account confined to the case of a single calf. The subject, however, was one which well deserved the attention of the Government.

THE CRIMEAN MEDALS.

QUESTION.

COLONEL GILPIN said, he wished to ask when the medals due to surviving relatives of officers and soldiers slain in the Crimean war would be distributed. In one regiment 600 were due, and he daily received applications on the subject. One applicant, a clergyman, stated that he had applied three or four times to the War Office without effect.

MR. FREDERICK PEEL said, that the claims of the representatives of deceased soldiers were still being sent in, and a number of medals was yet due. As regarded the Guards and the Line, about 8,000 medals had been distributed, and 2,000 more remained in the office to be disposed of. All the claims connected with the Guards would be settled in a few days. The whole of the claims made by the families of deceased officers and men belonging to the Artillery and Engineers had already been satisfied.

House at its rising to adjourn till *Monday* next.

CHINA.

RESOLUTION MOVED. RESUMED DEBATE

(SECOND NIGHT).

Order read, for resuming Adjourned Debate on Question [26th February]—

“That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river; and, without expressing an opinion as to the extent to which the Government of China may have afforded this Country cause of complaint respecting the non-fulfilment of the Treaty 1842, this House considers that the Papers which have been laid upon the Table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*.”

Sir John Tyrell

Question again proposed.

Debate resumed.

MR. WARREN: Mr. Speaker, I rise with extreme anxiety, first of all, to apologise for the presumption of which I may have been deemed guilty, in offering myself thus prominently to the notice of the House. But I should not have done so, had I been able to catch your eye, after several efforts, last night, and were I not about to be absent for a lengthened period on the circuit. I shall take care to offer the only apology I can, by being brief, and not standing long in the way of many distinguished Members whom this House, and none more than I, are anxious to hear on this most momentous question. But, Sir, it is because I think it so momentous, that I am impelled to place my own opinions on record by taking part in the debate, as well as by giving my vote. It is a question demanding dispassionate consideration, as vitally affecting the interests of humanity, and the honour and character of the nation. We ought, on this occasion, to exercise our legislative functions in a true judicial spirit, wholly discarding party considerations, as wholly unworthy of a great deliberative assembly, engaged on such a subject as that before us. For my own part, I solemnly disclaim being influenced by party spirit on this occasion. Before I had the honour of a seat in this House, I declared that I would give the noble Viscount opposite a generous though guarded support, while sustaining the tremendous pressure of responsibility which weighed on him in conducting the late war. I say in his presence, that I have redeemed that pledge. I have never given a factious vote against him, and I will not now. If I did, I should be utterly unworthy of a seat in this House. But when I find the Government deliberately ratifying and identifying themselves with the acts, the objects, and the policy of their representative in China, it becomes of infinite consequence that we should ascertain the true character of those acts and objects—of that policy—and so see whether it is our duty to support or censure the Government, and the grounds of our decision ought to be distinctly understood by the people at large. Sir, a mighty mouth-piece of public opinion—*The Times*—has this morning said, that in the course of these debates it somehow happens that noble Lords elsewhere, and honourable Members here, contrive to come to conclusions on the subject marvellously tallying

with their political interests and predilections. However that may be, I shall at once proceed to deal with the subject now before us, and which, by the Resolution in its altered form, as you have just read it from the Chair, is narrowed to a single and distinct issue. Do we, Sir, or do we not, consider that the papers which have been laid upon the table fail to establish satisfactory grounds for the violent measures resorted to at Canton, in the late affair of the *Arrow*? The Resolution being thus disembarrassed of the second part of it, hon. Members, like my hon. Friend the Member for the Cardigan burghs (Mr. Davies), can give their vote upon the broad question as it stands. Sir, let us see how this great affair was introduced to the notice of Parliament, in Her Majesty's Gracious Speech:—

“Her Majesty commands us to inform you, that acts of violence, insults to the British flag, and infraction of treaty rights, committed by the local Chinese authorities at Canton, and a pertinacious refusal of redress, have rendered it necessary for Her Majesty's officers in China to have recourse to measures of force to obtain satisfaction.

“Those measures had, up to the date of the last accounts, been taken with great forbearance,—[forbearance! Sir, where has been our forbearance?] “but with signal success as regards the conflicts to which they had led.

“We are commanded to inform you, that Her Majesty trusts that the Government of Peking will see the propriety of affording the satisfaction demanded, and of faithfully fulfilling its treaty engagements.”

Sir, how do these passages look now, by the light of the bulky blue-books since submitted to us? Do they justify those passages—as to the necessity existing for those “violent measures” which our representatives have taken, in shelling a defenceless city? Sir, I do not go the length of the hon. Mover of this Resolution, who says, that these blue-books are “garbled.” That is a very grave charge to bring against the Government—the falsifying evidence laid before us as premises, from which to deduce our inferences; and though I believe he considers himself fully justified in making the charge, I myself have seen no grounds for it, and assume that those papers are genuine—that the noble Lord and his colleagues dare not so to deceive us and the country. I acquit them of that charge; and let me also say, that I intend to impute nothing blame-worthy to the naval authorities concerned in these operations. No, Sir, wherever, all over the terraqueous globe, the sun

shines on our blue jackets and red jackets, they only reflect lustre on their country. They do their duty—they obey their orders—and the responsibility rests with those who issue the orders. And, Sir, I think that throughout the whole mass of this correspondence, and of all these papers, one thing gleams forth vividly and with unerring distinctness—that Sir John Bowring has made, or seized, a flimsy pretext for the purpose of carrying into effect, at what he deemed a fortunate moment, long-cherished designs. That, Sir, is my conscientious and deliberate opinion, on weighing this mass of papers, and I shall not lose myself among these details, which are now familiar to every Member of the House. But if that be so, consider how grave is the responsibility of the Government, now that they have deliberately affirmed the acts and adopted the policy of Sir John Bowring. They knew all along what his designs were, and that he was only waiting for a favourable moment to carry them into effect; and when news comes that he has done so, they do not disavow and repudiate, but boldly justify and uphold him and his doings. Does any one here suppose that he would have ventured on what he has done—would have actually commenced a war with China—if he had not felt perfectly certain that he should be supported by the authorities at home, who would assume the full responsibility of ratifying acts done, in fact, in accordance with instruction? Sir, I applaud the spirit and generosity which dictate the supporting of a public servant discharging harassing duties in a distant part of the globe, against captious and unjust cavillings and censure at home; but the Government, in doing so, must have well considered the consequences of so ratifying the acts of their agent. He has, doubtless, then, as we must assume, acted all along on secret instructions—secret instructions which, probably, we shall never know—directing him to seize, or if necessary, make, an opportunity for forcing an entrance into Canton. Had it been otherwise, would they not have instantly taken steps to recall him—to tie his hands—to stop the cruel and prodigal shedding of innocent blood? But they have not done so—bloodshed and war are at this moment going on, with the complete approval of the Home Government!

Sir, the question which then challenges our decision is one swollen into infinitely too great proportions to be capable of being

cramped and condensed into a mere dry legal argument—and yet the legal aspect of the case is essential to be considered—but I regard that as settled completely by the luminous and irrefragable reasons given with perfect judicial cogency in the House of Lords. ["Order, order!"] I beg pardon, I mean by certain personages in a certain other place—a place hidden in dim and mysterious obscurity, and which I am forbidden to name. The opinions of Lord Lyndhurst and Lord St. Leonards conclusively dispose of the whole case, in its legal bearings: and a noble Friend of mine, recently entered into that other place, I mean Lord Wensleydale, as far as I could hear him, while upholding the legality of those proceedings, said that he was by no means clear upon the subject, and was not without considerable misgivings. But, Sir, there was another noble and learned Lord also present during the discussions in that other place—he heard the elaborate judgments delivered by those two great lawyers and ex-Chancellors—I am alluding to Lord Campbell, a most able lawyer, almost as great a common and constitutional lawyer as any of his predecessors in the office of Lord Chief Justice of England—he heard those two judgments, and had he differed from them, would doubtless have got up and said so. But he did not, because he could not conscientiously, and by his significant silence gave assent to their unanswerable reasonings. Sir, that silence I regard as a weighty and a remarkable fact, and it helps to relieve me from the necessity of offering any legal arguments to the House. Well, Sir, war has now commenced with China, and is being carried on, according to these very papers themselves, in a way at which humanity shudders. Thus the vast question seems—is it a just or an unjust war? That depends on whether there were a fitting occasion for war—have the Chinese really afforded us a distinct and conclusive justification for our warlike proceedings? Or has a flimsy pretext been manufactured for the purpose by Sir John Bowring,—in fact, a false pretence? Look, Sir, at the only two short sentences with which I shall trouble the House, for they completely settle this part of the question.

Says Sir John Bowring, in writing to Mr. Parkes:—

"I have conveyed to Sir Michael Seymour an opinion that if his Excellency and yourself agree on the fitness of the opportunity"—

Mark, "the fitness of the opportunity!"—

Mr. Warren

"it would be as well if the *venata questio* of our entrance into the city should now be settled, at least as far as to secure us an official reception there."

And on another occasion Sir John Bowring says to Sir Michael Seymour:—

"If your Excellency and the Consul should concur with me in opinion that the circumstances are auspicious for requiring the fulfilment of treaty obligations, as regards the city of Canton, and for arranging an official meeting with the Imperial Commissioner within the city walls, I shall willingly come to Canton for the purpose."

Now, Sir, I see before me the two law officers of the Government—the Attorney General and the Solicitor General. My hon. and learned Friend the Attorney General is an eminent equity lawyer—a dexterous and profound equity lawyer, and possessing a scientific knowledge of its principles. He knows that one great maxim of his Court is, that they who want equity must do equity. Where, I ask him, is the equity of our proceedings in China? We have none, as I shall presently show, in a word. Then there is my right hon. and learned Friend the Solicitor General, skilled in common law and criminal law. Let him come to the rescue of the Government. It is a principle of our law, that acts indicate intention. A man's previous intentions are to be judged by his subsequent acts. What, in our consciences, do we believe to have been Sir John Bowring's intention in seizing on the alleged insult to our flag on the *Arrow*? *Actus non facit reum, nisi mens sit rea*—and if his intention in doing so was not really to avenge a deliberate insult to his country's flag, but to afford a pretext—a colourable claim of right—merely to give him an opportunity of effecting an ulterior, sinister, and long-cherished object—to vamp up a pretence of right in order to take a bloody revenge for an alleged infraction of it, can there be two opinions on his conduct? I challenge the Attorney and Solicitor Generals to rise and defend the Government on this part of the case, and, in doing so, to prove from these papers that the *Arrow* was a British ship, which I totally and emphatically deny.

Sir, I spoke just now about the equity of our proceedings, and I beg the permission of the House to call its attention for a moment to a certain important debate which took place here on the 9th of April, 1840, when the right hon. Baronet opposite (Sir James Graham) brought forward a Resolution—

"That the interruption in our commercial and friendly relations with China, and the hostilities which have since taken place, are mainly to be attributed to the want of foresight and precaution on the part of Her Majesty's advisers in respect to our relations with China, and especially to their neglect to furnish the Superintendent at Canton with power and instructions calculated to provide against the growing evils connected with the contraband trade in opium, and adapted to the novel and difficult situation in which he was placed."

That Resolution was enforced by the right hon. Baronet in a speech of great power, and was followed by the late Sir Robert Peel, from whose speech I beg leave to read a single passage. This was how he spoke, with grave apprehension, when he merely suspected that we were at war with China:—

"I beg the House to remember that, although no communication has been made from the Crown, although no message has been sent down to the House, it appears, from the distinct and intelligible declarations of two Ministers of the Crown, that we are on the eve of hostilities with a country which, in point of population, exceeds all that of the continental countries of Europe—nay, at this moment we may actually have entered into hostilities with a nation comprising a population of 350 millions of inhabitants—very little short, in fact, of one-third of the whole human race! It is certainly not surprising that with these indications of hostilities, which none can mistake, although the Crown has sent down no communication, and has invited no opinion from the House of Commons—it is certainly, I repeat, not surprising that the House of Commons should inquire what are the causes of, and who are the parties responsible for, this great and acknowledged calamity."

Sir, this question has now to be asked by ourselves—when we are actually and avowedly at war with this immense empire—and we, too, have had no previous communication made from the Throne—no Message sent down to the House to take our opinion on so momentous a subject. We have been dragged, or rather plunged into war we knew not why or wherefore—a war which may be attended with great and totally unlooked-for results—and I agree with my hon. and learned Friend the Member for Sheffield (Mr. Roebuck) in what he said the other night, that our boasted control over the exercise of the prerogative in making war is a mere farce. If we inquire before it begins, the noble Viscount jumps up and says—"Oh, you are too soon." If we ask while it is going on, he says—"Don't interfere—you'll ruin all." If we wait till it is over—"Oh, you're too late; it is ungracious and useless!"—Sir, the Resolution of the right hon. Baronet to which I have referred

points to the hidden root of the whole matter—the opium trade with China. We have not clean hands. We have made the Chinese our deadly enemies. We insist on doing so in spite of their long-continued objections and resistance—we are corrupting their morals and their health, and destroying the internal strength and resources of the Celestial Empire—and all for filthy lucre. Sir, no man is more anxious than I to see our commerce flourishing and extending itself all over the earth; but are there not higher considerations than trade and commerce—than money-making? What are they to public morality—to national virtue—to the maintenance of the national character for justice and humanity? It is these great interests that are now imperilled, and it is this that invests this subject with its real importance. I wish to extricate the true question as one of public morality from the meshes of mere money-making and commercial enterprise. I am no member of the peace-at-any-price party, as it is called, but very jealous of the national honour and dignity. I have met—I don't know where—with a noble line which I think exactly indicates the proper attitude and spirit of this country with reference to foreign States—that it should be a—

"Lover of peace, but not afraid of war."

But, Sir, if we are bent blindly and obstinately on persevering in war for a sinister and unhallowed object, we shall attract to ourselves the reprobation of the whole civilized world. Let us look above the mists of passion, of selfishness, and love of gain, at the star of justice, and then we need fear nothing.

"Thrice is he armed, who hath his quarrel just,
And he but naked, though locked up in steel,
Whose conscience by injustice is corrupted."

Sir, I speak in a perfectly calm temper, and say that our vote is a matter of conscience. It behoves every one of us who has, according to our bounden duty, read and considered these papers, to ask himself, do they establish, or do they fail to establish, satisfactory grounds for the late violent proceedings at Canton? I believe the eyes of the whole country are intently fixed on us, and that it will closely and sternly scrutinize the decision at which we may arrive, and so will foreign countries. I, who belong to the Opposition, consider it the duty of a loyal Opposition to presume in favour of Her Majesty's Government—to support Her authority, which they wield, as long as I believe they

are doing it wisely and justly, and for the benefit of the country; but as I feel in my conscience—having looked into the matter with as much light as I could get—that I cannot bring myself to approve of what has been done at Canton—believing, on the contrary, that it is altogether wrong—it is my duty to affirm the Resolution of the hon. Member for the West Riding. I hope that even yet, at this, the eleventh hour, some clear, satisfactory, cogent reasons may be given by the Government in support of these lamentable transactions. Such expectations I await with anxiety, but, I confess, with little hope; and in the meantime I say that I shall give my sincere and cordial support to the Resolution.

THE LORD ADVOCATE said, he would endeavour to state as briefly and clearly as he could the grounds upon which he thought the proposition of the hon. Member for the West Riding ought not to receive the sanction of the House. The sentiments so strongly expressed last night by hon. Gentlemen who supported the Resolution, at all events commended themselves to every generous mind, and he was not surprised that they had produced considerable effect upon the House. But, although he had himself been carried away to some extent, he felt, as the tide of eloquence rolled on, that they had been travelling somewhat too rapidly over difficult and dangerous ground. It was quite true that the topics upon which they heard so much last night were most important in the consideration of a question of this nature. Peace with a great nation like China—the respect due to its antiquity, its civilization, and its enormous population—the regard which ought to be entertained by a strong Power towards one of comparative weakness—the prevention of mischievous intermeddling which might plunge this country into war without sufficient reason—the faith of treaties—the maintenance of the great principles of international law and justice—all these were topics deserving careful consideration. There was, however, another side to the picture. They must not overlook the question of individual justice to those who had been entrusted with great authority in a distant part of the world. They ought to be careful how they condemned men who were not only absent, but who had not the means or the opportunity of defending themselves. Great consideration was due to representatives of this country who were obliged to act in moments of serious emer-

gency without the possibility of receiving instructions from the home Government. There was also this important consideration—that much independence of action was necessarily entrusted to Plenipotentiaries, and the principle that so long as they were not proved to have done wrong it was the duty of the Government and the country to support them. Although, no doubt, it was a most unfortunate circumstance that this country should have been involved in war with China, the first duties of our representatives in that country was towards those who were entrusted to their protection. He must warn hon. Gentlemen that in discussions of this nature, if they did not make sure that they were accurately dealing with the facts, what was said and done in that House might occasion injury to the national interests which it would be impossible to remedy. He was ready to adopt the maxim quoted by the noble Lord the Member for the City of London,—“Be just, and fear not,” but let them be sure they were just. He did not speak simply of justice to individuals, for it was the lot of public servants in this country that they must sometimes submit to injustice; but injustice to individuals in such circumstances was, nevertheless, a national calamity. It often happened that individuals suffered severely from discussions in that House in consequence of imperfect information, and that through them the public service suffered also. But let the House be sure they are just to themselves and to the national interests.

He would not, however, make any further observations in the way of exordium, but would proceed to call the attention of the House to the more immediate questions before it. There were two questions before the House—one was whether the proceedings of Sir John Bowring and his coadjutors were according to international law; the other was whether, supposing they were legally right, the policy they pursued was such as ought to have been followed in the circumstances in which they stood. With respect to the question of law, he entered on it with some amount of diffidence. Great authorities had pronounced against the view which he humbly took. Great names had been quoted in that House against it, and it was with all the humility that a man ought to feel in such circumstances that he ventured to state his opinion; but at the same time he thought it right to say that, giving all due weight to those great legal

authorities, the opinion he had formed was one which he held without much hesitation. He thought it could be demonstrated from the proceedings before them that there was no true ground for saying that any principle of international law had been transgressed by the authorities at Hong Kong. He was anxious to get the House out of the region of generalities with which some speakers had surrounded the subject, because he believed it would be found that the only safe way in which the legal question could be sifted was to deal with it in connection with the facts as they had taken place in China—he meant, to apply the actual law to the actual facts:—for a good many of the general propositions of law which had been laid down might be more or less true, while they had no application to the facts out of which the whole question had arisen. The facts were shortly these:—After the treaty of 1842, and down to 1855, a large population had sprung up in the colony of Hong Kong, and when these proceedings commenced there were about 60,000 Chinese in the colony. He did not say they had ceased to be subjects of China, or had lost their allegiance to the Emperor of China; but they were living under our laws and under our protection. In virtue of the powers which he had as the colonial Governor, Sir John Bowring allowed these Chinese who were living in the colony to become possessed, as lessees, of Crown lands in the colony. He (the Lord Advocate) did not say that was naturalization to the fullest extent; but it was a step towards it, and was in accordance with law. A civil war broke out in China, and there existed a great deal of smuggling along the coast. For the double purpose of knowing to whom the coasting vessels belonged and enabling them to attack with more effect the smuggling trade, an ordinance was passed in March, 1855, under which any Chinese holding property in Crown lands in Hong Kong who chose to apply might, on certain conditions, have their vessels registered, and be entitled to use the British flag. Was that ordinance a dead letter? Was it a thing done in a corner? Or was it unknown to the Chinese? In point of fact, lorchas were registered by hundreds, and it became notorious that the coasting trade of China was almost exclusively carried on by these lorchas sailing under the British flag. Under these circumstances what was the conduct of the Chinese Government? In September, 1855, the Chinese seized four lorchas bear-

ing the British flag; Sir John Bowring remonstrated, and pointed out to them that by the treaty they were not entitled to seize those vessels—that they might seize the cargoes, but that the vessels they could not seize. Accordingly the vessels were restored by the Chinese. On that occasion the Chinese made no complaint about the ordinance; they never pretended they were ignorant of it, for, indeed, a copy of it was sent to them; and without the least remonstrance the lorchas were restored. Now the position he maintained was this:—and it enabled him to establish his defence of the proceedings of Sir John Bowring as a matter of international law. It was a principle of international law that if a nation was in possession of and exercised an alleged right which had not been disputed, whatever the merits or grounds of that right might be, the nation was entitled to continue in possession of it without interruption till a remonstrance was made against it by the proper party. That was one of the most elementary principles of international law as was well known to every student of Grotius. It was a principle not only of international but of municipal law. If an individual were in possession of a right, it was not in the power of a fellow-citizen to deprive him of it by taking the law into his own hands. He was bound in the first instance to remonstrate, and if remonstrance failed, then they might proceed to their legal remedy. To take an example:—There was an island near Bushire that formerly belonged to the French. We had lately landed troops there; supposing they were to remain for two years, that might give us no right to it; but still the French would not be entitled, without first remonstrating, to take steps for the recovery of the island, or to land a body of troops for that purpose. The principle of international law is this; a person in full possession and exercise of a right is entitled to keep it until steps have been taken to show that he is in the wrong. How could the affairs of nations be carried on on any other principle than that? Of course, if the element of bad faith were once admitted the argument did not apply, for against fraud there always existed a remedy; but if the nation acted in good faith, then no violence could be proceeded with in the first instance to interrupt its possession. He, therefore, did not care to stop to inquire to what extent we might or might not have had power to license these lorchas, but the object of granting

them was obvious. These ordinances were framed, not only for the colonists of Hong Kong but for the benefit of the Chinese themselves. These lorchas were licensed for the benefit of the Chinese themselves ; and a proof of this was that the licences were very extensively used. The ordinance was framed by us in order to enable us more effectually to put down smuggling on the coast, and that we might be able to distinguish between those who were licensed traders and those who were smugglers. But, whether that were so or not, it was plain that the Chinese never imagined the ordinance was against them, for they allowed the system to go on for two years and a-half without remonstrance. But what were the objections that had been stated ? And here he must say that matters had been confounded which were entirely and essentially different. One objection was that no country was entitled to grant such licence to the ships of another nation ; and another was that the ordinance of 1855 went entirely in the face of our own municipal law. Now, the second of these objections appeared to him to have nothing to do with the question. The Chinese had nothing whatever to do with our municipal law. If the ordinance was justified by the law of nations, it was clear that they could have no right to say they objected to it because they had a repugnance to our Merchant Shipping Act of 1854. Was there to be no force in the ordinances of our colonial Governments so far as regarded foreign nations, unless the latter were first satisfied upon every question of law that might arise upon them in this country ? How many questions might not in this way be raised ? The appointment of the Governor of Hong Kong himself might be liable to objection ; but were the Chinese to satisfy themselves as to the propriety of his appointment ? There might be irregularity in sending him out, and they might question his powers. So also of many other matters. It is quite enough as regards foreign nations that those representing this country act in pursuance of powers of which they are in the undisputed exercise, and which are not challenged by the Government of Great Britain. He contended, therefore, that the Chinese had nothing whatever to do with the passing of the Merchant Shipping Act. But the question had been put on another ground that was perfectly intelligible. It was argued that it was impossible to give privileges to foreign vessels

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as against their own country. That was tantamount to saying that it was impossible to register a vessel owned by a foreigner. Now, no one disputes that it is lawful for a nation to register a ship upon any terms that it thought proper. But it was said that, granting the possession of a register, the vessel could not be called a British vessel, because the owner owed allegiance to another country. Was that correct, even as regarded our own practice ? In the existing Merchant Shipping Act it was enacted that not only natural-born subjects of this country might be the owners of British vessels, but persons born in other countries might also, provided they had letters of naturalization, and took the oath of allegiance. But did the taking of the oath of allegiance to the British Sovereign prevent them from remaining under allegiance to their native Sovereign ? If the Chinese of Hong Kong took the oath of allegiance to Queen Victoria, did they cease to be Chinese subjects ? Hon. Gentlemen opposite declared exactly the reverse, and he said the same. The question of letters of naturalization was raised the other day, when it appeared that, although a man might be naturalized here, that did not release him from his allegiance to the country in which he was born. But if we registered a ship under our Merchant Shipping Act, and a British merchant chartered it and took a British crew, would we allow our flag to be pulled down by any nation in the world under the pretence that the original owner was a foreigner ? When we once registered a vessel and used it as a British vessel, would we not protect it against all the world ? Suppose that when we were engaged with hostilities with Russia a neutral Power had fired upon our flag, under the pretext that the owner of the vessel was originally a native of that country, would we have put up with that insult or permitted it to go unredressed ? Certainly not. The true principle was, that it lay with Britain to say what a British ship should be—that it belonged to each country to say to what kind of vessel its authority should be given. If any other country thought it had a right to complain, it had the power of remonstrance ; but, in the first instance, it lay with Britain to say what should and what should not be entitled to the protection of her flag. The enforcement of that principle was a boon, not an injury, to the Chinese themselves. ["Hear !"] He

repeated that the fact of these lorchas carrying a British flag, so far from being against the interests of the Chinese, was, on the contrary, a protection to the Chinese and to ourselves against the pirates and smugglers who infested those seas. Such was the view he was inclined to take of the international question; and it appeared to him that the first ground was conclusive, namely, that when we were found in the undisputed exercise of a right for a series of years, the Chinese were not entitled to take the law into their own hands.

That being the state of matters, the *Arrow*—he would not go into the question whether the British flag was flying or not, but he thought Sir John Bowring was entitled to the credit of knowing what the facts were—was lying in the waters of Canton; was boarded by a party of Chinese officials—evidently not by accident or chance, but in a manner which showed that their proceedings had been preconcerted—and the crew were carried off. The first question was—was that justifiable by the law of nations, on the pretence that our Government had no power to pass the ordinance and had no right to grant the register? Looking at the position in which matters stood, and the use which had been made of the ordinance without remonstrance or question, he said that the Chinese were bound in the first instance to make a representation to the British authorities, if their ground of action was that they disputed the legality of the register or our power of passing the ordinance. But the real question lay here—was that proceeding on the part of the Chinese in good faith or not? It would be difficult for the House to settle that question from the papers; but while on the one hand the conduct of the Chinese might be immaterial if proceeding from accident or mistake, it became on the other most important if proved to be the result of intention and design. If the British flag was flying they knew the fact, and they also knew that the vessel professed to be sailing under British authority. Under these circumstances their course was simple. Consul Parkes was living on the spot; and, instead of sending two mandarins on board to carry off the crew at once, it was their duty to apply to him, in order to ascertain whether the vessel was really under British protection. Why did they not do that? Was it that no remonstrance had been

made before? Not in the least. There had been a remonstrance in the previous September on the same subject, and that remonstrance had been successful. Was it that they were ignorant of what the vessel was? He rather thought not. He thought there were plain indications in the correspondence that they knew the history of the vessel. He had no doubt that their proceedings were no mistake at all. They knew perfectly well the circumstances connected with the vessel except the expiry of her register; their proceedings were designed, and were taken for the purpose of showing that they did not intend to recognize the British flag under such circumstances. If they were not bound to recognize the British flag, they were at least bound to say so. Talk of civilized nations! Any civilized nation, if it disputed a right which we had been exercising for a long time, would in the first instance remonstrate with our representatives. But he could not say that a country which offered rewards for the heads of its adversaries appeared to him entitled to be put in the category of nations with which it was possible to deal according to strict international law.

He had hitherto been arguing this question on the point of international law. He now came to a part of the case which he thought had called forth remarks a great deal too strong—he meant the letter in which Sir John Bowring referred to the fact of the expiry of the register. He should assume for the present that the view he had stated of international law was correct. But it turned out that the register of the *Arrow*, having been granted in September, 1855, had expired about a week before the seizure by the Chinese officers. Sir John Bowring wrote a letter in which he stated that—

“The question presents two important inquiries—first, the rights of the vessel in question, and second, the conduct of the Chinese authorities. It appears, on examination, that the *Arrow* had no right to hoist the British flag; the licence to do so expired on the 27th of September, from which period she has not been entitled to protection. You will send back the register to be delivered to the Colonial Office. But the Chinese had no knowledge of the expiry of the licence, nor do they profess that they had any other ground for interference than the supposition that the owner is not a British subject. That, however, is a question for this Government, who granted the register, and it is clear that the Chinese authorities have violated the 9th Article of the Supplementary Treaty, which requires that all Chinese malfaisants in British ships shall be claimed through the British authorities.”

The hon. Member for the West Riding had used very strong language in regard to this letter, calling it "the most flagitious public document" that he had ever seen. He did not know that he was wise in trying to stem the torrent of indignation which the remarks of the hon. Member had excited against the letter. Perhaps, being a lawyer, he might be accused of a secret sympathy with sharp practice; but, having read the letter carefully, having formed an impression regarding it entirely different from that of the hon. Member for the West Riding, and believing that what it meant to say did not savour of duplicity, or secrecy, or false dealing, but amounted to the simple assertion of a very pertinent truth, he should be ashamed of himself if he declined to state frankly what his impression of the letter was. Sir John Bowring said that "the Chinese had no knowledge of the expiry of the licence, nor did they profess that they had any other ground for interference than the supposition that the owner was not a British subject." Did that mean, "Don't tell the Chinese—don't let them know how good a case they have—it is lucky they were not aware that legally we had no means of resisting them?" Not at all. Sir John Bowring meant to say that when the Chinese boarded the *Arrow* and tore down our flag they intended to insult us, and that it made no difference, as far as the insult was concerned, whether the register had expired or not, because they did not know of it. Would any hon. and learned Member venture to say that it was not a principle of international law that if a man committed an outrage upon another without a knowledge of facts which might justify it, he was liable to reprisals as if those facts had no existence? Take the case which he put a little while ago. He believed that in America there was some limitation to the period within which a man could own a vessel authorized to carry the national flag—he must reside a certain time in the States before he can own an American vessel, and if he ceased to reside for a certain time, his right ceased. If the Chinese fired upon American ships, believing them to be American ships, with the American ensign flying at the mast head, could we imagine that our high-spirited brethren on the other side of the Atlantic would have forbore to make immediate reprisals if it had been alleged that, unknown to the Chinese,

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the liberty of carrying the American flag had expired? Was that to be the rule of those who represent Britain abroad? Were they to stop before they resented an insult, in order to discover a ground to justify the insult which those insulting them never could have discovered? Surely not. The very essence of an insult consisted in the *animus* of the person who offered it, and he was perfectly ready to adopt Sir John Bowring's opinion, that it made no difference as to the course to be followed in demanding redress for the insult that the licence of the *lorcha* had expired, if the Chinese had been intent upon insulting the British flag. He quite agreed too with Sir John Bowring, that it rested with the Government which had granted the register to determine whether or not the register remained in force; and if the vessel were *bond fide* returning to her port where the register might be renewed, but owing to a stress of weather were detained, so that the licence expired in the interval, it was for the Government to decide whether she was still entitled to be regarded as a registered vessel. That was Sir John Bowring's view and he said, "The Chinese did not know at the time that the licence had expired, and if they had known it, it was a matter for our consideration and not for theirs." Thus stood the case, and although it was easy to say that it was a matter of small moment, that we were making a mountain of a molehill, and that we were going to war about a trumpery *lorcha*, yet, if there was a deliberate insult offered to the British flag, what ought Sir John Bowring to have done? Was he to submit to the insult? What course was he to follow? No doubt, the fact of the expiry of the licence placed him in a difficulty, because it enabled the Chinese authorities, who had acted upon totally different grounds, to raise a quibble on the point; but he (the Lord Advocate) contended that great latitude was to be allowed under such circumstances to those who were on the spot, and he could not forget that while people in this country were discussing the conduct of our Plenipotentiary abroad that conduct had met with the approbation of every person, not a Chinese, who was upon the spot. It had been approved of by the French Consul in the very strongest terms. It had been approved by the British Admiral, by the French Admiral, and by the Americans. If the French and Americans thought that we had been precipitate they

would have said so; but the fact was, that there was no one who was cognizant of the proceedings as they arose who did not regard the steps which our representatives had taken as perfectly justifiable. Moreover, there was scarcely a man who had a practical knowledge of the subject, and who had been in China and knew the Chinese, who would say that Sir John Bowring had acted wrongly. He believed that those who were connected with the China interest were all but unanimous in support of him, and he did not think, despite the character of the British merchants drawn by the hon. Member for the West Riding, that such a general concurrence of opinion could have arisen if there were not something more important in the times and circumstances of the affair than the mere seizing of a lorch.

The noble Lord the Member for London stated on the previous evening that the Government, in their despatches, had expressed no feeling of sorrow or regret for the bloodshed that had taken place. He (the Lord Advocate) did not think that any such expression was necessary. It was impossible for any one to view without regret the bombardment of such a town as Canton; but he did not see that it was requisite to give utterance to the sentiment. If the Government believed that the British representative had acted properly it was their duty to support him publicly, and not to condemn him either with unjust suspicion or faint praise. He did not say that every person would have acted precisely as Sir John Bowring had done in the matter; but the moment was one of great trial, requiring promptitude and decision of action, and he contended that down to the period of the seizing upon the lorch there was nothing in the conduct of our representatives which the House could condemn. This brought him to the second part of the case—did we adopt unreasonable measures to enforce redress upon the seizing of the lorch? No doubt the seizing of a lorch was a small beginning for a great war; but every one was aware that, in dealing with Orientals, it was a most dangerous thing to neglect small beginnings, and that if we submitted to trifling injuries and insults more important ones would follow before long. Above all things, unless we showed a jealous sensitiveness of anything that was intended as an insult it would be impossible to keep our footing there. Upon this point he would read one sentence from the

work of M. Huc on the *Chinese Empire*, who, writing dispassionately upon the subject, said:—

“We have observed elsewhere that the Chinese, and especially the mandarins, are strong against the weak and weak against the strong. To domineer over and crush all around them is the object they constantly have in view, and to attain it they have an inexhaustible resource in their native cunning and pliability of character. Once allow them to get the upper hand, and it is all over with you; but if you can only succeed in mastering them, you will find them ever after as docile and manageable as children. You may turn and twist them which way you will; but beware of showing yourself weak with them for a moment, for they must be ruled with an iron hand. The Chinese mandarins are pretty much like their own long bamboos. If one can but manage to get hold of them in the right way they are easily bent double and kept so; but if for a second you let go, they are up again in a moment as straight as ever.”

It was quite manifest, then, that it was impossible to measure the magnitude of the issue by the apparent smallness of the commencement; and this was not the first war in the East which had had its origin in small beginnings. He remembered a war which did not turn out of very long duration, but which was very glorious, as wars were called, which brought great honour to those who conducted it and a great accession of territory to this country—he alluded to the late war in Burmah, which owed its origin to a loss of £900 which had been sustained by a British merchant. A noble Lord (the Earl of Ellenborough), in another place, having commented upon the trifling nature of the circumstance which had given rise to that war, was thus answered by the Earl of Derby in 1853:—

“He had no hesitation in entering into an examination of the representations which his noble friend the Governor General had sent home of the necessity of his first proceedings, in sanctioning the course which he had felt it necessary to adopt, and in coming to the conclusion that, reluctantly as he had been compelled to undertake hostile operations against Ava, the amount of insult, if not the extent of the individual injury done to British subjects, was such that, if it were felt necessary to maintain the *prestige* of the British character in India, and to guard ourselves from future insult and injury, they must not be allowed to pass unnoticed and unredressed. His noble Friend had stated very truly that this was not the first offence which had been offered by the Burmese. It was not because a loss had been sustained by a British merchant to the extent of £900 that we had been compelled to demand of the Governor of Rangoon first, and of the King of Ava afterwards, a thorough indemnification and reparation for the insult and injury which had been inflicted upon a British subject; but it was because, from the year 1826, a succession of in-

sults and encroachments had gradually deprived us of all the benefits which had resulted from the last war with Burmah, had driven our Minister from that post which he had been directed to hold, had gradually deprived us of all the privileges to which we were entitled, and had succeeded in thwarting the operations of our commerce—because each successive insult had been tamely acquiesced in, perhaps from necessity, by the Government of the day—it was the continued succession of those injuries and insults which had at length made it incumbent on the Governor General not to pass them over. Without discussing the merits of this particular case he did not hesitate to say, that when the papers should be produced, they would completely bear out the assertion that, unwillingly as the Governor General had had recourse to hostilities, it was impossible for him to have avoided them, and that, having entered upon them, it was necessary to carry them vigorously forward.”—[3 *Hansard*, exxiv. 537.]

So said Lord Derby on the Burmese war. He (the Lord Advocate) did not stand there to justify all the wars which we had undertaken under such circumstances, or to discuss the question as to whether or not they might have been avoided:—what he contended for was, that in order to pronounce whether the present war was or was not necessary, we must judge by a full consideration of all the surrounding circumstances. Hon. Gentlemen appeared to be quite enamoured and enchanted with Chinese composition. No doubt in composition they excelled, and, if they were only as trustworthy in negotiation and as true in action as they were elegant in penmanship, our relations with them would be much more agreeable than they were. But while they were all honey upon paper, they were quite the opposite in action; for all the time Commissioner Yeh was writing plausible despatches to Sir John Bowring he was exciting his own populace against the British, in order to provide a pretence for refusing to admit our ambassador; and evincing the partiality he entertained for Englishmen by putting a price upon their heads. The French authorities, be it said, in regard to this last point, had felt it necessary to declare their entire sympathy with us and to remonstrate with Yeh on a proceeding so uncivilized. It was impossible to judge from their writings, then, how such persons should be dealt with. It must be remembered that the Chinese Government was at the same time arrogant and weak, and that very weakness much increased the difficulty of dealing with it. Commissioner Yeh admitted the fact; and although no doubt he had exaggerated the difficulty of dealing with the people under

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his control, still unquestionably some difficulty did exist. As an instance of the weakness of the Government the Commissioner of the Chinese Government in 1844 said:—“We cannot let you into Canton just now because the people are much excited against you, but wait two years and then you will be entitled to admission.” There was no doubt, therefore, that the Imperial Commissioner had some difficulty to contend against in governing the Chinese people; but in dealing with nations of that description, nations which were not always able to fulfil their obligations, it was necessary to insist on the fulfilment of those within their power, and take advantage of favourable opportunities for enforcing their fulfilment. Some persons might think that when the men who had been seized on board the *Arrow* were sent back the matter might have been allowed to end there. That was of course a matter of opinion, and he (the Lord Advocate) was of the opinion that that was not a sufficient reparation for the insult. The real question to be considered was, whether or no the opportunity was a favourable one for enforcing the fulfilment of the Treaty of 1849. The mere return of the twelve men was no satisfaction for the insult which had been offered, and there could be no doubt that they ought to have been sent back as publicly as they were taken away. If what was done had been accepted as a reparation, the Chinese would have at once said, “See these Englishmen, they are willing to put up with insult!” and in all probability they would have added insults more grave. But then came the question, was it a proper opportunity of enforcing our right of admission into Canton—not free admission, but that reasonable opportunity for communication with the Chinese Government, from the want of which communication great difficulties had arisen, and which was permitted by all civilized nations? They had admitted the Ambassador from Siam and representatives of other Powers, but they refused to hold relations with the British Plenipotentiary. The noble Lord the Member for London had stated that notice ought to have been given to them of our intention to enforce the provisions of the treaty. But it should be remembered that we were entitled to enforce the observance of the treaty at any time, it had been made the subject of a correspondence, and in enforcing the right of a personal audience with the Chinese Minister, Sir John Bowring was only insisting

on that being done which the treaty gave him the right to have done, and which all civilized nations are entitled to require from each other. Upon a review of the whole case, he could not think that Sir John Bowring had done anything to deserve the censure which it was now proposed to pass upon his conduct.

He had been driven to trespass longer than he had intended upon the patience of the House, but he besought the House to consider well the consequences of this discussion on the future. It must be remembered that the proceedings which were now being discussed had taken place two months ago; and was any one prepared to retrace the steps which had been taken? He would venture to say that whatever might be the opinion of any man, no one, when he saw how much depended upon what had been done, would be prepared to retrace those steps. With interests so grave at stake it would be better, and even more just, even if a false move had been made, to proceed rather than to go back. If there were anything on the score of justice or morality which the House deemed worthy of censure, they must of course decide accordingly; but if it were the question of policy alone that was at issue, they must remember that to retrograde now would be to raise up a barrier between the Chinese and the English more dangerous and difficult to pass than any which had yet existed. The House must recollect how important it was that the representatives of Great Britain throughout the world should have a firm hand, and allow no insult to the flag of Great Britain. The hon. Member for the West Riding had spoken about the horrors attending the bombardment of a town containing 2,000,000 inhabitants; but he could not find in the papers before the House anything like the sufferings described. On the contrary, he thought that what was done, if it were necessary that it should be done, had been done in the most moderate manner. At all events, he was not disposed to accept Yeh's statement as a true description of the case. From the dense population of China, a war with that country must always be a horrible war, and, therefore, certainly, care ought to be taken how one was entered into. But, on the other hand, by not acting with readiness and promptitude when the occasion called for the exercise of those qualities, calamities infinitely more horrible might be incurred hereafter.

MR. WHITESIDE: Sir, I agree with the hon. Gentleman the Member for the West Riding, that the question under consideration has been debated elsewhere with an eloquence which all must admire. The question of legality involved in the issue has been decided by one whose ideas are as luminous, whose logic is as exact, as when the fire of youth inflamed his words. The question of legality has been decided a second time by the authority of one of the most accurate Judges and profound writers upon legal subjects of his time. I was in hopes, therefore, that no Member of the legal profession could have risen to pledge his reputation to the assertion that the course which has been adopted and which has been sanctioned by the Government was legal, was justifiable, was constitutional. But the learned Lord Advocate, for whom I have a sincere respect, has at last come to the rescue, and it is for us to examine with perfect fairness the arguments which he has put forward, and to ask ourselves conscientiously, has he been able, even with his attainments, to burnish the wretched and disgraceful case which the Government has laid before Parliament? Sir, I own I am in a difficulty; my wish is to speak as calmly as I can; but it is impossible to speak coldly upon such a question; the speech of the noble Lord the Member for the City of London has so excited my feelings that I can with difficulty repress my indignation. That speech was not replied to by the Vice President of the Board of Trade. It was the speech of an English statesman; it was the speech of an English gentleman, and every sentiment the noble Lord uttered came home to our hearts. For my part, Sir, as a Member of the House of Commons, I am glad to see it is not so easy to write down the reputation of an eminent man. It is said that we are contending about a legal question. Well, if that is so, I confess I wait with some anxiety the statement of my hon. Friend the Attorney General. Now, the right hon. Gentleman the Secretary for the Colonies addressed the House last evening. The right hon. Gentleman is the framer of a celebrated statute upon the improvement of the navigation laws, in which he explained the position of the British shipowner and the nature of British ownership; and in his address to the House the right hon. Gentleman used these words:—

“ I think, in exposing the British shipowner in

the manner I propose to competition with all parts of the world, it is but reasonable that he should be afforded every facility for obtaining his ship at the cheapest rate. I, therefore, propose to do away with the restrictions which at present limit the right of acquiring a British register to a British-built ship. I propose that a ship built abroad, but owned by Englishmen, shall be entitled to a British register whether that ship be employed in the coasting trade or in foreign commerce. With regard to the ownership, I do not propose any material alteration. There are some anomalies which I hope to remove; but with regard to the general principle of rendering British ownership necessary, I do not make any change.” —[3 *Hansard*, xcvi. 1012.]

That was the language of the right hon. Gentleman in introducing an Act of Parliament which had been carefully considered and elaborately framed to carry out the principles which he thus enunciated. The law was an Imperial law, and it was a wise law. The right hon. Gentleman the Member for the City of Oxford (Mr. Cardwell) brought in an amended Shipping Bill somewhat later, which dealt with the coasting trade; but the right hon. Gentleman the Secretary for the Colonies took the alarm, thinking that it was carrying the principles of free trade too far, and on July 5, 1853, he delivered to us these instructive observations:—

“Parliament was now called upon to enact a law by which it would hereafter be sufficient for a merchant ship to have what was called a ‘British owner,’ without having a single English soul on board from the captain to the cabin-boy. For aught he knew, this ‘British vessel’ might never come near our shores; she might be built at Bordeaux and navigated by Frenchmen, and trade with every country but England.”—[3 *Hansard*, cxxviii. 1228.]

Now, what would the right hon. Gentleman have said, if it had been then proposed to dispense with the whole foundation of our navigation laws, the necessity of British ownership for British vessels? I think the right hon. Gentleman would have scathed the right hon. Gentleman the Member for the City of Oxford with indignant sarcasm had he introduced such a proposal. What, let me ask, is the authority of a local legislature? What, let me ask, is the authority of Sir John Bowring? We have a book in our library, published by authority of the Government, containing directions as to the powers of our representatives abroad; and at page 12 we find:—“They can sanction laws—such laws, however, not being repugnant to the laws of England.” Such is the Imperial law—such is the law under which Sir John Bowring exercises his authority. And he has as much power to

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alter that imperial law of his own motion as he has to cut off the head of the noble Lord the Member for the City of London—not that I think it would be expedient for the noble Lord to intrust himself to Sir John Bowring if he were in a passion, because if he were to execute such a purpose, it might be difficult for the noble Lord to obtain redress for the grievance. Sir John Bowring, then, had no power to go outside the law. But the Act of Parliament we are considering was so prudently framed, that it was made to contain a section showing how it was possible for a colonial legislature to deal with this Imperial law. Accordingly it was enacted—

“The legislative authority of any British possession shall have power, by any Act or ordinance, confirmed by Her Majesty in Council, to repeal wholly or in part any provisions of this Act relating to ships registered in such possession; but no such Act or ordinance shall take effect until such approval has been proclaimed in such possession, or until such time thereafter as may be fixed by such Act or ordinance for the purpose.”

Sir, the blue-book has been the brief handed by the Government to their legal friends to make out a case. Now, one blue-book has been disposed of by the hon. Gentleman the Member for the West Riding; but the blue-book before us says nothing about the repeal of this Imperial law or of any part of it; therefore, Sir, we are at perfect liberty to conclude there was never any relaxation, much less a repeal of the law sanctioned by the Queen in Council. So that the Imperial law does stand unrepealed, and Sir John Bowring had no right whatever to repeal or disobey it, although I admit he would have done so if he had taken it into his head.

Now, the House will be so good as to observe what was the first point to which the learned Lord Advocate addressed himself. Evading the true question, he thus speaks—

Let us lay aside all considerations of international law—all considerations of the legality of what Sir John Bowring did—let us lay aside these trifles, and address ourselves to the very serious question whether the Chinese, upon the legal point, have not waived their right to object; and whether Sir John Bowring and his confederates had not a right to make a murderous onslaught upon the people of Canton, because they did not make their objections at the particular moment it was becoming.

Now, he could understand such a justifi-

cation if there was no treaty regulating the intercourse of the two countries later than half a century ago. Doubtless lapse of time might suffer such a state of things to grow up as might account for the behaviour of the English officials. But here there was a clear treaty between the two nations; and I must say I have yet to learn that, if England addressed a letter to the Chinese authorities, making certain assertions, and the Chinese authorities did not think fit to answer it, I have yet to learn that that would suffice for putting an end to the treaties between them. Sir, I would like to know what the noble Lord at the head of the Government could say to this position: the Emperor of Russia forwards to him a communication which the noble Lord thinks is not of a nature that it is desirable for him to reply to, would, therefore, the Emperor have a right to assume that all existing treaties between the two Governments are altered and changed? Upon what did the Lord Advocate rest his argument? Why, his main point was, that in 1854 the Chinese committed an error in seizing two lorchas. Well, but what was the error? It was this: according to the 12th section of the treaty to which the learned Lord Advocate referred, the Chinese were authorized to seize and confiscate all goods on board ships that came into Chinese waters for the purpose of smuggling. The clause of the treaty declares—

“In any positive instance of smuggling transactions coming to the consul’s knowledge he will instantly apprise the Chinese authorities of the fact, and they will proceed to seize and confiscate all goods, whatever their value or nature, that may have been so smuggled, and will also be at liberty, if they see fit, to prohibit the ship from which the smuggled goods were landed from trading further, and to send her away, as soon as her accounts are adjusted and paid.”

Now, that I admit only authorizes the seizure of the goods. The Chinese, however, in the instances relied on, seized upon the hulls. When the English agent demanded them back, and the Chinese Government delayed complying with the demand, we despatched a sloop of war, and it brought back the two vessels. The Chinese, however—impracticable people as they are regarded—submitted to the treaty, and acknowledged that they were only entitled to seize the goods. Sir, the untenable argument of the Lord Advocate is, that because these two vessels were removed without dispute or protest from the Chinese when they were wrong, that,

therefore, this treaty was in some way or other altered by the communication of Sir John Bowring—a document upon which, by the way, more turns than has yet appeared to the House. At the end of this letter is a sentence of no small value in regard to the question at issue. The right hon. Gentleman (Mr. Labouchere) read the extract the other night, but forgot to read this sentence:—

“I trust that your Excellency will instruct your subordinates to be more cautious in examining the papers of vessels they may have occasion to board. Vessels bearing the British flag, and in any way offending against Chinese law within the five ports, must be complained of to the consuls. Those found to be carrying it without authority, are liable to serious penalties; but where they are entitled to fly it, the British navy is instructed to resent unauthorized interference with it as an act of piracy.”

Thus, wherever ships are entitled to fly the British flag, there the navy of England would protect them. On the other hand, it follows, I hope, that when they are not entitled to the British flag—when they turn out to be pirates—our navy will not interfere for their protection as against the authorities of their own nation.

But, Sir, has the House observed that the absurdity of the complaint made against the Chinese is more striking even than the atrocities committed under pretence of getting redress? The House has not been able to find out anything about this “British” ship. We know, certainly, that she did not find her way into the waters of Hong Kong until the month of June, 1855, when she applied for a colonial register. But where do you find even that fact? Now, there is a mode of composing a blue-book, and there is a mode of discomposing one. Let me ask the House, if this ship was registered, where is the register? Does it suppose that there is a copy of it in the blue-book? All I can say is, that if ever there was such a copy in existence, it has been most carefully suppressed, for in no part of the book is there the slightest trace of its existence. We only find mention of it in an extract from a newspaper called the *Friend of China*, and this is the only evidence supplied to Parliament to prove that the lorcha was registered. But what evidence is that? Why, how do we know that the paragraph was not written to order, to instruct Parliament and edify the people? And see what a strange story the *Chinese Mail* tells us. Why, never was such a story presented to rational men,

And yet this is the evidence upon which Parliament, without doubt and without difficulty, is to sanction the shedding of human blood, not to speak of the destruction of property. It seems that this lorch was originally engaged in piracy. At last it was captured by the loyal party, and was put up to auction in Canton. It was there bought by a Chin-chew hong, who sent it for sale to Hong Kong. At Hong Kong it was claimed by one Quantai, who declared it was his property before it fell into the hands of the pirates. The then owners, of course, disputed his claim, whereupon arbitrators were appointed. They could not agree, and referred the question to an umpire, an Englishman, who found himself in great difficulty to decide who was the owner of this "British" ship. Ultimately the umpire awarded that the ownership of the *Arrow* should continue undisturbed, but that Quantai should receive 2,000 dollars, of which 1,000 dollars were to be paid by the Chin-chew hong and 1,000 by one Fong Aming. Throughout the whole transaction the most microscopic examination of evidence cannot discover where there is to be found an atom of evidence to show that the *Arrow* is a British ship. There is something curious about the 1,000 dollars paid by Mr. Block or his *comprador* at Canton. The Chinese Commissioner discovered that a Danish merchant had paid the 1,000 dollars, and he came to the conclusion that it was paid on account of the register. Now, with all our boasted superiority, I think the English Commissioners at Canton have had very little chance in argument with the Chinese Commissioner, for he always reverted to the true point in the case, and that was that the lorch was a Chinese ship. "Prove to me," says the Chinese Commissioner, in effect, "that this is a British ship." But Sir John Bowring, to whom the query was put, felt perhaps that he should be descending from his dignity if he favoured this Chinese barbarian with an answer; and consequently he never answered this simple inquiry. I cannot help remarking, that however degraded in our eyes may be the Chinese character, it was perfectly evident that in the present affair the Chinese spoke no untruth; but I am sorry to say, I am not able to say as much of our own officials. The Chinese Commissioner has always put the point of the Danish merchant advancing 1,000 dollars as part of the purchase-money, to obtain an English register, and has

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always contended that the ship was a Chinese ship. I am now speaking of what took place in the month of June, just about the time the lorch arrived at Hong Kong. The authorities at home were then considering whether the ordinance of Sir John Bowring should be considered in its colonial character, or whether it should exist at all. When Sir John Bowring sent home this ordinance, for the approval of the Home Government, the noble Lord the Member for London was Secretary for the Colonies. I am gratified by reading the proceedings which took place in this country on that subject. The noble Lord the Member for the City of London and his predecessors acted on that occasion in a manner which nobody can blame. When Sir John Bowring sent that ordinance to London, the noble Lord the Member for the City of London, who was then Secretary for the Colonies, forwarded it to the Board of Trade, and the answer of that department to the noble Lord was, that it was contrary to law. Mr. Booth, writing on behalf of the Board of Trade, says:—

"There is nothing in the Act providing that the Chinese residents to whom colonial registers may be granted should be British subjects, nor are any local limits assigned within which the register is to be in force; and if it be intended that the grant of a colonial register shall confer on the vessel the rights and privileges attaching to a British vessel, it appears to my Lords extremely questionable whether this departure from the Merchant Shipping Act (17 & 18 *Vict.*, cap. 104), according to which British ownership is an essential condition, and, in fact, the only condition of British registry, should be sanctioned by Her Majesty."

That is a strong hint that it was faulty and contrary to law. The noble Lord accordingly did not give Sir John Bowring authority to go to war, but he sent a letter to him in these terms on the very day on which the lorch was arriving in Hong Kong:—

"Having referred the ordinance passed by the Legislature of Hong Kong 'to establish a proper system of registration for colonial vessels' for the consideration of the Lords of the Committee of the Privy Council for Trade, I transmit for your information the copy of their Lordships' reply; and I have to request that you will transmit to me any observations which you have to offer on the objections entertained by their Lordships to some of the provisions of this ordinance."

The ordinance having gone out to Sir John Bowring, he, as usual, wrote an essay on the matter. That is dated on the 29th of August, 1855, and the ordinance was re-

turned with it to this country. On the 30th of November in the same year, a very reluctant assent was given on the part of the Board of Trade to that dangerous proceeding. Mr. Booth, communicating that assent, used these words :—

“I am at the same time to suggest, for the consideration of Mr. Secretary Labouchere, whether, as some doubts may be entertained as to the lawfulness of the use of the British flag in vessels registered in the name of Chinese residents, as provided by the ordinance, it might not be desirable that an ordinance should be passed, under the authority of section 547 of the Imperial Act, declaring that, notwithstanding anything in the Imperial Act, the vessels in question, if possessing a colonial register, and while being navigated within the proposed limit, should be entitled to use the British flag.”

That advice having been given, the ordinance went out to China. I need hardly remind the House that kings have lost their crowns for usurping a dispensing power over the laws of this country. I will ask has the Secretary of State the right of exercising that dispensing power? I contend that there was illegality in every step of this proceeding from first to last. There never was a legal or valid ordinance confirmed by Her Majesty to alter the law, nor was there ever a proclamation in the colony confirming the ordinance. Consequently whatever was done by Sir John Bowring in this respect was utterly and absolutely void. But what has he done? What did Sir John Bowring and his Attorney General do? They drew up an ordinance, which states that on and after the passing of this ordinance no ship owned by a British subject shall be at liberty to trade in the waters of Hong Kong unless she have a colonial register. The period for which the register was to be granted was afterwards limited to one year and no longer. It is true that at the expiration of the year it might be renewed, but if the party holding it took no step to procure its renewal it ceased to have any further operation. Adverting to the conduct of Consul Parkes, it appears to me to be very much worse than that of Sir John Bowring in one respect. What is to be thought of Mr. Parkes' saying, in a letter to Sir John Bowring, under the date of October 12, 1856 :—

“I also forward, as directed by your Excellency, the register of the *Arrow*. When this document was deposited with me on the 3rd inst., the year for which it was granted had expired five days previously.”

I am astonished, after hearing this extract, how any Gentleman respecting truth can

support the Government in this matter. Now, Sir John Bowring, in a previous document, says the right of British protection depends upon the right to use the British flag, and admits in the same breath that this vessel had no right to use it, for the register had expired, and the right to protection had expired with it. Then comes the Consul, who says the register under which the vessel was entitled to carry the British flag was at an end. Both those gentlemen, however, subsequently assert the direct contrary when they attempt to bully a weak nation; and, when the advocates of the Government are required to defend their conduct, they defend it on grounds even worse than the original crime. They in effect say, “We told a lie, but the Chinese did not know that we told a lie.” Anything more flagitious in reference to a question of morality never came before a body of independent, conscientious men, and it is not surprising that the learned Lord Advocate, with all his ability, has not been able to make out the shadow of a case. It was impossible to do so, and I am rejoiced to find that, however much hon. Gentlemen in the House may differ in political views, yet, when a matter of this kind comes before it, Members on both sides were eager to respond to the inspiring appeal of the noble Lord the Member for the City of London, and to agree with him that there is something more than commerce—something more than budgets—to be considered by the Parliament of England—the eternal interests of truth and justice.

I have but few more remarks to make respecting the Consul; but there is one passage to which I wish to call the attention of the House. Mr. Consul Parkes drew up an elaborate paper, which he called a notification to the Chinese to remove misconceptions, in which he says :—

“At Hong Kong, being a British colony, it is competent for the owner of any vessel of any country, when he shall have obtained the requisite security, to make application, through the proper official channels, to the supreme authority for a colonial register. Under this the vessel hoists a British ensign, and, the register once issued, she is regarded in all respects as a British vessel, while those on board her become alike responsible to British control and entitled to British protection.”

I want to know from the learned Lord Advocate, who bears a high legal reputation, whether that statement is true in law, that subjects of any country in the world going to the colony of Hong Kong,

and obtaining a colonial register for a vessel, having once hoisted the British flag, that vessel becomes to all intents and purposes a British ship, which we are bound to protect all over the world against all other Powers. I deny it to be good law; but in that matter I will not attribute worse than ignorance to the young man fresh from a counting-house who is suddenly invested with such important functions. It is not only a misstatement of law, but it is a misstatement of fact. There is no mention of the requisites to be complied with before a colonial register is granted, and the charge against Mr. Parkes is that he drew up that statement in order to deceive the Chinese, and to obtain by compulsion what never could have been obtained by the true construction of the treaty.

The learned Lord Advocate has told us that a great deal depends upon the *animus* of the Chinese. Be it so; but why are we always to assume that all the points in debate are in our own favour? First, it is assumed that the British flag was insulted; secondly, it is assumed that the lorch was a British ship; and, thirdly, that she should be considered as having a British crew. Now, every one of those assumptions I deny. I deny there was a British flag; I deny that the vessel was a British vessel, and I deny that the crew were British subjects. Then, as to the *animus* displayed by the Chinese,—were there ever such proceedings as those which have taken place? A Chinese, passing up the Canton river, observes a man who a few days before had taken part in an attack upon him and in the murder of four persons. He proceeds to Canton, makes a deposition which is as full and accurate as if it had been made in a police office of London. Upon that a warrant is issued by the Canton authorities, and the native officials proceed to the vessel where the supposed criminal was seen, and where they find him and capture him. A complaint of this proceeding being made to Commissioner Yeh, he, to justify it, sends a copy of the depositions and another statement to show where the ship was built, which he encloses in a clever despatch to Sir John Bowring, adding that, as it was plain that both the ship and the criminal were Chinese, there was no necessity for a prolonged correspondence. Now what was the fact which was asserted by one party, and denied by the other, in respect to the flag? I hope the Vice President of the Board of Trade has

recovered his official composure from his burst of eloquence last night, when he said he was prepared to wrap the flag of England around his body, and like one of the heroes of old Rome to die gloriously in its folds. Now I would respectfully recommend the right hon. Gentleman, rather than make such a dreadful sacrifice, to husband around him those comforts which he derives from his seat at the Board of Trade. I have a great respect for the flag of England, which is no doubt the emblem of the power and the glory of the country, as well as the guardian of its freedom. I hope that that flag will float triumphant so long as it is identified with the honour and the justice of England. But, on the other hand, I say that that flag is degraded and disgraced when it is upheld for the purpose of screening crime, of tyrannizing over the weak, or of attacking the defenceless. That flag then becomes no longer the emblem of a great and a powerful nation. The Lord Advocate said that the French Admiral had assented to these proceedings. Now I want to put a question to the learned Lord—can he inform the House of Commons whether this French officer knew of the equivocations, misrepresentations, and evasions which our authorities at Canton had resorted to? Did he know that the flag of England hoisted on board this vessel was really not entitled to give the protection which it claimed? Did he know that the acts of Sir John Bowring were wholly invalid and void from their inception? Did he know that the first alleged outrage on the part of the Chinese had been more than avenged, and that a new affair was invented for the purpose of making another attack upon the unoffending city, without the sanction of the Sovereign or of the Government? I find in a letter signed “Thomas Wade, Chinese Secretary,” page 111, of the blue-book, a new phase of the matter is given. Now, the proposition I want to prove is, that at a certain time the original cause of quarrel was completely at an end—it was thought that a sufficient quantity of blood had been shed and property destroyed. Now, observe, what Consul Parkes says as given in his letter of Wade—

“If simple reparation for outrage in the *Arrow* case had been all we required, the Admiral would doubtless have been long ago satisfied with what had been done, but that a principle was at stake which could not be abandoned. Evidence of necessity for access to the authorities he had long had; the *Arrow* case confirmed it, and less than intercourse as we asked it, we could not take.”

Here it is evident they were starting new grounds for a quarrel when the case of the *Arrow* had been disposed of.

Now, I appeal to every hon. Gentleman in this House, to any man of feeling or who believes in the truths of Christianity, whether he thinks the measure of vengeance satisfied the offence committed by the Chinese officials coming on board this wretched lorch and capturing a Chinese pirate, hauling down the British flag, if they did so, not believing it to be a British vessel—whether the measure of our vengeance was not fully satisfied by the release of the criminal, whom by the treaty they were fully entitled to keep in their custody, and the return of the twelve of the Chinese crew which they captured under impressions that they were fully justified in so doing? What is the amount of vengeance to be inflicted upon a nation guilty of such offences? In an able speech made by the right hon. Baronet, the Member for Carlisle (Sir J. Graham), in a former debate on the affairs of China—the following excellent admonition was noted by the right hon. Gentleman, as having been given by the present Prime Minister, when Secretary for Foreign Affairs to the official in China—

“The Superintendent is cautiously to abstain from all unnecessary use of menacing language, or from making any appeal for protection to our military or naval forces, unless, in any extreme case, the most evident necessity shall require that any such menacing language shall be holden, or that any such appeal should be made; and we do further command and require you, in the general discharge of your duties as such Superintendent, to abstain from and avoid all such language, conduct, and demeanour, as might needlessly excite jealousy amongst the inhabitants of China.”

Was that advice acted upon by Sir John Bowring and Mr. Consul Parkes? No; on the contrary, their conduct has been arrogant, insolent, and overbearing. They paid no attention to remonstrance—they were determined to persevere in their unhallowed course—their mildest language is, “The whole town of Canton, together with its inhabitants and its property, are at our mercy.” Who authorized those gentlemen to use such language? Are these gentlemen to be at liberty to pursue their own obstinate course, and to plunge us into a war with China, and then, to use the argument of the learned Lord Advocate, are we to support our officials abroad? Are we to stand by this system of injustice, spoliation, and massacre? Will you, a religious people, who will not allow the Sabbath to be

desecrated by musical performances—will you not answer the appeal of the Chinese authorities, pleading for justice and for mercy, in tones which are certainly much more Christianlike than those of their cruel assailants. “I understand that your honourable nation has hitherto revered the Sabbath day.” The Chinese Commissioner is more Christian than the men who desecrate the religion they profess. I say it solemnly, and I believe it sincerely, that this bloody assault, which has occasioned the loss of so many innocent lives—this destruction of property—this sudden and terrible infliction upon a helpless and crowded city, can never be justified by any man who holds in sincere respect the principles of Christianity. I have heard with amazement some hon. Members attempt to vindicate from censure the character of Sir John Bowring, the author of those calamities. In the presence of such a fact I am compelled to ask, if to the other vices that are recorded in connection with those transactions the vice of hypocrisy is to be added. We have had enough of these blue-books. We hear very often of the blessings of Christianity. It is the foundation of our humble hopes. Christianity came into the world in the character of meekness and charity, with healing on its wings. It tells us of a few great truths which are necessary to be believed, as well as of many duties necessary to be practised. Amongst the most important of those duties is the love of our neighbour. And who is my neighbour? He who spoke as never man spake left us a lesson from which we should never depart in our dealings with individuals or nations. Am I then to be told in a Christian country that such deeds of cruelty as have been practised in Canton are to be tolerated?

The feelings and interests of merchants had been spoken of as an element to be considered when discussing the merits of this affair. The hon. Member for the West Riding, though all his interests are bound up in mercantile pursuits, has done himself especial honour by tearing himself away from the influences of such worldly considerations, and taking a part that so well becomes a man who believes in religion and respects his fellow-creatures. I believe that the British merchant is as active in good works, and holds in as much abhorrence acts of cruelty or injustice as individuals of any other class in the country. But this is a matter in which the authority of the Crown and the power of

Parliament have been set at nought. The whole proceeding, from beginning to end, is unjustifiable. It has now come for decision before the House of Commons—to that tribunal whose power the most potent Kings respect. And I trust that these little despots who are sent out to govern distant dependencies will be made to understand that a real practical authority resides in this House whenever the great interests of justice are concerned, and that the House will resent any infraction of them as an insult offered to itself. I have heard men who have been in battle describe the events of the struggle and its consequences. They have described the agonies of the wounded and the cries of the sufferers as lost in the blast of the trumpet and in the shouts of victory. But when the battle was over and the victory was won, they remembered the great object for which they contended; they knew that the war had been engaged in with due notice and warning; that it was undertaken perchance to repel the march of a tyrant, perhaps to assert the independence of a nation, or to maintain the liberty of the world. But what is this affair? It is an unprovoked attack upon the defenceless and the innocent—upon old men, women, and children; without warning; without mercy. And all this upon a miserable, contemptible and baseless quibble. This is the case that now comes before you. You will listen to the best defence that can be made by the Government. I have, I confess, no doubt of the result. I am convinced that the House of Commons will do justice in the matter, whatever may be the consequence.

MR. HORSFALL said, that he fully concurred with the last speaker in his admiration of the speech of the noble Lord the Member for London. He thanked the noble Lord for the manner in which he had spoken of the mercantile interests of the country, which formed a striking contrast with the language of the hon. Member for the West Riding. The noble Lord had said truly, that there were three points involved in the question before the House. The first related to the *lorcha*, which resolved itself into this—whether the vessel was or was not *bonâ fide* a British vessel; and whether the Chinese thought that it was a British vessel when they committed the outrage. Now, there was ample evidence that she was a British ship, the name *Arrow* was not a Chinese name—the *lorcha* was not painted as a Chinese vessel,

and there was the British flag—yet the Chinese had boarded the vessel, and hauled down the flag. It was, he thought, evident that the insult was intended, and complete. The hon. and learned Gentleman who commenced the debate that evening, (Mr. Warren) had dwelt at some length upon the legal arguments which had been advanced by a noble and learned Lord (Lord Wensleydale) in another place; but the hon. and learned Gentleman had misconceived what the noble Lord had advanced. He would, therefore, take the liberty of reading to the House what the noble and learned Lord did really say. These were his words—

“Sir John Bowring had mistaken his case in supposing that the licence had expired; for it was clear it had not, as on the evidence it appeared that the captain of the *lorcha* at the moment of the seizure was intending to return to Hong Kong, and renew his licence, having previously deposited his licence in the Hong Kong registry. He, therefore, concluded that the seizure was clearly wrong, entitling the British authorities to demand redress, and, considering the case precisely as it stood on the 8th of October, without any regard to subsequent events, he was not satisfied that the British officers had acted unwisely or imprudently in resorting to immediate force.”

Such was the opinion of Lord Wensleydale, and upon that opinion he (Mr. Horsfall) was prepared to rest his case as far as the law of the matter was concerned. The next point to which the noble Lord adverted was the demand of entrance into Canton, conceded by the treaty. Now, that treaty, he thought, was clear and explicit, and the British Commissioner had a perfect right to insist on its fulfilment if he chose. Whether it were prudent to do so or not he (Mr. Horsfall) would not then stop to inquire, but he did say, that there existed a perfect right on the part of the British Plenipotentiary to take that course if he thought proper to do so. They had been told that Sir George Bonham had relinquished that right; but those hon. Members who had taken the trouble to read the papers which had been presented to the House would find that there was a great difference between relinquishing a treaty and allowing it to remain in abeyance. The treaty was not relinquished, but only remained in abeyance until the proper opportunity arrived for insisting upon it. Whether the opportunity seized by Sir John Bowring was the proper opportunity, it was not for him to say. He (Mr. Horsfall) was not there as the advocate of Sir John Bowring. That functionary was the

intimate friend of the hon. Gentleman the Member for the West Riding who had introduced the condemnatory Resolutions to the House. The next point to which the noble Lord referred, was the policy which it was the intention of Her Majesty's Government to pursue; but in the absence of any statement as to their intended policy, that was a point upon which, of course, he (Mr. Horsfall) could not offer any opinion. Leaving the noble Lord, he would now proceed to notice some of the observations of the hon. Gentleman the Member for the West Riding. If that hon. Gentleman had not made some observations personal to those whom he had the honour to represent, he (Mr. Horsfall) thought it very possible that he should not have made any remarks upon the subject under discussion; but if he allowed such language as had been used in that House to pass unnoticed, he should not be deserving of the honour which had been conferred upon him by the great commercial community of Liverpool. It was very well known in that House and out of it, that the hon. Member for the West Riding had a particular affection for Liverpool and Liverpool people, and that he took every opportunity of showing it, and had, therefore, availed himself of that afforded by the discussion of our quarrel with the Chinese. In the course of his speech he said—

“I will take the memorial of the East India and China Association of Liverpool. These gentlemen are telling our Foreign Minister what they wish him to do in China, and let hon. Gentlemen hear what these moderate gentlemen wish to see effected.”

And he then quoted these words—

“That a revision of the tariff of customs duties should be made consistent with the spirit of the treaty concluded by Sir H. Pottinger, namely, an *ad valorem* duty of 5 per cent on exports and imports.”

The hon. Gentleman did not object to that, but then he went on to say—

“This is certainly a tariff which I should like to see applied to Liverpool. Let my Liverpool friends begin at home, and put themselves on the same platform with the Chinese.”

Now, there was no doubt about what the hon. Gentleman the Member for the West Riding had in view when he used those words. He recollected the penny which Liverpool made him pay on every bale of cotton which passed through that town. Then the hon. Gentleman went on to quote further from the memorial:—

“The British Government should insist on the right of opening to foreign trade any port on the

coast of China, or on the banks of any navigable river at any time they may think fit, and of placing consuls at such ports; that our ships of war should have the free navigation of, and access to, all the ports and rivers of China.”

The hon. Gentleman then proceeded to say on his own account—

“As a friend, not an enemy of these gentlemen, I must say that such language as that is to be reprobated, because it tends to place us who sympathise with mercantile men at a great disadvantage, and regards even the naval and military classes. Contrast the kindly and conciliatory language used by General D'Aguilar and Admiral Cochrane with the downright selfish violence and the unreasoning injustice with which the Liverpool Association would treat an empire containing 300,000,000 people.”

Now, what was the intention, what was the view which hon. Gentlemen intended to convey to the House by that observation, but that the people of Liverpool intended to urge upon the Minister of the Crown to force their way into all the ports and rivers of China? Was not that the impression which the hon. Gentleman wished to convey to the House? [Mr. COBDEN: The word used is “insist.”] Yes; but neither violence nor force was proposed by the memorialists;—but how could there be selfish violence unless by the exercise of force! Now, what were the facts connected with this memorial to Lord Clarendon? Did the hon. Member for the West Riding know them, or did he not? It was written upon the assumption that we were at war with China, and that consequent upon that war another treaty would be necessary. The memorialists did not propose to Lord Clarendon, as the hon. Member for the West Riding had stated, to force their way into the Canton ports and rivers, but they proposed—and very properly—that if a new treaty with China were rendered necessary, that in such a treaty the noble Lord should endeavour to obtain access to all the ports and rivers of China—a measure which he (Mr. Horsfall) contended would be beneficial, not only to the mercantile interests of this country, but to the whole empire of China. That was his reply to the charge of selfish violence against the merchants of Liverpool. There was no intention to urge upon the Government acts of violence; all they required was that in the ordinary course in which affairs of that nature were conducted, the Government should endeavour to obtain by treaty access to all the ports and rivers of China. Where was the selfish violence which the hon. Member for the West Riding had charged against the merchants of Liver-

pool. He hoped the hon. Member would explain what he meant when he came to reply, or else that he would withdraw his unfounded charge. Then the hon. Gentleman read other portions of the memorial; but he failed to read the last clause, in which he thought even the hon. Gentleman himself would admit that there was not much selfishness:—It was as follows:

“And that all other nations, whether parties to the treaty or otherwise, should possess the same advantages which may be conceded to Great Britain.”

He (Mr. Horsfall) thought there was much more selfishness on the part of a manufacturer who paid a penny upon every bale of his cotton which passed through Liverpool, taking every occasion in his power to drag his antipathies before the House. But let hon. Gentlemen mark the modesty of the hon. Member for the West Riding, which was quite characteristic of every speech which he (Mr. Horsfall) ever heard him deliver in that House. There was eloquence, no doubt, in his speech, and argument too, but not much modesty. He said, “I think I know more about the trade of China than these gentlemen.” That might be the opinion of the hon. Gentleman himself. He told the House of many countries in which he had travelled; but he (Mr. Horsfall) had not heard him mention China? But the gentlemen who were connected with the East India and China Association of Liverpool traded with China, many of them had resided there many years, and they knew precisely what were its wants and requirements. And yet the hon. Member for the West Riding told them that he knew more about China than those gentlemen. He (Mr. Horsfall) thought he might safely leave it to the House to draw its own conclusion whether the charges which had been preferred against the merchants of Liverpool were at all justified? He might go a little further upon this point, but he did not wish unnecessarily to occupy the time of the House. But he would beg to remind the House and those hon. Friends who sat on that (the Opposition) side of the House, and who were about to follow the hon. Member as their leader on this occasion, that the hon. Gentleman's knowledge was sometimes a little at fault. He would remind them that this was not the first occasion on which the hon. Gentleman had told the House that he had more information than other people. He (Mr. Horsfall) did not

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forget that the hon. Gentleman told the country that there would be no war with Russia—that he could crumple up Russia like a piece of paper. He thought the hon. Gentleman had by this time found that it was rather a stiff piece of paper. Then the hon. Gentleman proceeded to speak of the civilization of the Chinese, and contrasted it with that of the Liverpool merchants, and of those who took part in the hostilities against China. Now bad as Sir John Bowring and Mr. Consul Parkes had been represented to be, he did not think that they were so bad as the person who had drawn up the proclamation which, though it had been so often referred to in the course of the debate, had not yet been read. The proclamation which was issued by Mr. Commissioner Yeh was a rare specimen of civilization, and he would read it for the benefit of the hon. Member:—

“The English barbarians have attacked the provincial city, and wounded and injured our soldiers and people. Their crimes are indeed of the most heinous nature. Wherefore I herewith distinctly command you to join together to exterminate them, and I publicly proclaim to all the military and people, householders and others, that you should unite with all the means at your command to assist the soldiers and militia in exterminating these troublous English villains, killing them whenever you meet them, whether on shore or in their ships. For each of their lives that you may thus take you shall receive, as before, thirty dollars. All ought to respect and obey, and neither oppose nor disregard this special proclamation.”

This was a proclamation which emanated from the hon. Member's civilized friend. He might just observe, that it appeared from the usual sources of information of that morning, that consequent upon this proclamation an English vessel was boarded and eleven persons murdered by the Chinese, and no doubt they received on account of the death of each of these unoffending persons the sum of thirty dollars. He wished the hon. Member for the West Riding joy of his civilized friends. He (Mr. Horsfall) would further observe that though he was not himself now engaged in the trade with China, he was so engaged some years ago. At that time he had a vessel lying off Canton, at the time of the great fire in that city. With the characteristic humanity of Englishmen, the captain and his crew—at least so many of them as could leave the ship—volunteered their services, and were thankfully admitted into the city. They assisted in extinguishing the flames, and fortunately they suc-

ceeded. No sooner had they done this great service than the civilized friends of the hon. Member for the West Riding, instead of thanking them for their services, turned upon them with their bayonets and drove the captain and crew out of the city. That was a specimen of the civilization of the people whom the hon. Member for the West Riding so highly extolled. He might follow the hon. Gentleman through many more of his observations, but he would not do so. There were many legal difficulties in the case which must be solved by wiser heads than his, by men who were competent to deal with points of law, and he would therefore content himself with stating in a few words why he should vote against the Motion which the hon. Member for the West Riding had proposed. He was not one of those who would refuse to vote with the hon. Gentleman because he generally differed from him on political questions, if he thought that the conclusion to which he wished the House to arrive was founded in justice. But he (Mr. Horsfall) believed that if the House should agree to the hon. Gentleman's Resolution it would be guilty of an act of great injustice. An assent to it would in effect amount to a direct censure on Sir John Bowring, an absent friend of the hon. Member for the West Riding. It would amount in effect to a censure on an absent Admiral—an Admiral who, if he (Mr. Horsfall) was correctly informed, was one of the most humane, as well as the most gallant Commanders in the British navy. It would amount in effect to a vote of censure on that noble Lord who had so well and so successfully conducted the foreign affairs of this country for so many years. It would amount in effect to a censure on Her Majesty's Government; and although he differed from Her Majesty's Government on many questions, he was not one of those who could join in the proposed vote of censure against them on this occasion, because he did not see anything in the papers before the House which would in any respect justify such a vote. But he would go a little further. He must look at what the consequences of such a vote as this would be. When he spoke of consequences, he was not alluding to any party consequences, such as the difficulty, as some had supposed, in finding successors to Her Majesty's present Ministers, to accept the reins of Government; but he was alluding to more serious matters.

What, he would ask, would be the effect in China of a vote on this question adverse to the policy of the Government? Hon. Members must bear in mind that the intelligence of any decision in that House adverse to the British authorities would reach the Chinese as soon as it would the British residents; and judging from the knowledge which a trade in that country had given him, and from the best information he could collect from those who were thoroughly acquainted with China, he would not undertake to be responsible for British property, British interests, or British lives, if this Resolution were agreed to. It was upon these grounds, amongst others with which he would not weary the House, that he should record his vote most cordially, most sincerely, against the Motion which had been proposed by the hon. Gentleman the Member for the West Riding.

LORD ROBERT CECIL said, it was not his province to defend the hon. Member for the West Riding from the attack made upon him by the hon. Member for Liverpool; but he should observe that the charge made against the Liverpool memorialists by the hon. Member for the West Riding was founded on their demand that British "ships of war should have the free navigation of and access to all ports and rivers of China." A demand such as that was undoubtedly the most extraordinary ever heard of, and would never be complied with by any independent State that was not reduced to the very last condition of weakness. Did the Liverpool merchants consider when they were making that request that they were making a request that the Government of this country should commence an internecine war in China? The hon. Member for Liverpool, and other hon. Members, had made reference to what had been called the sanguinary proclamation of Governor Yeh. But had they not been told from the Treasury Bench that England was not at war with China? If we were not at war with China, it was clear we were conducting a bucaneeering expedition; and if a bucaneeering expedition against England was directed from the French or any other shores, would not quite as hostile a proclamation issue from Her Majesty's Government? It was clear that Governor Yeh was acting on the very conclusion arrived at by our own Government—namely, that England was not at war with China. But he had truly stated

that we had slain multitudes of the Chinese, and had battered down the houses over the heads of his countrymen, when no proclamation of war had ever been issued; and was he not, under such circumstances, justified in considering that those people who were bombarding and sacking the town were buccaners? As to the opinion of the Liverpool merchants on such matters, he looked upon that as quite irrelevant to the present discussion, and he would tell the House why. He had never been in China, but he had been in a great many other British colonies, and he had never been in one where it was not the desire to go to war with the countries adjacent. The colonial merchants did not pay for these wars, which, on the other hand, were the cause of an immense military expenditure on the colony engaged in hostilities. Therefore, there never was any one so warlike as the merchant of the British colonies. The hon. Member who spoke last seemed to assume that the *Arrow* was a British vessel. He (Lord Robert Cecil) was not going to enter into the legal part of the question, but he thought that it lay in a nutshell, and was open even to a layman's apprehension. The learned Lord Advocate tried to escape from the inevitable consequences of asserting that it was truly a British vessel by entering largely into questions of municipal and international law. If the learned Lord Advocate's position were correct, we might claim to cover every Chinese ship with a British flag. But it could not be questioned that the ordinance of Hong Kong declared that no British ship or vessel whatsoever should be at liberty to enter Chinese rivers unless provided with a certificate in conformity with the Imperial acts in that behalf; and it had been made abundantly clear that the *Arrow* was not a registered vessel, because fourteen days before the search took place her register had expired. Even if the view put forward by the Government—that the registry would hold good so long as the vessel was at sea—were correct, it did not apply in the case before the House. The *Arrow* was not at sea; she was not in stress of weather; but she was up the river, where she had been for a fortnight after the registry had expired. She made no effort to have the registry renewed; and therefore all the special pleading that they had heard about the injustice of forfeiting a ship's register while she was at sea or prevented by a

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stress of weather from renewing her register was absolutely worthless. There had been a good deal of dispute as to whether the British flag was hoisted on the *Arrow* when she was boarded; but it did not seem to him to be very material whether the flag was hoisted or not. What, however, was true beyond all dispute was that the evidence on which Governor Yeh acted was clear that it was not hoisted, and in forming our judgment on his conduct we must look at things from his point of view. We had, besides, evidence to some extent that even if the flag was up, no insult was intended. However, taking the matter at the worst, and admitting that the Chinese officials had been in fault, the question that still presented itself was, had the British authorities acted properly in the steps they took to avenge the insult? What would be the conduct of English authorities if they had cause to complain of the conduct of Russian officials? Would they proceed to batter down Russian forts and cities? No; they would send to St. Petersburg and enter into diplomatic negotiations. They had done so on former occasions. Why, then, should not a similar course be adopted in respect to the Chinese empire? He said, then, that even supposing the Government to have been right at first, in their mode of vindicating their rights they had violated every international law. But it was said, as an excuse for the mode of action that had been adopted in this case, that the Chinese had been guilty of several previous insults. Now, was that a fair defence? What would they say to a jury who would, on an indictment for arson, find a man guilty because he had previously committed a murder? They ought, at least, to have communicated with the heads of the Chinese Government before making them accountable for the acts of their officials, or any portion of the people. Hon. Members would remember the treatment which General Haynau met at the hands of some of the people of this country; yet our Government declared that they were not prepared to accept the responsibility of being answerable for that treatment. The hon. Member who had last spoken (Mr. Horsfall) had strongly urged upon the House the necessity of upholding our representatives abroad. As he (Lord Robert Cecil) read the history of recent times, it had appeared to him that of late years the prerogative of British power had in many

instances been abused by British officials. Within the last year or two, Kars, one of the most important cities in Asia, had been lost to our ally at a very critical moment through the womanish pettishness of an Ambassador. The conduct of another Ambassador had very nearly brought on a war that had been well characterized as a fratricidal war; and in Persia we did not know how far we had been involved by another Helen. If instead of backing up our Plenipotentiaries we did not impose a check upon them, there was no saying to what extent they might not damage our interests and involve us in hostilities. Much had been said of the honour of England; but there could be no doubt that brute force had been employed to an extent injurious to our commercial interests. Were the English looked upon by foreign nations as honest traders? No. It was a fact that many of those nations looked upon the trade of England as the mere precursor to her dominion. Since the time of Clive, the Indian policy of this country had been, to say the least, very equivocal. Look at it in Persia, Burmah, and China—in each our first advances had been repelled with horror and indignation, because it was felt that we should take the first opportunity of picking a quarrel and encroaching on the rights of the native government. An aggressive character was the most dangerous one this country could get. If they had that, no character for honour would free it from the suspicion of independent nations. The statesmen of this country should not proceed on the policy of bearing any insults from strong nations like America, and inflicting insults on weak powers like China. On the contrary, they should always be ready to disavow acts of unauthorized aggression; and a character for honour, justice, and truth, would do more to induce the jealous Chinese to open their ports to us than any demonstration of force and violence we could employ against them.

SIR CHARLES NAPIER said, he had so high an opinion of the moderation, humanity, and discretion of Sir Michael Seymour, that he did not for a moment believe that he would have fired one unnecessary shot against the Chinese. In regard to the affair of the *Arrow*, he believed it certain that Sir Michael Seymour was conscientiously convinced that she was to all intents and purposes a British vessel. It had been said that her licence was out.

But he could not understand how a vessel making a voyage, and detained from bad weather from reaching her port, could thereby lose her protection. Her licence would not be out until she had finished her voyage, and until she had arrived at the port from which she had sailed. It had been said that the Chinese did not know it. He (Sir Charles Napier) did not care whether they knew it or not. That the flag was flying there was no doubt, and there was just as little doubt that it was hauled down by the Chinese. What reparation was asked for this, and for the seizure of the men? All that was required was that the men should be sent back in the same public manner as that in which they were taken out of the vessel—that they should not be taken back in a sneaking private way—and that there should be an apology. Good God! there was nothing extraordinary in that! If a man knocked another's hat off, and then knocked him down, surely an apology would be required. But we had only asked for an apology, and an apology was refused by the Chinese. Some time ago, when the French were at war with Mexico, the French Admiral, in a very hasty and improper manner, went on board an English man-of-war, and took a pilot out by force. He remembered that the Admiral on the station was very ill thought of for not taking some decisive measures on that occasion. Had he (Sir Charles Napier) been there, he would have insisted upon Prince Joinville going on board the very man-of-war from which he had taken the pilot and making a public apology; or he would have brought him to England. In the present case, supposing that Sir Michael Seymour, knowing that the English flag had been hauled down and insulted, had taken no notice of it, the newspapers would have been furious, and hon. Gentlemen in that House would have said that Admiral Seymour was deficient in spirit and courage, and that he had not done his duty: it would have been urged that he should be recalled, and he (Sir Charles Napier) had no doubt whatever that he would have been recalled. They blamed Sir John Bowring, and they did not blame Sir Michael Seymour; but if Sir John Bowring was to blame, Admiral Seymour was to blame also. ["No, no!"] Yes, it would have been so; for Sir Michael Seymour was the Commander in Chief on the station, and was bound to use his discretion, and if Sir John Bowring

was wrong in his instructions, he ought boldly to have resisted them. If there had been any war junks there, it would have been better for Admiral Seymour to have seized them until reparation was made; but he did not understand that there were any men-of-war junks there—there was thought to be one, but it turned out to be a merchant vessel. If Admiral Seymour had done nothing, but had pocketed the affront, the Chinese and all foreign nations would have united in denunciation of his mean spirit, and would have said that he had allowed the British flag to be hauled down before his eyes, and that he had not the courage or resolution to resent the insult. No doubt they must all regret that innocent persons should lose their lives; but there did not appear to have been much loss of lives in this unfortunate affair; but if there had been, it had been caused by the conduct of the Chinese Commissioner, and the loss of life rested entirely on his head. He repeated that he knew Admiral Seymour to be so just, so humane, and so discreet a man, that he was quite certain he would never have gone to the extent he had done if he could have vindicated the honour of his country in any other way.

VISCOUNT GODERICH said the hon. and gallant Admiral appeared to think he had satisfactorily disposed of the question of the *lorcha Arrow* by stating what he would have done if the Admiral of the French navy had taken away a sailor from on board one of her Majesty's ships under his command. He confessed the two cases seemed to him to have no connection with one another. That, however, was the sum and substance of the gallant Admiral's speech, with the exception of his defence of Sir Michael Seymour, whose conduct was not impugned; and still, therefore, the argument in this debate, except from those who sat on the Treasury Bench, was all on one side. He did not intend to enter at length into the question whether the *Arrow* was, or was not, a British vessel within the meaning of the Supplementary Treaty, which had been so much discussed already, because he could justify the vote he was about to give, even if, for the sake of argument, everything were granted as to the character of the vessel which her Majesty's Government advanced. With reference, however, to the severe censure of the hon. Member for the West Riding on the untrue language of Sir John Bowring, the Lord Advocate said that the

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despatches did not show that Sir John Bowring concealed the facts of the case from the Chinese. It was true Sir John Bowring's despatch said the *lorcha* could not be legally protected, and the Chinese did not know it; but it did not proceed to instruct Consul Parkes not to tell the Chinese. Sir John Bowring did something worse. Having written that despatch to Mr. Consul Parkes on the 13th of October, he wrote to Commissioner Yeh on the 14th of November,—“There is no doubt that the *lorcha Arrow* lawfully bore the British flag under a register granted by me.” The hon. Member for Taunton (Sir J. Ramsden) spoke of it as an error on the part of Sir John Bowring, meaning that it was an error on his part to doubt whether the *Arrow* could be legally protected. But that did not alter the moral bearing of the question. Sir John Bowring believed that the *Arrow* could not be legally protected, and yet wrote to Yeh that she lawfully bore the British flag. The House might be willing to pardon an error which was not intentional, but it was a different thing to endorse an error which involved the deliberate statement of that which was not true. He would not further argue the question as to the vessel because at the present moment we were not fighting about the *lorcha Arrow*, but really whether Sir John Bowring should or should not be carried in triumph to the gates of Canton. The hon. and learned Member for Enniskillen (Mr. Whiteside) had quoted the very language of Consul Parkes to the Chinese authorities, that if reparation for the *Arrow* was all they wanted, the Admiral would have been satisfied long ago. Let the House consider the various circumstances under which these demands had been made. Up to the 24th October the only demands made by Sir John Bowring related to the original affront, the affair of the *Arrow*: he demanded that the men taken from the *Arrow* should be returned, that an apology should be made, and a promise given that the treaty should be strictly observed in future. On the 24th of October the twelve men were returned, though not received by Consul Parkes on a point of etiquette, and the promise was given that the treaty should not be violated in future. The noble Lord the Member for the City of London—no mean judge of the requirements of British honour—thought it had been sufficiently vindicated. Consul Parkes had stated early in the dispute that if a war-

junk were seized our honour would be vindicated. But not only a junk was seized, but four Chinese forts had been stormed and occupied; and therefore on the 24th of October any reasonable man would have thought there was a possibility of a peaceable settlement. It seemed as if that dreadful supposition dawned on the mind of Sir John Bowring, for he immediately wrote to Sir Michael Seymour, suggesting that circumstances were auspicious to bring forward a fresh demand. Now, when he (Viscount Goderich) read the first batch of papers that had been laid before the House, he was at a loss to understand what could have induced Sir John Bowring to come forward with these demands; for it seemed to him that circumstances were extremely inauspicious for seeking entry into Canton, when we had just been destroying the forts and attacking the Government of that city. But the second batch of papers revealed the secret—Sir John Bowring was bent on seizing the first opportunity, just or unjust, good or bad, to realize the object of his darling hopes. From the first unhappy moment of his appointment as Superintendent of Trade and Plenipotentiary, Sir John Bowring had become possessed by what had been justly termed a monomania for getting into the city. Cautioned by Lord Granville and snubbed by Lord Malmesbury, he stuck to his object with singular pertinacity. In 1852 he wrote a despatch remonstrating against the most wise caution of Lord Granville, which concluded in these terms:—"A demonstration may be useful, but I do not anticipate disasters." He was prepared, however, to run the risk of disasters for the sake of objects which Sir John Davis and Sir George Bonham had abandoned, which had been repudiated by the noble Lord at the head of the Government, and the attempt to obtain which had been censured by other Secretaries of State. The question the House has to decide is whether we are prepared to sanction such conduct on the part of our agents abroad. No doubt our Government was bound to support its agents if they faithfully adhered to their instructions, or if they were dealing with men who had been led into error by over-zeal, by too strict an obedience to orders or unintentional misinterpretation of them. But was the House prepared to sanction the doctrine that Government was bound to support its agents in such doings as these books revealed?—when Sir John Bowring was using one language to his

subordinates in private, but language absolutely contradictory to the Chinese Government?—when he had pursued a private crotchet of his own, in contradiction to the orders and warnings of successive Administrations—when he had moreover ventured to usurp the prerogative of the Crown, by declaring war without a reference to his superiors at home? It was idle to say we were not at war with China, when it was admitted that we were not fighting about the lorcha, but for the fulfilment of a treaty. It was said, too, that we were not avenging one isolated insult, but a long series of insults. The hon. Member for Taunton (Sir John Ramsden) deserved credit for his selection, in support of this assertion, of a single extract—a mere handbill circulated at Canton without any sign of its being an official document. A list of the various insults offered by the Chinese since the conclusion of the treaty of Nankin appeared in the blue-books laid on the table, with the curious title of "Insults in China."—They amounted to thirty-seven in all in a period of fourteen years; and what were these outrages which were piled on the back of the lorcha dispute to make it big enough to justify our violence? Two of the alleged injuries were actually insults offered by Englishmen to the Chinese, not by the Chinese to Englishmen; and of the remainder two were American cases, two related to Frenchmen, and were therefore cases with which this country had had nothing to do. In short, when fairly examined, it turned out that only twenty-two of the entire catalogue of thirty-seven insults were instances in which the Chinese had attacked Englishmen, and that in every one of them our successive Plenipotentiaries, down to Sir John Bowring himself, had been satisfied with the reparation made by the Chinese authorities. The Secretary of State for the Colonies, unable to meet the cogent arguments of the hon. Member for the West Riding, had talked largely about our national honour; and the Vice President of the Board of Trade had also put himself forward as though he were the only man in the House who respected the flag of his country. He ventured to tell the right hon. Gentleman that hon. Members who meant to vote for this Motion did not yield to him in love for their country, but they believed they would best preserve the honour of England untarnished, best maintain respect for her flag, by entering their earnest protest against a

policy which combined, in strange and unnatural union, the insolence of power and the duplicity of weakness. They were told that in dealing with an Oriental nation we must be prompt to resent an affront, and never recede from any position we took up. But the legitimate influence of England in the East rested not less upon her reputation for truth and justice as compared with Oriental Powers, than on a wide-spread conviction of her power. The question they had to-night was, what should be the future policy of this country towards China. Two opposite lines of policy were open to us in our intercourse with China. One was the policy of peace and forbearance which had been pursued with so much success for the last fifteen years, and under which our trade had so enormously increased. The other was the Bowring policy, which sought by violence and deception to enforce rights which Sir George Bonham told us would be of no use if conceded, and which would entail on us inevitable dissensions and dangers. The demand of Sir John Bowring to be admitted personally to Canton was avowedly made as only a step towards securing the recognition of the right of all British subjects to enter that city. But our Plenipotentiary was not satisfied with the mere fulfilment of the treaty of 1842 in this respect; for in his letter to M. de Courcy he spoke of requiring "the revision of the treaties with China." The House was much indebted to the ingenuousness of the hon. Member for Liverpool (Mr. Horsfall) and of his constituents for disclosing their views on this question of the revision of the treaties. They wished our Government to demand that British vessels of war should be admitted into the ports and rivers of China. But if we insisted on any such condition, China must cease in any intelligible sense of the word to be an independent nation. That, however, would be the natural consequence of Sir John Bowring's policy. The hon. Member for Liverpool told them that he intended to vote against this Motion because it was a vote of censure on Sir John Bowring. He (Viscount Goderich) told them that he intended to vote for it, because it passed a censure on the conduct of our representative in China. He believed Sir John Bowring deserved the censure of Parliament; but if the Government should succeed in defeating this Motion, he hoped it would at least have the good effect of teaching them to be careful for the future

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whom they selected as their representatives in distant colonies. They had heard of gentlemen being appointed for various reasons. Some gentlemen were appointed Governors of colonies because it was inconvenient for them to live in England; others because nothing better turned up for them here; and he had heard it said that some had been appointed because, as Members of that House, they had proved themselves such insufferable bores that everybody was glad to get them out of hearing. He hoped no more such appointments would be made for the future. If we persevered in the course we were now embarked in, the time must speedily come when we should have either to take possession permanently of the Chinese ports, or to abandon altogether all the objects of this long contention. Either alternative appeared to him to be equally dangerous; and he would give his vote for the Motion in order that he might do what lay in him to induce the House to express their disapprobation of a policy which he believed to be inconsistent with the character, and contrary to the interests of England, and to mark with their just displeasure the conduct of an officer who had disobeyed the orders of his superiors, and disregarded the interests of his country for the gratification of his own obstinate but puerile ambition.

Mr. BENTINCK said, he was prepared to admit that making every possible allowance for the difficulty which a Government must always experience in repudiating the acts of one of their servants in a distant colony, and also making every allowance for the difficulty of obtaining all the details connected with transactions of this kind, quite enough had appeared in the course of this discussion, and from the papers before the House, to justify, as far as its words were concerned, the Resolution of the hon. Member for the West Riding. It seemed to him, however, that that was not all the House had to consider, and that he should be very ill-fulfilling his duty towards those who had honoured him with their confidence by sending him to this House, and his duty to the people of the country at large, if he allowed himself to join in pronouncing an abstract opinion upon certain words contained in the Resolution, without first weighing and considering what might be the consequences both to this and to other countries of the vote he gave. So far as Sir John Bowring and

Mr. Consul Parkes were concerned, he was quite ready to concur in all the censure that had been passed upon them, and to admit that the sooner they were removed from their present position to a somewhat more useful sphere the better; but he was bound to look at the effect which this Resolution would produce upon other persons besides them. Of course, it was not his business to defend the Government of the noble Lord; that they could do for themselves; but he would not permit himself to say "Yes" or "No" upon an abstract Resolution without exercising the full privileges of considering the effect of giving such a vote. He meant no disrespect to the hon. Member for the West Riding; but he was certainly inclined to think that his hon. Friend the Member for Liverpool (Mr. Horsfall) was more likely to be a good authority with regard to the position of the English in China than the hon. Member who had brought forward this Resolution; and it so happened that the opinion which his hon. Friend had expressed tallied exactly with all the information he (Mr. Bentinck) had obtained on the subject; and without reference to the Resolution now before the House or to the demerits of Her Majesty's Government in the transaction that had occurred, which he would overlook altogether, he conscientiously believed, from all he could learn, that if a vote of censure were passed upon our diplomatists in China and the Government at home, when the announcement of that vote arrived in China it would so complicate affairs there that it might be the means not only of perpetuating the state of things they all so sincerely deplored, but tend to aggravate it to an extent that might produce tenfold the loss that had already taken place. Under these circumstances, he felt he should be abdicating his duty as a Member of that House if he consented to vote upon an abstract Resolution without reference to its consequences. That, then, was one of the grounds on which he was not prepared to support the Motion. He was not prepared to take upon himself the responsibility of giving a vote which he believed might lead to consequences of the most melancholy and deplorable description. But he had another motive for his vote which he would state to the House briefly. He was certainly not a supporter of Her Majesty's present Government, whom he would leave to fight

their own battles. He would give them, however, this limited merit. They had this one advantage—that if they were powerless for good, they were undoubtedly also powerless for evil; and in his view that negative merit was not a small one. He would further say that there was no man in that House more anxious than himself (Mr. Bentinck) to see a pure Conservative Government at the head of affairs. No man in the House, he would add, would exert himself more strenuously to secure that object. But advertng to the fact that he was bound to look at the Motion as a vote of censure on the Government, and assuming the possibility that an adverse vote might be passed, and the Government resign their seats as a consequence of it, he could only say, that he, for one, would never be accessory, by word or deed, to bringing into power—more particularly in combination with a Conservative Government—any of those right hon. and hon. Gentlemen, who, for the last six years, had been closely identified with all the most anti-Protestant and democratic measures which had been brought before Parliament.

SIR MAURICE BERKELEY said, he would not trespass upon the attention of the House at any length, as he knew they were desirous of hearing the right hon. Member for Carlisle, who had risen at the same time. He wished, however, to discharge a duty towards an absent servant of the Crown, who was also an absent Friend, whose conduct had been assailed in that House. The hon. and gallant Member for Dartmouth (Sir T. Herbert) had made an attack upon the gallant Admiral in command in the Chinese seas, which he (Sir M. Berkeley) did not think was justifiable. In his opinion, the hon. and gallant Member had been carried away by feelings of partisanship, rather than by a clear idea of the case, and had given an account of Admiral Seymour's proceedings totally at variance with the facts. The hon. and gallant Member (Sir T. Herbert) said—

"Surely the circumstances of the case were no justification for our representative, upon his own authority, ordering the admiral, not only to destroy forts, but to bombard for three days a commercial town containing 1,500,000 inhabitants, involving an indiscriminate slaughter of unoffending and unresisting citizens. It was said, too, that such a bombardment was an act of signal forbearance. Forbearance it was, with a vengeance. He could not imagine how a British admiral, without any declaration of war, or orders from

the Admiralty, could have been a party, and, as it appeared, a willing party, to such frightful transactions, and that he should think he was at liberty and warranted to destroy the lives and property of a city because it happened to be governed by a man whom he regarded as being guilty of the crime of pertinacity and discourtesy for declining his offered visit at his yamun in the city."

Now, it so happened that, although Sir Michael Seymour bombarded the forts surrounding Canton, he did not fire a single shot into the city until he had sent his own captain on shore twice to warn the "peaceable inhabitants" and "civil people" who had offered a reward for the heads of Englishmen. Sir Michael Seymour took every possible means to acquaint the inhabitants of Canton with the course he intended to pursue, so that they might remove from the danger; nay, more, instead of even then bombarding the city, he directed his fire on the walls instead of the buildings, so as not to injure private property more than was unavoidable. Indeed, had Admiral Seymour bombarded the town, it would undoubtedly have been reduced to a ruin. The hon. and gallant Member had also stated that these proceedings took place without the sanction of Her Majesty's Government; but surely the hon. and gallant Officer knew that it was necessary that a commander in chief upon a foreign station should frequently assume considerable responsibility without waiting for orders from England. If a contrary principle were adopted, the best plan would be to keep all commanders in chief intended for foreign stations in British harbours, and to send them out when it was too late to accomplish anything. As regarded the qualities of the gallant Officer in question, he must say that Sir Michael Seymour was as well fitted for a command, where great responsibility was implied, as any man he had ever known. Sir Michael Seymour was an officer of great discretion, judgment, and good temper, and—as Christianity had been mentioned—he would say that he was a truly Christian man. The hon. and gallant Member for Dartmouth (Sir T. Herbert) had referred to the statement in a despatch of Sir Michael Seymour, that he had been unwilling to fight on a Sunday. He (Sir M. Berkeley) thought it would be admitted that the Sabbath was not an appropriate day for the commencement of hostilities; but he gave Sir Michael Seymour credit for having availed himself of the plea in order to give the obstinate Chinese an additional twenty-four hours for considera-

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tion. He would not trouble the House further, for his only object was to defend an absent brother officer. He would conclude by quoting the opinion of Lord St. Vincent:—"When your Ambassadors fail, call upon your Admirals; their broadsides will be irresistible; but it is the province of the British officer to go about the world doing no wrong."

SIR JAMES GRAHAM: Sir, I would gladly have rested the vote I am prepared to give on this question upon the speech of my hon. Friend the Member for the West Riding, who moved the Resolution, and upon the speech of the noble Member for the City of London—and perhaps it would have been prudent on my part to observe silence—had I not felt that I have a duty to perform to an absent friend, and a debt of justice to discharge to a public servant who has taken a prominent part in the transactions under consideration. My duty as a friend has been in some degree anticipated by the hon. and gallant Admiral who has just addressed the House. I have long known Sir Michael Seymour, the absent friend in question, and I fully corroborate all that has been said by the gallant Admiral of his professional and private character. I believe Sir Michael Seymour to be one of the most brave, humane, and discreet officers in Her Majesty's service, and I am bound to say I do not think that a better selection for the Chinese command could possibly have been made. I would add also in confirmation of what my right hon. and gallant Friend (Admiral Berkeley) has said, that I do not think that, in the discharge of the duties of his command, any man would be more certainly influenced by a spirit of humanity and by Christian principle than Sir Michael Seymour. I have said thus much of an esteemed and gallant Friend, and all my presumption would be in favour of the course which, in difficult circumstances, that gallant officer thought fit to adopt. My right hon. and gallant Friend has observed, that when the Ambassador fails the Admiral is called upon to act. In this case the Ambassador, invested with the full authority of the Crown, has, in my view, called upon the Admiral to act in the first instance; he exercised his own discretion and has left little or none to the Admiral.

Far from regarding this as an abstract question, it appears to me to be one of the gravest and most complicated, but at the same time one of the most practical ques-

tions that can be raised in any deliberative assembly. It is difficult as a question of law; it is difficult as a question of policy. It raises the gravest considerations of humanity and religion. I am, however, in addition to these difficulties, oppressed with one consideration—namely, the great nicety of the question to what extent, on so distant a station, an Admiral, wielding the immense power of England, should be subservient to the discretion of a civil servant of the Crown, whose judgment, perhaps, is by no means superior to that of the Admiral. Now, immense interests are at stake upon this question, and, on the whole, I am decidedly of opinion that it would be very inexpedient to define within narrow limits the duty of an Admiral in the circumstances which have been described. My belief is, that there must be no hesitation with reference to the quarter in which the supreme authority rests. I consider that an Admiral must be regarded as a ministerial officer in cases of this kind, and that the supreme authority must be vested in the civil representative of Her Majesty. But if that civil representative be armed with such authority, he incurs the most weighty responsibility that can well be conceived when he calls upon an Admiral in command of the naval power of the country to make war without a declaration of war. And if the responsibility of that civil servant be great, how much greater is the responsibility of the executive Government here, which has to decide on the course taken under such circumstances by a civil officer unaccustomed to command, and yet wielding his authority to the extent of involving this country in all the fatal consequences, without, I am afraid, much of the honour of war.

I have said, also, that I have a debt of justice to perform to another public servant. It would be altogether unworthy of me to bear either hardly or unjustly on Sir John Bowring, but the truth must be spoken and justice must be done. We are able to form pretty just estimates of the character of those with whom we have sat within these walls for some time, and many of us did sit in Parliament with Sir John Bowring. I shall freely express the opinion I have formed of him on that knowledge. I think him a man very apt to form strong opinions—to adopt them with precipitation—invariably pushing those opinions to the utmost extreme; and, on the whole, more remarkable for his self-confidence

than for the soundness of his judgment. The responsibility of selecting him for the peculiar duties he has to discharge in China was a very grave responsibility incurred by the Government; but he having been selected, I do think, if the Government believe, on the whole, that he has exercised his discretion wisely, they are bound in honour and duty to uphold his acts. From the moment, however, that they do so uphold Sir John Bowring's acts, they identify themselves with all that he has done—with his reasons, with his conduct,—and I do not think, therefore, that with reference to this question it would be just to bear too hardly on the officer for whose acts they are responsible. Before I sit down, I shall endeavour to show to the House, that if Sir John Bowring has erred, it is by no means clear that he did not believe that he was simply giving effect to the wishes of Her Majesty's Government.

Sir, on the question of law involved in this case, I should be sorry to detain the House at any great length. I waited with some anxiety to hear some one of the law officers of the Crown give us an exposition, not only of international law, but of the municipal law strictly bearing on this particular case, especially after the powerful arguments that have been adduced on this subject on different sides of the House. But I have waited in vain, for neither the Attorney General nor the Solicitor General has risen to give us any information on the subject. It would be presumptuous in me, unlearned in these matters, to express too strong an opinion where doubts have been entertained by such grave authorities; but I must say that it appears to me that this matter, after all, as a question of law, lies within a narrow compass. The facts upon which the question arises stare us in the face in the very first page of the book which is in all our hands. Consul Parkes states broadly that the *Arrow*, a British lorcha, entitled to hoist British colours in the Chinese waters, was boarded by the Chinese authorities, the British flag pulled down, and the rights of the British flag thereby violated. The question then presents itself—was the *Arrow* in reality a British lorcha, and had she a right to hoist the British flag? What are the admitted facts? The *Arrow* was built by a Chinese, she was sold by a Chinese, bought by a Chinese, was owned by a Chinese, and was manned by Chinese. And yet it is contended that by some

magic process she has been converted into a British ship. Now, the 17th Article in the Supplementary Treaty has special reference to the smaller class of vessels called lorchas. The ninth Article, which is the principal one, provides that where, either on board a British man-of-war or on board a British merchant ship, any culprits shall be concealed, or, on the other hand, where British subjects escape into the Chinese territory, the authorities of both countries are bound by an act of extradition to surrender such culprits to each other; and all that the 17th Article contains with respect to the small vessels called lorchas, does not in the least degree impair the regulation laid down in the ninth, but merely superadds certain provisions suited to the coasting trade and coasting vessels. The question, then, comes back to this—was the *Arrow* in a position equivalent to that of an English merchant ship under these articles? The other point, as to the right to hoist the flag, is a minor point, included in the major one of being a British ship; for unless she was a British ship she was not entitled to hoist the British flag. In dealing with this question, I cannot discharge from my consideration the fact that the Imperial Acts of 1853 and 1854 were both introduced prior to the colonial ordinance of Hong Kong, which gives the right to grant licences to these small vessels. The principle with reference to the Merchant Seamen's Act of 1854 is most clearly stated by the law adviser of the Board of Trade, in answer to a question put to him by my noble Friend the Member for London, when he was Secretary of State for the Colonies, with respect to this ordinance of Hong Kong. The passage was quoted by the hon. and learned Member for Enniskillen (Mr. Whiteside): he puts the whole matter shortly and clearly to the effect, that the test of being a British ship is confined almost, if not exclusively, to the question of ownership. The Act is worded with peculiar care, and the hoisting of the flag is made posterior to, and dependent on, the greater question of ownership. If there be no ownership, there is no right to hoist the flag. The question therefore comes back always to this point—was the lorchas a British ship? and to prove that she was a British ship, was she owned by subjects of Great Britain? It is not pretended that the owner in this case was a British subject. That is only contended for by the acting Attorney General of Hong Kong; our friend Mr.

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Anstey had not arrived when these events happened, and Sir John Bowring had only the advantage of the opinion of the acting Attorney General, who says that Crown tenants, Chinese aliens, though not naturalized, not having taken the oath of allegiance, shall, *secundum leges*, become British subjects for this purpose, because, as he says, they have done all that they can do to approach that position. My right hon. Friend the Vice President of the Board of Trade (Mr. Lowe) argued this point last night in a manner which, considering his knowledge of law generally, his knowledge of colonial law in particular, and his great acuteness, has somewhat surprised me. He said there were in Hong Kong 60,000 Chinese, and he argued that because Hong Kong was a Crown colony, ceded to the Crown by conquest or by treaty, that that transfer to the Crown converted all the Chinese inhabitants in the eye of the law into British subjects. Somebody puts me in mind that he did not go the length of saying that they were British subjects, but *quasi* British subjects. I might ask—where does my right hon. Friend find his warrant in the Merchant Seamen's Act for making use of the term *quasi* British subjects? But I will go further—I will state on what is competent authority, that at the conquest of Hong Kong, when the transfer was made to the Crown, there were not more than 1,000 Chinese inhabitants of that island. An immense population from China has since been attracted there, and one peculiar kind of attraction has been the opium trade—they are, in fact, the offscourings of the opium trade. This immense population of Chinese have obtained, under this local colonial Act—which cannot be considered as the act of a deliberative assembly, but only that of Sir John Bowring, with the aid of the assistant Attorney General—certain rights as *quasi* (as my right hon. Friend terms it) though not expressly British subjects. As I understand, it is a moot point in law whether an alien in the colony has a right to be a tenant direct from the Crown; but, in addition to that, I may state that my noble Friend (Lord John Russell), when he saw this ordinance, exercised the utmost caution with respect to it. He did not venture to give to it, as Secretary of State, the sanction of the Crown without carefully observing all the formalities which the Imperial law imposes. He sent it back to the colony to be reported on with reference to the objec-

tions made by the Board of Trade, and the answer to these objections you will find recorded at page six of the papers which relate to the colonial ordinance. But what was the course taken by my right hon. Friend (Mr. Labouchere) who last night addressed the House on this subject? Upon the authority of an opinion of a very equivocal kind, the Board of Trade, reconsidering this matter and not confining their attention to the question of the law, but introducing questions of policy which it became rather the Government than the Board of Trade to consider, say that, upon the whole, they think the consent of the Crown may be given to this ordinance. Now, observe, Sir, the Imperial Act deliberately says that, with respect to an ordinance of this description two essential requisites must be attended to—first, that the consent of the Crown shall be given by Her Majesty in Council; and, secondly, that it shall be proclaimed in the British colony which it may concern. But the Secretary of State for the Colonies, taking a high prerogative view of the subject, says that the Minister of his own authority may convey to the Governor of a Crown colony the pleasure of the Crown without adopting the preliminary course of obtaining the consent of Her Majesty in Council; and it is further to be remarked that in the present case the important ceremony of proclamation did not take place. Therefore, Sir, whether we regard the Imperial Act with reference to the ownership of a vessel, or whether we regard the colonial Act giving to the Chinese a *quasi* right as British subjects, the provisions of the Legislature have been set aside; and, as I must humbly contend, until I hear some arguments more conclusive and more convincing than I have yet heard, the register granted to the *lorcha Arrow* was invalid *ab initio*, those holding under it had no right as British owners, and, whatever the disputed facts may have been with regard to hauling down the flag, the owners of the vessel were not entitled to hoist that flag. The extradition article, the ship not being a British ship, did not apply; an admitted pirate, who had broken the laws of China, was on board the vessel in the inner waters of Canton, within a stone's throw of the Chinese authorities; and, if in such circumstances the *Arrow* was not a British vessel, which I contend she was not, the Chinese had the most perfect right to board her and take the malefactor.

But, Sir, this is a very small part of the

case. The House is fuller than it was when my noble Friend the Member for Huddersfield (Viscount Goderich), addressed you, and put a point, which, it appears to me, is of vital importance in this case. It was also put by the hon. and learned Member for Enniskillen (Mr. Whiteside). The question is no less than this—were not Sir John Bowring and Consul Parkes perfectly aware that at the time of the seizure the *lorcha Arrow* was not entitled to British protection? I assume for the moment that I am entirely wrong with regard to the British ownership. I assume that the colonial ordinance was valid, and that the licence granted under it was effective. But that licence was only for a limited period. It had been granted for only a year. That year had expired, and, notwithstanding what fell from the hon. and gallant Admiral, the Member for Southwark (Sir Charles Napier), it is not even pretended by Sir John Bowring, by Consul Parkes, or by their legal advisers in Hong Kong, that the licence having expired, and not being renewed, continued valid. There is, indeed, a provision with respect to sea-going vessels, that, after the lapse of a year, until they return again to Hong Kong, the licence shall continue in force. But it must be remembered that the trade between Hong Kong and Canton must be regarded rather as a coasting than as an ocean trade. The distance from Hong Kong to Canton is covered by a steamer in the course of twelve hours. Six days had elapsed after the expiration of the licence. No step whatever had been taken to renew it, and therefore the expiration of the licence must be considered as a fact admitted in the case. Now, by another regulation in the colonial ordinance it is provided that the original licence, when the vessel comes into a port where there is a British consul, must be placed in the hands of that officer. That took place in this case. Consul Parkes held the document, and had inspected it. In the papers it is stated that he was aware of the flaw that the licence had expired. There can be no doubt, therefore, with respect to him, while there is the most conclusive evidence that Sir John Bowring also was perfectly acquainted with the defect in the register, and that he drew the right inference from it,—viz., that the licence having expired the *Arrow* was not entitled either to British protection or to hoist the British flag. The passage in which he makes that avowal has been read, I be-

lieve, once and again, but still this point is so important that I am sure the House will pardon me if I read the words in which Sir John Bowring makes that admission. He says:—

“It appears, on examination, that the *Arrow* had no right to hoist the British flag; the licence to do so expired on the 27th of September, from which period she has not been entitled to protection.”

Now, I shall bring in immediate juxtaposition the opposite assertion of Sir John Bowring himself. Observe the words. He writes on the 11th of October to his own confidential agent, Consul Parkes, the admission which I have read, that the *Arrow* had no right to hoist the British flag; and on the 14th of November he writes to Commissioner Yeh that—

“The *lorcha Arrow* lawfully bore the British flag under a register granted by me.”

Now, I am addressing gentlemen who love truth, and I ask you, on whichever side of the House you may sit, putting these two passages in juxtaposition, can there be a doubt that the representative of Her Majesty advisedly, knowingly, and with an intent which I shall not scrutinize, practised a deliberate deception on the Chinese Government, and, having so practised that deception, proceeded to exact terms which he enforced by the last extremities of war? Any argument coming from him after an assertion so ill-founded and so directly at variance with truth is not much to be regarded; but he says that the ignorance of the Chinese of this fact nullifies the justification which they might otherwise plead. I should not have thought much of this subterfuge if it had been confined to Sir John Bowring; but I see with regret that in a despatch from the Secretary of State for Foreign Affairs this very identical argument is used, that the ignorance of the expiration of the licence by the Chinese destroys any justification they might otherwise advance. It appears to me, Sir, that the legal question is but a small part of this melancholy case; but still, I do not see, if the principle contended for by the Government is admitted, what security there will be for the observance of the law of nations even much nearer home. Supposing that you admit this right of *quasi* naturalization—supposing that you grant that *quasi* naturalization constituting ownership is to give impunity to the vessel and to cover the flag—supposing that the French were to assume to themselves any such right; that a temporary residence on the coast of France

or a tenancy under the Crown in France were to constitute a right of citizenship, and that licences were granted on the assumption of such authority—are you prepared to allow that by the law of nations a British smuggler having obtained letters of *quasi* naturalization in France may, sailing from France, carry on an illicit trade in our harbours under the protection of the French flag? These principles, Sir, if they be admitted, are dangerous in the extreme. We know not where they may lead us; and it is because they may be asserted with comparative impunity in the distant waters of China that I call upon the House to resist the first introduction of principles so dangerous, so fatal, and so subversive of our maritime and international law. But Sir John Bowring still continues Her Majesty's representative in Hong Kong. Not only is he not censured for the falsehood I have just demonstrated to you—not only is he not removed—but his acts are approved in the most general terms. I now speak in the presence of many of the most eminent lawyers of whom the Bar of England can boast. I am an unlearned man in these matters; but I say this, that if a solicitor or a proctor were intrusted by me with a case based on a will, purporting to be a last will by which the testator bequeathed property to me, and if he in the course of the suit became acquainted with the fact that that was not the last will, but that there was a subsequent document subversive of my claim, and if he proceeded, even as my agent, to enforce my claim, suppressing the fact of the later will, I am much mistaken if he would not, as a matter of course, if practising at Doctors' Commons, at once with ignominy cease to be a proctor, and if at common law he would not be struck off the rolls. Why, in the case of the humblest practitioner in the lowest tribunal in England, such falsehood and such proceedings as I have pointed out would not be tolerated for a moment; and yet Her Majesty's Government advise Her Majesty not only to cover and approve that transaction, but to leave in the exercise of full power and authority, in the most critical circumstances, and at that distant part of her dominions, an officer convicted by himself of that which would occasion the degradation of the lowest member of the law in this country.

Sir, so much as to the question of law; now let me for a moment turn to the

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question of policy. It is clear that, after all, as you may well imagine, the affair of the *lorcha Arrow* was but a pretext for ulterior ends. All that could be alleged against the Chinese was that they had erred in that transaction. They offered reparation for their error, and the smallest reparation for such an error might easily have been accepted. According to the principle of an eye for an eye, and a tooth for a tooth, a junk would have been an ample reparation for a *lorcha*. Not so, however, thought Sir John Bowring; and those who have read these papers must see plainly that he was bent upon obtaining a triumph where all before him had failed in the disputed question of access to the interior of Canton. He was bent on being received into that city amid admiring multitudes, surrounded with all the pomp and circumstance of a public triumph, tomtoms accompanying him, peacocks' feathers surrounding him, and all the attendant glories of a triumphal entry in his train. Various propositions were made to him on this point. Middle terms were offered to him. Outside the gate of the city, in the suburbs frequented by the British merchants, Yeh offered him a meeting. But he repudiated that proposal, and he says deliberately that this disputed point was to him a matter of primary importance, with the view, as he considered, of promoting British interests. This, too, with the knowledge that this *vexata quæstio* had occupied the attention of many of his predecessors, and had been considered by four or five Secretaries of State in succession. When the noble Viscount now at the head of the Government was at the Foreign Office in 1847, the first despatch which was written by him on this subject was couched somewhat in menacing terms; but, after a little reflection, the noble Viscount exercised, in my humble judgment, the wisest discretion on the point. He saw the immensity of the danger, and the comparative smallness of the object to be attained; he knew the mighty interests at stake; he thought it inexpedient, therefore, that any risk should be run, and he wrote to Sir George Bonham for answers to certain questions before giving any orders on the subject. Sir John Davis, who preceded Sir George Bonham, had already given an opinion upon it. He was inclined to enforce the strict terms of the treaty, and to insist upon the right of entry, and he said—"If I were to give effect to my own wishes, I should

not have hesitated to press this point." He then added this remarkable expression—"I am surrounded by naval and military officers who, desirous of distinction, would, if I listened to them, press me not to hesitate." Now, observe—that difficulty attends all Superintendents in that quarter. There is a similar desire also on the part of the British merchants. I will not speak of them in harsh terms, neither will I altogether adopt the view of the hon. Member for Liverpool, that in foreign countries they are at all times meek and gentle in their demeanour and most considerate of the feelings of others; still I am persuaded that the Superintendent at Hong Kong is pressed from time to time by the merchants, by the naval and military officers, and by the English generally, to exercise a tone of command towards the Chinese which is quite inconsistent either with the safety of our trade or with our friendly relations with that country. Sir John Davis resisted their desire. The noble Viscount referred the question to Sir George Bonham, and there are four distinct answers given by Sir George Bonham, in all of which he states that he should like to obtain that admission; that he saw many advantages in it; but that, on the whole, he did not think that those advantages, weighed against the dangers of a rupture with the Chinese, preponderated to an extent to justify the use of force; and he added that the destruction of Canton might be involved in the attempt to enforce the right. Upon this the noble Viscount came to the decision that it would be inexpedient to press the matter, and Earl Grey, then his colleague and Secretary for the Colonies, sent out a most peremptory prohibition to the officer commanding the military forces, not only at Hong Kong, but at Ceylon, under no circumstances to allow any offensive movement against the Chinese without authority from England. Sir John Davis and Sir George Bonham both admitted the stringency of that order, and Sir George Bonham reminded the noble Viscount of it, and stated that he was peremptorily restricted from the use of force. Sir John Bowring, ever since he arrived at Hong Kong, has fretted under that restraint, and has endeavoured to obtain a relaxation of the order. The matter has been referred to several Governments in succession, and any relaxation of the prohibition has been refused. It was first referred to the Government of the noble Lord the Member

for London, and Earl Granville, speaking in his name, refused to sanction any attempt to enforce by violence the conditions of the treaty. It was then brought under the consideration of Lord Derby's Government, whence two despatches proceeded, stronger, if possible, than the prohibition which was issued by Lord Granville, and Lord Malmesbury directed Sir John Bowring on no account whatever to take any steps other than the course which had been pursued by his predecessors. But Sir John Bowring, bent on carrying his point, had reason to think, probably, that the moment had arrived when, consistently with the principles laid down in England, he might venture on that step. That principle is, perhaps, to be found in the last despatch written by the noble Viscount, which does not appear to me to be altogether so conciliatory or cautious in its tone as his previous letters. At page 197, and under date the 18th of August, 1849, we have the last *dictum* of the noble Lord on this subject, couched in words which I think are very inflammable, and which probably did not escape the notice of Sir John Bowring. The noble Lord said—

“The Chinese great officers at Canton seem to be falling again into the same mistake which was committed by their predecessors in 1839; and they appear to be encouraging and exciting among the people of Canton hostile feelings towards British subjects. But let not the great officers of Canton nor the Government of Peking deceive themselves on these matters. The forbearance which the British Government has hitherto displayed arises, not from a sense of weakness, but from consciousness of superior strength.”

And I beg the House to attend to these words :—

“The British Government well knows that, if occasion required it, a British military force would be able to destroy the town of Canton, not leaving one single house standing, and could thus inflict the most signal chastisement upon the people of that city.”

Now, it may be said that this is a distant authority to meet a contingent case; but, as I have told you, Earl Grey interposed, Lord Granville interposed, and Lord Malmesbury interposed, all joining in a peremptory prohibition against offensive operations without previous reference to the Government at home; and again you find that the Duke of Newcastle adopted the same line of policy, and in his despatch the same prohibition is conveyed *in extenso*. Now, what course was adopted by Lord Clarendon? Lord Clarendon, in a despatch dated July 5, 1854, to Sir John

Bowring, of which only an extract is given in those papers, says—

“Her Majesty's Government approve of your bringing forward, at a suitable time, the several points specifically mentioned in your despatch as grievances which they are entitled to have redressed.”

And then he goes on, and these are the important words :—

“It is, on all accounts desirable that you should obtain access to the Imperial Commissioner at Canton; but there is no reason to expect that you will be more successful in doing so than the Ministers of France and of the United States; and you will use every precaution for ascertaining beforehand that you will not meet with any indignity that will require to be avenged, and this more particularly at a moment when the aid of the British naval force in the Chinese seas might not be available for that purpose?”

Now, what is the meaning of that? We were at war with Russia at that time, and the naval force of this country was much occupied in different quarters. Well, Sir, at the time that the question of the *Arrow* arose, Sir John Bowring had just heard that peace with Russia had been established. The naval force in those seas had been greatly augmented. The want of a naval force, therefore, was no longer an impediment. Sir John Bowring kept his eyes open for an opportunity of enforcing his claim; and my conviction is, that he thought the opportunity had arrived—that this dispute about the *lorcha* was a fitting opportunity of bringing this *vezata questio* to an issue. Now, it is very remarkable that for the first time, I believe, in naval history, not only were the naval operations suggested, but the future course and extent of those operations were laid down by a civil servant, who not only took the command of the fleet as regarded what operations were to be performed, but who laid down in most extraordinary detail the precise mode in which those operations should be conducted. I do not think that the passage has been brought under the notice of the House, and, with its permission, I will read this most remarkable scheme of naval operations laid down by Mr. Consul Parkes. Talk of the discretion of the naval officer, and of holding Admiral Seymour responsible for what has occurred! Why, he was not only called upon to commence naval operations by the civil officer, but the precise nature and extent of those operations were laid down for him. The instructions of Mr. Parkes are dated the 20th of October, only twelve days after the seizure of the men, the Chinese having in the meantime

offered to return to the *Arrow* all the men they took out of her except the offender, and the matter only turned upon the abject character of the apology which they were to make. The right hon. Gentleman the Secretary for the Colonies indicated in his speech last night that it was a desirable thing the people of Canton should be freed from the tyranny of Yeh, and he did so in a way from which it might be assumed that that was one of the objects of the operations. [Mr. LABOUCHERE: No.] It was in explanation of a larger charge brought against him that the right hon. Gentleman said that he thought it would be a great good to the people of Canton if by our instrumentality they were emancipated from the thralldom of Commissioner Yeh.

MR. LABOUCHERE: I beg the right hon. Gentleman's pardon. What I stated was, not that we had any right to concern ourselves with the deposition of Yeh, but that I trusted that one of the results of these operations might be to induce the Emperor to withdraw his support from this Commissioner.

SIR JAMES GRAHAM: I understood the right hon. Gentleman to say that it was desired to emancipate the people of Canton from the control of so cruel a Governor as Yeh. I really should have thought, for my own part, that the Government had had recent experience on points of this kind quite sufficient to prevent them taking such a view. Unless I am greatly deceived, one point insisted upon in the negotiations with Persia was the deposition of the Prime Minister of that country, and, unless I am equally misinformed, the British Government have found it impossible to adhere to that condition. If we are to go on stipulating, first for the deposition of the Persian Prime Minister, and then for the deposition of the Governor of Canton, I think that the present position of our affairs in the East might well fill this House with alarm. But, Sir, to return to Mr. Parke's scheme of operations at Canton. In the first place he says—

"The Imperial Commissioner, I submit, should again be summoned to grant the satisfaction already demanded within twenty-four hours, failing which we should then take possession of the four Barrier Forts."

After recommending the seizure of the Barrier Forts he goes on to say—

"I cannot conceive it possible that his Excellency will then withhold compliance with our demands; but should he still continue contumacious a similar course should then be pursued with the

forts at Canton, and it would be exceedingly advisable, I think, that the residence of his Excellency, which is not far from the water side, should also in that case feel the effects of the bombardment."

So that if Yeh continued contumacious he was to be brought to his senses by having his own residence submitted to bombardment. It may be said that this is only a proceeding against an individual, and not against the people of Canton. But is this the case? Mr. Parkes, the Minister of Peace and Commerce, continues his instructions; and he says—

"I advocate attack on the Barrier Forts in the first instance, because they stand by themselves, and are not surrounded, as are those at Canton, by the dwellings of the people, who should be exempted, whenever it is in our power to do so, from any disastrous consequences accruing from the acts of their authorities, and will, it may be hoped, see the justice of offensive measures being aimed by us solely against the latter."

Now, it is clearly shown that the dwellings about the residence of Yeh were well known to be densely populated, and it could not but be equally well known that bloodshed to a frightful extent must ensue if the House of Yeh were bombarded. Well, Sir, this plan of operations, laid down by Mr. Parkes, is carried into effect; but the desired effect is not produced, and then he goes further. The town is shelled, the forts attacked, and the assault carried up to the very walls of the city, and devastation and carnage to an extent frightful to contemplate are carried among its peaceful inhabitants. Unless I am misinformed, these measures were, by the last account received from China, beginning to bear fruit. There was a divided population; there was a rebellion; but now the Chinese have rallied round their rulers, making common cause, and forgetting all their differences, and united efforts will now be made by them to defend their lives and their property against so terrible and so cruel a visitation.

And how stands the approbation given by the Executive Government. It is not approbation unqualified by any regret, as has been stated; but there certainly does occur in this correspondence a passage which I confess filled me with amazement. Not only is there an entire adoption of the acts of Sir John Bowring, and of the attacks directed by him, but you will find the Earl of Clarendon writing to Sir John Bowring as follows:—

"I have received your despatch of the 23rd of October last, with a report of the operations in the

Canton river; and I have to acquaint you that Her Majesty's Government entirely approve the course which has been adopted by Rear-Admiral Sir Michael Seymour and yourself; and I have to instruct you also to convey to Mr. Parkes a similar approval of his conduct."

Mr. Parkes, you will remember, is the gentleman who sketched out the plan of naval operations, recommending especially the bombardment of the residence of the Governor; and the Government approves his conduct also. Does the matter rest there? I own that my amazement knew no bounds when, on the same page of the blue-book, I found these words. Mr. Hammond, writing to the Secretary to the Admiralty, is directed by Lord Clarendon to express his Lordship's entire approval of Admiral Seymour's conduct—

"And more especially the judgment, firmness, and moderation with which he has acted, and the respect which he has shown for the lives and properties of the Chinese people."

Now the question really submitted to the Commons of England is this:—Are you prepared to endorse the approbation of these transactions which has been expressed by Her Majesty's Government, and especially to express your admiration of the "respect which has been shown for the lives and properties of the Chinese?" Sir, the House will remember the course taken when we dealt with a powerful enemy, whose conduct was indefensible both on account of the violence of the particular act complained of, namely the invasion of the territory of a friendly Power, and the language employed by her in asserting her alleged right. I can well imagine that we should have gone to the greatest lengths in avenging our wrongs in that case and in visiting upon a mighty antagonist the utmost vengeance of which modern civilization and the laws of modern warfare would allow. Well, it was a matter of severe criticism in this House that with respect to Russia an order was deliberately given by the Government that open and defenceless cities should be spared. Odessa, on that principle, was not bombarded by Admiral Dundas; Helsingfors, on that principle, was not bombarded by the gallant Admiral below me (Sir Charles Napier). Is, then, the disrespect shown to the *lorcha Arrow's* flag under such doubtful circumstances a matter of such grave importance that the Government deliberately approve of a departure from this principle with reference to the unhappy Chinese? Is the matter one of so much gravity that you not only

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bombard a city far more populous than either of the two I have mentioned, but mark for destruction a single house, the house of an individual, and, in order to wreak your vengeance on this individual consider the lives of the surrounding multitude as dust in the balance? My noble Friend (Lord John Russell) remarked the other night that the language of the present day was that the honour of our arms required we should fight for our *prestige*. The word, I should observe, comes to us from a foreign country, from which we learn the value of the term; but if this be *prestige* I hope we shall have no more of it. If, however, *prestige* be your object, do you think having spared Odessa, having spared Helsingfors, that it will redound much to the credit of our naval arms throughout Europe and the world to have destroyed the Bogue Forts and bombarded Canton? Talk of the insulting language which has been used by foreign Powers with whom we quarrel! Why, this doctrine of insisting upon Commissioner Yeh's expulsion from the Government of Canton is far more than Prince Menchikoff ever endeavoured to effect when he was at Constantinople. I say that this is one of the most dangerous lines on which the Government can begin to move, and it is high time, I think, to arrest our progress in such a direction. We have heard that at Canton there was a protest against these proceedings. I rejoiced, Sir, to hear the protest of Russell and Co. in this House last night. Russell and Co. have been heard, not at Canton, but here; and I hope the effect of that protest will be distinctly marked in the division. Of this, at all events, I am sure—that the speech in which that protest was entered will be memorable in our Parliamentary annals when this miserable transaction of the *lorcha* shall be buried in oblivion.

Sir, the hon. Member for Norfolk (Mr. Bentinck), who lately addressed the House, stated several reasons for the vote which he is about to give against this Motion. He says it is nothing but an abstract Resolution, a Resolution which he cannot controvert, and against which he is not prepared to argue. But the hon. Member takes views of general policy, and he says that he supports Her Majesty's present Government because he is most desirous of having a Conservative Minister at the head of affairs; and with that view he thinks it is most desirable to maintain the noble Viscount at the head of the Govern-

ment. I congratulate the noble Viscount upon the uncompromising support which the Member for Norfolk gives him. I am sure it must be most agreeable to the Gentlemen sitting on this side of the House to know the reasons for which the hon. Member thinks the noble Lord more anti-Catholic and more anti-democratic than any other Minister to be found at the present moment. I congratulate the noble Lord on this support, and I congratulate the Gentlemen around him on the motives upon which this support is based. But the right hon. Gentleman the Colonial Secretary says the Resolution is very ambiguous. Now, I must say that, regarded in the light of the speech which introduced it, I think this a very intelligible Motion. I think it temperate, measured, and moderate in its terms, and therefore worthy of support. Sir, if I am driven to make my choice whether I will vote for this Resolution, or be a party to that approbation of the transactions I have attempted to describe which is expressed by the Foreign Secretary and adopted by Her Majesty's Ministers, I cannot doubt for a moment what it will be my duty to do. I, for one, will wash my hands of the innocent blood which, in my opinion, has been shed. My belief is that these debates will thoroughly occupy the minds and will reach the hearts of the people of England. I am satisfied that the division to which we are about to go will be regarded with immense interest by the people of this country. I do not think that Russell and Co. will be held subject to limited responsibility. I think the responsibility of that vote is near at hand, and I believe every Member in this House will be called to an account for that vote. But whatever may be the question with regard to any human tribunal, that is not the only motive which influences me. In my opinion, the debate has proved that, whether you regard this as a question of policy, or as a question of humanity, or whether you regard it in connexion with the most solemn of all considerations, and by the light of our Christian principles, these operations at Canton are utterly indefensible; and I never in my life gave a vote with a more clear and conscientious conviction of its propriety than the vote I shall record in favour of the Motion of the hon. Member for the West Riding.

THE ATTORNEY GENERAL said, he could not doubt that every hon. Gentleman who addressed the House on this

question had the fullest sense of the responsibility which attached to him, because those who attacked the conduct of our representatives in China did so under the responsibility of bringing accusations against the British Government calculated to hold it up to the civilized world as having been guilty of a violation of the principles of justice. It should be well considered, before that was done, whether the feelings which prompted hon. Gentlemen to take such a course might or might not be somewhat influenced by party spirit. On the other hand, he would freely grant that those who were about to express their conviction, that what had been done in this matter was right in point of law, incurred the very serious responsibility of having to justify the shedding of blood.

Now, this question had been debated with reference to the principles of justice, humanity, and policy. He thought the first and most important consideration was the question of whether what had been done was consistent with justice. He should venture to answer the appeals which had been made to him, and though he was aware he might be charged with presumption, yet he would venture to controvert, not only the opinions which had been expressed in that House, but opinions delivered with so much eloquence, graced with so much dignity, and adorned with such venerable authority, as those which had been uttered in another place. He would proceed at once to present to the House what he believed to be an analysis of these opinions that had been elsewhere delivered on the question under consideration;—for, although he had great respect for the members of this House as a body, and for every individual in it whose acquaintance he had the honour to enjoy, yet he could not for one moment compare their deliberations or their arguments on such a subject as this with the arguments that had been delivered in another place. If he could answer what had been said on the matter elsewhere, he thought he should not fail to answer what had been said in the House of Commons. The arguments in support of the Motion before the House were reducible to three propositions. Firstly, that the colonial ordinance upon which the register of the *Arrow* was supposed to depend was at variance with our Imperial Statutes, and therefore utterly void. That was the proposition, and the argument of a noble and learned Lord last night in another place. The

second was that, supposing the colonial ordinance to be valid, the register granted to the *Arrow* was irregular, had expired, and was no longer in force. The third proposition, which was principally insisted on by a most venerable authority, was that, even if the colonial ordinance were valid and the register good, yet that you could not clothe any Chinese with the right to possess a vessel of this description, or, being Chinese property, exempt it from the jurisdiction of the Emperor of China. All that they had heard in that House or elsewhere fell within one or other of those propositions — saving, indeed, the commentary they had heard on the conduct of Sir John Bowring, which had been illustrated by his familiar friend the hon. Member for the West Riding, who said that the letter of Sir John Bowring was a most flagitious document, though he was his Friend. The right hon. Baronet (Sir James Graham) also had a similar faculty, for when he rose to do justice to an absent Friend, he told the House that the writer of the letter was a man more remarkable for self-confidence than prudence, that he was a man who exulted only in the prospect of entering Canton, accompanied by tom-toms and surrounded by peacocks' feathers. If that was the way in which the right hon. Baronet did justice to his absent Friend—

SIR JAMES GRAHAM: The hon. and learned Gentleman is misrepresenting me. I did lay claim to an intimate friendship for Sir Michael Seymour, but I did not put in any such claim of friendship for Sir John Bowring.

THE ATTORNEY GENERAL said, his impression undoubtedly was that the right hon. Baronet claimed the merit of having to speak on the part of Sir John Bowring. ["No, no!"] At least he said that in what he was about to say he proposed to do him (Sir J. Bowring) justice. He (the Attorney General) would, however, pass from those topics to others which bore more immediately on the question under consideration, and which might be discussed without any manifestation of strong feeling. He was desirous of laying before the House what he believed to be a correct exposition of the law on the subject, and in the briefest possible compass.

First of all, he believed this question had been put altogether on an erroneous basis when the title of the *Arrow* to the character of a British ship was rested on the validity of the colonial ordinance. It

did not rest on that at all; and the colonial ordinance and the registry granted under it were, in point of fact, wholly immaterial to the question. The title of the *Arrow* to the character of a British ship rested on the treaty with the Chinese. He must here notice a serious error attributed by the newspapers to a noble and learned Lord in another place, who contended that by international law the *Arrow*, if she had been under the same circumstances in the Thames, would have been visited by the authorities and any who might be offenders in the vessel taken away by them. That noble and learned Lord must have known that, if it had not been for this treaty, the *Arrow* or any other merchant ship at Canton was liable to be visited by the Chinese authorities. When a merchant ship entered the harbour of another country, those who were on board of her were within the allegiance and sovereignty of the Sovereign of that country; and, if there were among her crew any offenders against the municipal law, it was competent for the authorities of that country at once to enter the vessel and to deal with the offenders according to the municipal law of that country; and undoubtedly the Chinese authorities might have dealt with the *Arrow* in a similar way if it had not been for the treaty in question. The whole of the argument of the noble and learned Lord on that point, therefore, was based on a simple error. Now, the House would observe that the Supplemental Treaty described exactly the class of vessels to which the *Arrow* belonged; and by a stipulation between England and China those vessels which were built for the purposes of their local coasting trade were what he should call naturalized. The 17th Article of the Supplemental Treaty, provided—

"That every British schooner, cutter, lorch, &c., shall have a sailing letter or register in Chinese and English under the seal and signature of the Chief Superintendent of Trade, describing her appearance, burden, &c."

Every lorch, therefore, receiving that sailing letter was, by the very terms and conditions of that treaty, converted into a British lorch. ["Oh, oh!"] That was not the way to meet a legal argument. The words in the Supplementary Treaty were: "every British schooner, cutter, lorch, &c., shall have a sailing letter or register in Chinese and English under the seal and signature of the Chief Superintendent of Trade." He repeated, there-

fore, that as between England and China, every lorch producing under the hand and seal of Sir John Bowring a sailing letter or register was entitled by the terms of the treaty to the character and privileges of a British vessel. That was an international stipulation. But the colonial ordinance was nothing more than municipal legislation for our own municipal purposes. That municipal law was a part of our own peculiar law, not to be used in the interpretation of the treaty, but the contract between us and the Chinese was expressed in the treaty, and it was because the lorch had what was required by the treaty, and not because she answered the requirements of the municipal law that she became entitled to the benefit of the treaty. Whatever vessel had the sailing register described in the treaty, assumed the character of a British merchant vessel, was a vessel within the meaning of the treaty, and was entitled to the privilege of not being exposed to be visited or boarded by the Chinese authorities, but was entitled to the protection of the British Consul, and could only be overhauled through the intervention of British authority. He was confident that the candour of his hon. and learned Friends would induce them to see at once that the only law and compact between this country and the Chinese, was that which was founded on the treaty, and that, if you brought a vessel within the terms of the treaty, she was entitled to British protection. If that were so, what became of the argument that the lorch did not answer the subordinate stipulations of the colonial regulations? What had the colonial ordinance to do with it? Then what became of the argument used in another place, and on which the strictures of the "flagitious" letter of Sir John Bowring had been founded? That letter was founded upon a supposition that the sailing licence of the *Arrow* was not in conformity with the colonial ordinance. He said with great submission, but also with confidence, and with the authority of the man most versed in international law to be found in this country, that the colonial ordinance, being a matter of municipal law, could not be invoked by the Chinese, whether the vessel had abided by or violated the terms of that ordinance, they being bound by the language of the treaty. Before quitting the subject of the treaty he wished to explain what he conceived to have been meant in the Imperial statute by the terms "British ship," or a "ship

entitled to a British register," because he wished to show that the *Arrow*, although only possessing a colonial register, was entitled under the terms of the treaty to the denomination of a British vessel. There had been considerable confusion and, he thought, misapprehension upon that subject. The term "British ship," which was a peculiar denomination, had been introduced into our law by the old navigation laws. It was a purely technical term, not meaning what was commonly understood by those words—viz. a ship belonging to a British subject, but a vessel entitled to all the privileges and advantages which by the old navigation law and the present Merchant Shipping Act were conferred upon such vessels. There might be a British ship built in a foreign country, manned by a foreign crew, which did not fulfil in any respect the conditions of the Imperial statute, but which would still be a British merchant ship in the sense that she was the property of a British subject. The words "British ship or English merchant vessel" were plainly used in the Supplementary Treaty, not in the technical sense given to the words "British ship" in the Imperial statute, but in the general, universal sense of a vessel belonging to a British subject. It must be observed that he expressly used the term "British subject," and not "British-born subject," which were the words of the Merchant Shipping Act; and by British subject he meant a person resident in some part of the British territory and living under British rule. In that sense only was the term "English merchant ship" in the Supplementary Treaty to be interpreted. That was rendered abundantly plain if the treaty was read by the language of the 17th Article; because no one could suppose that such small vessels as cutters, schooners, or lorchas, being merely coasters, came at all within the exigency of the Imperial statute. It was plain that by the 17th Article of the treaty a vessel fulfilling certain requirements was to all intents and purposes entitled to the protection given by the treaty to English merchant ships. The House had been told that the colonial ordinance was in violation of the Imperial statute, and that all the privileges and advantages proposed to be bestowed upon lorchas were in contravention of the Imperial statute. The error would be obvious if it were borne in mind that the proper meaning of the words

"British ship" was purely technical, and were words of art, and he (the Attorney General) asserted that it never was intended to apply those words to the Supplementary Treaty, where in fact they were not to be found, and would be inapplicable to the class of vessels there spoken of. The term of an "English merchant ship," employed in the Supplementary Treaty, meant nothing but a ship, built no matter where, manned in any way that accident might bring about, but belonging to a British subject, and having a sailing register in conformity with the treaty. It should be borne in mind that two things were apparent. First, that the particular lorch, the *Arrow*, became entitled to all the privileges of an English merchant ship provided she was owned by a British subject and possessed a sailing register as prescribed in the terms of the treaty; and although she fulfilled not one single stipulation of our Imperial statutes, which were inapplicable, because the treaty had given birth to a peculiar class of vessels, which were to be dealt with under the treaty. The Imperial register—the register given under the Imperial statute, which entitled a ship to the character of a British ship, and entitled her to sail throughout the world—was not of a limited character—it did not require renewal. But a colonial register was a thing limited to the coasts of China, the object being to impose upon vessels employed in the coasting trade the obligation of being registered in a peculiar manner, in order that there might exist a greater facility for redressing any wrong attempted by these vessels, and in particular any wrongs committed in the smuggling trade. These colonial registers were things entirely apart from and independent of the British register. They might indeed consist with the imperial registry, but the vessel having a colonial licence had a more limited authority, which did not touch or encroach upon the registry granted under the Imperial statute. If he had expressed himself consecutively and intelligibly he should have no difficulty in convincing the House that two things appeared plainly on the treaty. The first was that it was not competent to the Chinese authorities to deny to any vessel that had received a sailing register, signed by the Superintendent at Hong Kong, which was owned by a British subject, the character and privileges of a British merchant vessel in the Chinese waters. The next point was, that it was

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not competent to the Chinese authorities to set up the colonial ordinance, or any violation or non-observance of the colonial ordinance, as a reason why they should not fulfil their own treaty stipulations, which did not embody the provisions of the colonial ordinance. Consequently, that all the arguments they had heard about the colonial licence not having been renewed, or about the particular terms or want of endorsement of the colonial licence, were not matters in which the Chinese were concerned, but matters which they were precluded from calling to their defence by the stipulations of the treaty. Two things were therefore tolerably plain—first, that a noble and learned Lord in another place was totally wrong when he supposed that the colonial ordinance was altogether inconsistent with the Imperial statute; and, secondly, that that most fertile topic of declamation upon which so much eloquence in that House and elsewhere had been employed, that the colonial register of the *Arrow* had expired or was irregular, was a topic which it was not competent for the Chinese to bring forward, which could not lie in their mouths, and which was wholly immaterial to the international question at issue.

He now came to a most important point which had been dwelt upon with so much force and gravity in another place by a noble and learned Lord, for whom he entertained as much affection as veneration—Lord Lyndhurst. It was extraordinary, but at the same time certainly true, that he could concede the whole of the propositions for which his noble and learned Friend contended, and yet declare that the question was wholly untouched by those propositions. He could also bring forward another proposition perfectly consistent with the law which the noble Lord had laid down, and declare that this vessel, even if owned by a Chinese, was perfectly entitled to the benefit of the treaty. The noble and learned Lord said that you could not, by the provisions of international law, convert the subject of another Sovereign into the subject of your own Sovereign, so as to give him rights against his natural Sovereign. He agreed in that proposition; and as the law officer of the Crown, during the last three or four years he had frequently had occasion to appeal to and to enforce the same principle; for he was sorry to say that a great part of our municipal legislation was conducted in a manner that

ignored the existence of international law. Under the Alien Act, general letters of naturalization were granted to Austrians, to Frenchmen, to Italians, and to Turks, and subjects of every other kingdom. These letters of naturalization were without qualification, as if they could convert a Turk into a British subject, as against the rights of the Sultan, and an Austrian into a British subject as against the rights of the Emperor of Austria. But no man pretended to say that the Chinese owner of this vessel might not be personally answerable for any act against his natural Sovereign, done by him contrary to his allegiance. The present, however, was a very different inquiry. The question here was whether, if a natural-born subject of the Emperor of China became resident in the colony of Hong Kong, and there became subject to our allegiance, we might not without violation of the treaty make him the owner of a ship, and give him a sailing register, he being resident within our territory, and in that sense the Queen's subject; and whether he, as the owner of that vessel, would not be withdrawn temporarily from the authority of the Emperor of China and his ship entitled to the privileges of a British-owned vessel, and to the immunities stipulated in the treaty. It was a singular thing that the case about which they had heard so much general reasoning had actually occurred in the Courts of this country and had been decided there. The same proposition would be found in almost every writer on international law. An hon. Baronet (Sir Bulwer Lytton) whom he always heard with great and singular pleasure, and to whom he was under great obligations, both for his speeches and writings, had cited *Wheaton* as an authority in support of his view. But if the hon. Baronet referred to this author he would find a proposition which exactly bore out the view that he (the Attorney General) had advanced. This proposition, deduced from all the writers on international law, and supported by a decision of the Courts was this, that although the subject of one country could not in another so far put off his original character and divest himself of his natural bond of allegiance as not to be answerable to his natural sovereign for any act done in derogation of that allegiance, yet that he might become by residence or adoption so far a subject of another country as to be admitted to all the privileges and entitled to all the rights enjoyed

by the subjects of that country. In the case decided in the Courts, British subjects had been forbidden by law to engage in a particular trade. Certain British subjects, however, settled in the United States and became residents there, and they then claimed to be allowed to engage in this trade as residents in the United States. The claim, therefore, was to exercise the privilege of that commerce which as British subjects they were forbidden by British law to carry on. In this case, that of *Marryat v. Wilson*, which would be found in the Eighth Term Reports, Lord Kenyon laid down the proposition that although a citizen of this country by birth cannot throw off his allegiance to this country, yet he may be adopted and become a citizen of another country for the purposes of commerce; and the circumstance of his being a natural-born subject here cannot deprive him of the advantage of being a citizen of the country of his adoption, so as to disenable him to engage him in a trade forbidden to the subjects of his native country. The same point also arose in another stage of the same case, when it came before a Court of Error, and it was remarkable that the noble and learned Lord who insisted on this topic in another place did not seem to be aware of this authority. By that case a direct answer was given to all the noble and learned Lord's reasoning; and the answer involved the very point now before the House—namely, whether a native Chinese, becoming a resident in Hong Kong, might not, so long as he was resident there, and therefore a British subject, become the owner of a ship registered at Hong Kong, so that that ship should be entitled by the treaty between England and China to all the privileges accorded to British ships by that treaty. The notes appended to the case state an opinion by the greatest authorities—by Lord Stowell, Lord Eldon, and Lord Redesdale (then William Scott, John Scott, and John Mitford) and they put the point almost in the very language used by the noble and learned Lord in another place. They said that the point had been submitted to Lord Hardwicke in the case of a Scotchman who had been made a burgher of Stockholm, and who was the owner of a Swedish ship, navigated by Swedish seamen. Lord Hardwicke, then Sir Philip Yorke, thought this would not entitle the Scotchman to be considered as a Swede in Great Britain. That was an opinion stated in argument, and unsuccessfully. It was

deliberately overthrown by the Judges of England in the Exchequer Chamber, who held that a foreigner, going to another country, and becoming domiciled there, might become the owner of a ship of that country, so as to entitle himself in his own native country, to the privileges accorded to ships of the country in which he was domiciled. Let that decision be applied to the present case. What was the argument? It was said that this Chinese was attempted by the British authority to be withdrawn from the jurisdiction of his natural Sovereign, and that such a thing was impossible. That involved the whole question. Why, it was perfectly true that, in a criminal sense, he could not be so withdrawn, but it was equally true that by international law, by the British municipal law, and by the municipal law of every country with which he was acquainted, a natural-born subject was permitted to become resident in another country, and to acquire municipal rights and privileges under the law of that country, which were not considered inconsistent with his natural allegiance, though he could not be withdrawn from the bond of allegiance so as to enable him to act in violation of the duty he owed his natural Sovereign. If this matter was argued before the noble and learned Lord he would venture to say that that eminent man, whose candour was equal to the wonderful attainments and great elevation of his mind, would admit that he was wrong in his proposition. The singularity of the circumstances was this—that the noble and learned Lord, while contending that by the British municipal law a man could never be withdrawn from his natural allegiance, so as to make a native-born Chinese owner of a British ship, forgot that by the Merchant Shipping Act the right was assumed to do that very thing. Accordingly that Act required that a British ship should be owned either by a natural-born subject or by a person having letters of denization, or having been naturalized and having taken the oath of allegiance. But if the doctrine contended for by the noble and learned Lord were correct in the way in which it was enounced, then the British municipal law pretending to give that privilege was just as great a violation of the law of nations as the proposition against which the noble and learned Lord was directing his argument. The fact was, that the whole of the argument adduced elsewhere, with all the talent and learning which could illustrate the subject, had been brought

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forward to maintain the three points he had now gone through; and he ventured to say, that whoever looked at all the circumstances of the case would agree in thinking, that no single proposition maintained in another place had the least application. Now, it was surprising and a little humiliating—and even hon. and right hon. Gentlemen so anxious to do justice to their absent friend, would be inclined to admit, that it was a little hard to denounce Sir John Bowring as having been guilty of error on a question, on which Lord Lyndhurst was at variance with Lord Wensleydale, and Lord St. Leonards was in direct opposition to the Lord Chancellor. Was Sir John Bowring to be visited with the thunder of that House, though he was protected by his friends, because he was ignorant on this particular point, and believed that as the *Arrow* was sailing under a register in conformity with the stipulations of the treaty, therefore the Chinese were bound by the compact to give it the immunity of a British ship? Sir John Bowring did rightly, then, and justly, in upholding, in conformity with the national honour, that treaty, and in vindicating the ship's title to the privileges accorded by the treaty.

But it was said that the Government should have been better instructed, and should not have endorsed the error of Sir John Bowring. What did the Government do? Sir John Bowring sent over all the despatches, and made full and ample communication of the circumstances. What, then, became the duty of Lord Clarendon? Our constitutional practice had provided the Foreign Office with a recognized legal assistant—not a Member of the Administration, nor dependent on the caprice of Government, but selected for his ability and his attainments, and made the permanent adviser of the Foreign Office. Lord Clarendon laid the whole of these papers before the Queen's Advocate—a functionary who was selected by the Government of Lord Derby, and a better choice Lord Derby's Government could not have made. These papers were laid before that officer, in order that he, the proper adviser, might direct the Government what to do on this legal point. The opinion of the Queen's Advocate was contained in the despatch dated the 10th of December. Those hon. Gentlemen who were cognizant of the practice of the Foreign Office, knew very well that the opinion was copied into the despatch; and yet poor Sir John Bow-

ring was held up here to ridicule and reproach by those who assumed the right to criticise his conduct, and had been stabbed in the back by his familiar acquaintances. The expression used in Sir John Bowring's letter was reiterated by the legal adviser of the Foreign Office—not a Member of the Administration—who said, and in his (the Attorney General's) opinion most rightly—for he endorsed the opinion fully—that

“The expiration of the *Arrow's* sailing licence on September 27, previous to her seizure, does not appear to have been known to the Chinese authorities; and this, again, is a matter of British regulation which could not justify seizure by the Chinese.”

He had not the honour of Sir John Bowring's acquaintance, but he had seen a great deal of the despatches of that gentleman, and he might venture, without any breach of duty, to state that if he were inclined to say anything for an absent friend, it would undoubtedly be this, that from all he had seen he (Sir John Bowring) was disposed greatly to celestialize. In all that he had seen he appeared to evince a determination to maintain what he thought to be the just rights and interests of China. He (the Attorney General) said this because it had been imputed to Sir John Bowring that he wanted to gratify a misplaced ambition at the expense of the Chinese. Upon the great question as to the Shanghai duties, Sir John Bowring distinguished himself by the manner in which he had determined to maintain what he conceived to be the rights of the Chinese, the recognition of which rights he believed would be the best course for the protection of British trade, and would eminently conduce to the advancement of British interests.

And now with respect to the proper meaning of the letter which Sir John Bowring wrote with respect to the *Arrow*. One of my hon. Friends who took part in the debate of this evening mentioned the legal phrase, *non reus est nisi mens sit rea*. We must inquire in this case what was the *animus* with which the Chinese boarded the lorcha. Was there in that act the *mens mala* which constitutes guilt? If the Chinese had been aware of the special pleading excuses now brought forward to justify them, and the objections to the register of the lorcha, they might have fairly said, “We have entered the vessel believing that we had a right to do so.” They might have justly said, “There

is no *mens mala*, no *malus animus* in the matter. We thought that what we did was under a colour of right. We have no disposition to invade British ground or to trespass upon British territory.” Sir John Bowring wrote in that spirit, and, when he said the Chinese did not know that there was an objection to the register of the lorcha, he meant that the Chinese did not act under the influence of that information, but had invaded the lorcha with a premeditated design to commit an insult on the British flag. Now, might not an acquaintance of twenty years have suggested that as a candid, fair, reasonable, and palpable explanation of his conduct? He (the Attorney General) believed that Sir John Bowring did in reality advert to what was really and truly the point to be inquired into. God forbid that he (the Attorney General) should advocate the commission of those things that subsequently took place, if they were not a retribution for wanton insolence, unprovoked outrage, a deliberate intention to violate a treaty, and a desire to try how far they could go, and to see how much would be borne. Sir John Bowring thought it was abundantly plain that the Chinese were actuated by a spirit of wanton insult and a desire to commit unprovoked outrage; and he (the Attorney General) believed that he had arrived at a correct conclusion. He believed so, because of the manner in which it was proved that they treated Consul Parkes, who followed *flagrante delicto* immediately after they had entered upon the vessel. All the facts showed that the man Yeh was determined, if possible, to put himself at the head of a furious and ungovernable populace in order that he might drive away by violence and outrage the English barbarians. If, then, the law were on the side of Sir John Bowring, as he (the Attorney General) believed it to be, the question was whether it was not more consistent with humanity to inflict a quick and severe punishment upon the Chinese rather than submit to insult after insult, until at length you found yourselves involved in a war of a frightful character, such as was your last war with China? When hon. Gentlemen talked of war and humanity they talked of things that were utterly inconsistent with each other. There was no humanity in war. It was idle, therefore, to speak of testing a war by the feelings of humanity. While he said that there was no humanity in war, he of course admitted that war in

modern times was carried on with far more generous feelings and a less bloodthirsty spirit than in days gone by. But though in modern times war was accompanied by acts of courtesy and generosity, which smoothed down some of the hard ruggedness of its features, there was still in war something at which humanity shuddered. The House, nevertheless, ought to bear in mind that the extent of these hostilities and the manner in which they had been carried on had been entirely controlled by a most excellent naval officer, whose character he (the Attorney General) would take from the gallant Admiral who sat on the Ministerial side of the House (Sir M. Berkeley), and also, he was happy to say, from one who was not absent and a friend of his—the right hon. Gentleman the Member for Carlisle (Sir J. Graham). But there was a universal testimony to the humanity of the Admiral who had conducted the hostilities against the Chinese, and he thought that the regard which that gallant Gentleman showed for the lives and property of the unoffending Chinese proved that these proceedings were carried on with as much humanity as any warlike proceeding could be.

What, then, remained to be said? He had already wearied the House too long. They had listened to his argument upon this question and his exposition of the law. If he had during that exposition not spoken in a manner so calm and temperate as the question demanded, he was unfeignedly sorry. He had endeavoured to lay before the House all the materials with which he was acquainted upon the subject; and he would now merely beg the House to permit him to supply an omission which he made while pointing out to them that it was quite a mistake to suppose that there could not be a British ship that was not registered. The law upon that subject was very correctly expressed in a passage that occurred in the treatise of Chief Justice Abbot upon shipping. The passage was in page 63, and was as follows:—

“From the language of the foregoing enactment, it does not appear that any ship is absolutely required to be registered; the register is necessary only for conferring the privileges of a British ship. The forfeiture is only for exercising the privileges of a British ship without having obtained a certificate. Ships not entitled to these privileges may be legally owned by British subjects.”

There was only one other point to which he begged to call the attention of the House—namely, that the respect which was due to the British flag, and the Bri-

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tish papers which were known to be possessed by this vessel ought, independently of anything else, to have entitled it to the protection due to the British flag, without the Chinese entering into any examination of the accuracy of those papers. His hon. Friend the Lord Advocate had clearly distinguished between the case of a ship that had *bond fide* obtained papers that might afterwards turn out to be liable to some objection by reason of something not having been observed, and a ship that had fraudulently obtained papers. The greatest authority on that subject was Lord Stowell, who, in the case of *The Vigilantia*, reported in *Robinson*, 13, said:—

“It is a known and established rule with respect to a vessel, that if she is navigating under the pass of a foreign country she is considered as bearing the national character of that nation under whose pass she sails—she makes a part of its navigation, and is in every respect liable to be considered as a vessel of that country.”

And so, again, in the case of *The Elizabeth* (reported in *Robinson*, 4), Lord Stowell said—

“It has been decided that a vessel sailing under the colours and pass of a nation, is to be considered as clothed with the national character.”

The *Arrow* had, *de facto*, the character of an English vessel, and the obligation upon the Chinese, according to the treaty, was to deal with her as entitled to its immunities, and if they had a complaint to make, to prefer it through the medium of the English Consul. Let the House observe, too, the manner in which a similar stipulation was made by the Chinese on behalf of their own vessels. Article 14 of the Supplemental Treaty says:—

“An English officer will be appointed at Hong Kong, one part of whose duty will be to examine the registers and passes of all Chinese vessels that may repair to that port to buy or sell goods; and should such officer at any time find that any Chinese merchant vessel has not a pass or register from one of the five ports, she is to be considered as an unauthorized or smuggling vessel, and is not to be allowed to trade, while a report of the circumstance is to be made to the Chinese authorities.”

It was a wise stipulation to prevent collision that any interference with the flags or papers of the vessels of England or China should be made through the medium of the local authority of the one or the other.

There were many other circumstances with which at that late hour he would not trouble the House. His object had been to show, that the law of this case required

more consideration than it had yet received. For that purpose he had submitted to the House these arguments, in answer to those hon. Members, who contended that there was no justice or legal right in the protection which had been given to the *Arrow*. These arguments must be fully answered, and their error exposed, before any hon. Member could lay his hand upon his heart, and say that he would condemn Sir John Bowring, and would condemn the Government, because Sir John Bowring, inflamed by ambition, and led away by arrogance and vanity, had committed a most palpable error in law, of which he was perfectly cognizant, and had, proceeding upon that error, engaged this country in war with a peaceful and unoffending people. Looking at the arguments which had been delivered in another place, and at the contrariety of opinions which prevailed upon this subject, no man could take upon himself to pronounce that judgment; and unless he did so, he could not honestly vote for these Resolutions.

MR. R. PHILLIMORE moved that the Debate be now adjourned.

MR. DISRAELI: Considering that this is Friday, the end of the Parliamentary week, and that this subject has been very fully and ably discussed, I had hoped that the House would have come to a decision to-night. Of course, if Her Majesty's Ministers have any desire that the discussion should go on, it would not be fair, as they have treated the Motion as one of censure, that any objection should be made to the adjournment of the debate. If there be not that wish on the part of the Government, I myself should express a hope that the House will go to a division to-night.

MR. R. PHILLIMORE expressed his willingness to withdraw his Motion for the adjournment of the debate. [*Cries of "Divide, divide!" and "Adjourn, adjourn!"*]

VISCOUNT PALMERSTON: So far as we are concerned, we are quite ready to go to a division to-night if the House thinks fit; but, considering that there are many other Members who wish to express their sentiments on a matter of such very considerable importance, I think it is not unreasonable that the debate should be adjourned.

Debate further adjourned till Monday next.

The House adjourned at half-after Twelve o'clock till *Monday next*.

HOUSE OF LORDS,

Monday, March 2, 1857.

MINUTES.] PUBLIC BILLS.—2^a Ionian Subjects' Commissions; Commons Inclosure.

MEETING OF THE OPPOSITION.

THE EARL OF DERBY. PERSONAL EXPLANATION.

THE EARL OF DERBY: My Lords, I trust I may be permitted to bring before the attention of your Lordships a matter personal to myself. My Lords, it has never been my custom to notice in any way any statements which may appear in the public press respecting my public conduct. If I depart from this rule on the present occasion it is because, in justice not only to myself but to others, I feel bound to refer to a report which has appeared in the public press, wholly unauthorized, and which could have been obtained only surreptitiously, of a meeting which was stated to have taken place at my house. That meeting did take place on Friday last, but not at my house; and the statements of what took place on that occasion, although they bear on the face of them undoubted evidence of having been furnished by some person who was present, or who heard what passed, are in many respects grossly inaccurate. They represent me, not only as having stated what I did not say, but as having stated the reverse of what I did say, and which, if I had stated it, would have been the reverse of the fact. My Lords, I am not now going to enter into any detailed explanations of what took place; but I only beg to refer to it now in order that it may not be supposed hereafter that I did make such statements; and that, if ever hereafter any reference should be made to that occasion, I may be able to avail myself of the protest which I have now made as to the inaccuracy of this report.

WAR WITH CHINA.

QUESTION.

EARL GREY having *presented* a petition, praying for inquiry into the war with China, begged to take the opportunity of asking the Lord President of the Council a question of which he had given him notice privately, with reference to a matter that caused the greatest anxiety to those who were engaged in trade with China. He begged he would have the goodness to

state whether the advices received by Her Majesty's Government offered any prospect of the early termination of the war with China?—whether that war was still carried on for the purpose of obtaining the admission of the British into the city of Canton?—whether there was any other object contemplated?—and whether any reinforcements had been demanded by Sir John Bowring, and whether such reinforcements had been sent to him?

EARL GRANVILLE: I am able to state, with reference to intelligence received from China, that no further operations have taken place, except those that were necessary for self-defence and the protection of our ships. The Chinese have recalled our servants from Hong Kong, and have offered rewards for the assassination of British subjects and incendiariism in Hong Kong. It is impossible to say, therefore, that we have arrived at a termination of the war. But, at the same time, there is no interruption of our commercial relations with the other four ports. Under these circumstances, it is impossible there can have been any change in our position at Canton, because I believe it absolutely necessary for the security, not only of the British, but of foreigners of other nations, that we should not appear to recede at Canton, as disastrous results would follow, not only there, but at the other ports, where our relations are satisfactory. Reinforcements have been sent to Sir John Bowring. One regiment went three weeks ago.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 2, 1857.

MINUTES.] NEW MEMBERS SWORN.—For Bandon Bridge, The Hon. William Bernard; for Downpatrick, Richard Ker, esq.

PUBLIC BILLS.—2^o Extra Parochial Places; Lighting of Towns (Ireland) Act Amendment.

TEA AND SUGAR DUTIES—

EXPLANATION.

THE CHANCELLOR OF THE EXCHEQUER said, he would take that opportunity of mentioning that since he answered the question of the right hon. Member for Manchester (Mr. Milner Gibson), on Thursday night, with respect to the tea duties, he had found that there were no binding rules with regard to the order in which Resolutions in Committee of Ways and Means came on, and he pro-

posed, therefore, notwithstanding the Resolution on the income tax had been already read, to proceed first with the Resolutions respecting the tea and sugar duties, as he was aware that those engaged in the tea and sugar trades suffered great inconvenience from uncertainty as to the duties.

FINANCES OF INDIA—QUESTION.

MR. OTWAY said, he would beg to ask the President of the Board of Control whether any instructions had been sent to the Governor General of India, or whether any communications had passed between the home authorities and the Governor General of India with reference to the opening of a new Government loan in India bearing interest at the rate of 5 per cent per annum? If his right hon. Friend had perused the late despatches from India, he (Mr. Otway) should like to be informed whether it was intended to devote any portion of the new loan to public works, and also whether there would be any guarantee of the rate of interest for a term of years?

MR. VERNON SMITH said, a communication had been sent to him from the Governor General of India with respect to the £5 per cent loan. That interest would be guaranteed for fifteen years. The loan would be applied in the usual way, and part of it, therefore, would, of course, be devoted to public works.

THE KURIA MURIA ISLANDS— QUESTION.

MR. EVELYN DENISON said, he wished to be informed by the Secretary of State for the Colonies whether an arrangement had been entered into between Her Majesty's Government and those Liverpool merchants to whom the guano islands on the coast of Africa had been ceded, which, while it secured to the latter a full and fair remuneration, would enable the farmers of this country to obtain a supply of guano?

MR. LABOUCHERE said, that what had occurred since he last addressed the House on the subject was this—the parties who at present had exclusive licences for taking guano from the islands in question had assured him that they were ready to allow anybody to take guano from the islands upon payment of £1 per ton. He had reason to believe that that arrangement would be satisfactory to those parties who were apprehensive that the only con-

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sequence of the islands being ceded to those who now had the exclusive licences would be to establish another guano monopoly. It was the intention of the Government to afford to those parties every practicable protection, through the instrumentality of the Government of Bombay, to enable them to fetch guano from the islands; and if, as seemed probable, it should happen that a very large quantity of guano should be obtained, and a great number of ships should be employed in the transport of it, it would be the desire of the Government to afford them permanent and efficient protection.

CHINA.

RESOLUTION MOVED. RESUMED DEBATE.

(THIRD NIGHT.)

Order read, for resuming Adjourned Debate on Question [26th February]—

"That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river; and, without expressing an opinion as to the extent to which the Government of China may have afforded this Country cause of complaint respecting the non-fulfilment of the Treaty of 1842, this House considers that the Papers which have been laid upon the Table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*."

Question again proposed.

Debate resumed.

MR. R. PHILLIMORE said, that it had been very generally admitted in the course of the debate that the great and momentous question which occupied the attention of the House was one that demanded in a great measure a just application and a true construction of the principles of international law. The study and practice of that jurisprudence had occupied many years of his life, and it was in the humble hope that he might bring some contribution to the debate by means of that study and practice that he ventured to claim for a short time the indulgent attention of the House. The right hon. Gentleman the Secretary of State for the Colonies—the organ of the Government on this present occasion, and the only Cabinet Minister that had as yet spoken—had made some observations in which he fully concurred. He said that it would be most unbecoming that these transactions should have been passed over without receiving the deliberate consideration of the House of Commons,

that they deeply concerned the most important commercial interests of this country, that they affected most deeply the reputation and credit of the British Empire, and that the members of the Legislature should vote, not as Whigs or Tories, not as Liberals or Conservatives, but solely on considerations of the honour and credit of their country. Such observations were worthy the unblemished character which he (Mr. Labouchere) had long maintained within and without those walls, and of his high position in Her Majesty's Council. There had been meetings of rival political chiefs, in reference to this debate; but he had not attended any of them, because he thought that his vote on such a question as that now before the House ought not to be influenced in the slightest degree by any political or party considerations. He had no object either in upsetting or maintaining a Government—he had no other object in view than the single one of doing justice and giving a true verdict on so great and so important a question. Certain extraneous elements, calculated to lead the House astray instead of guiding it to a right conclusion, had been introduced into the debate. They had the blue-book with the memorable misnomer of *Insults in China*. Those who had read that document would know how little it deserved its appellation. The very last pages of that book recorded the case of a missionary named Burns, who, having put on the dress of a Chinese and gone into the forbidden towns, was seized by the Chinese authorities, and afterwards demanded by the British Consul. Commissioner Yeh said—

"I cannot but look upon it as exceedingly improper that Mr. Burns (admitting him to be an Englishman) should change his own dress, shave his head, and, assuming the costume of a Chinese, penetrate into the interior in so irregular a manner."

Burns was sent to the British Consul; and what did Consul Parkes say respecting him?—

"Mr. Burns is now suffering from sickness, brought on by the fatigues of the journey from Chaou-chow, protracted by the delays encountered on the way. He expresses himself, however, very grateful for the kind treatment he has received."

Two other persons who had been seized along with Mr. Burns were also liberated. The whole transaction showed anything but an intention to insult the English. He did not, however, think, the general character of the Chinese ought to be mixed up with the subject now under discussion.

The hon. and learned Lord Advocate had read an extract from the work of M. Huc, a French missionary, to the effect that the Chinese must be "bent down like a bamboo cane and held fast," otherwise we could not deal with them at all. Now, the late work of Mr. Meadows, the Chinese Interpreter to the Crown, expressed an entirely opposite opinion, and cautioned its readers that of all accounts of China the one most to be distrusted was that given by M. Huc. Again, the question as to our right to enter Canton, and whether the treaties on that subject had been violated, had nothing to do with the present discussion except so far as they might be deemed to affect the *bonâ fides* of the lorcha dispute. The hon. and learned Attorney General, in speaking of Sir John Bowring being "stabbed in the back" by his friends, had entirely misrepresented — unintentionally, no doubt,—what had been said by the right hon. Baronet below him (Sir J. Graham). The right hon. Baronet spoke in high terms, as everybody must do, of Admiral Seymour, and stated distinctly, at the same time, that he had no acquaintance, beyond a House of Common's one, with Sir John Bowring. No hon. Member's vote ought to be influenced by a feeling that they were censuring Admiral Seymour, who had no other course open to him but to obey the orders of the Plenipotentiary. The real questions before the House were these, "Was the war just in its origin and right in its continuance? And if not, what verdict ought a British House of Commons to pass upon it?" The papers on the table contained an address from the inhabitants of Canton to his Excellency the Plenipotentiary, which was one of the most touching documents ever presented to a deliberative assembly. That address stated:—

"We, the Cantonese, who have been born and brought up in this place, some of us in the public service, some of us in trade, whatever our vocation, have each one and all our property, our very food and raiment in this city, and to all of us, hundreds of thousands in number, the city is our base and our foundation. Your nation has traded at Canton for more than a century, during which it may be said that between you and ourselves, the Cantonese, there have been relations of friendship, and not of hostility. The late affair of the lorcha was a trifle—it was no case for deep-seated animosity, as a great offence that could not be forgotten; yet you have suddenly taken up arms, and for several days you have been firing shell until you have burnt dwellings and destroyed people in untold numbers. It cannot be either told how many old people, infants, and females have left their homes in affliction. If your countrymen have not seen this they have

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surely heard, have they not, that such is the case? What offence has been committed by the people of Canton that such a calamity should befall them?"

He asked the House of Commons what answer they could make to this question? It could make only one of two answers, viz., either that they entirely approved, like Lord Clarendon and the rest of the Government, the course adopted by Sir John Bowring, Consul Parkes, and Admiral Seymour; or that they concurred with the hon. Member for the West Riding in asserting that the papers on the table "fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*." These were the two issues before the House.

Now, the first proposition of international law which he proposed to lay down was that, whatever the principles of that law were, they were as applicable in a case of the kind now before the House to China as to any other country. The Lord Advocate had alleged, indeed, that China was not entitled to be put into the category of nations which could be dealt with according to strict international law. But if such language had been held by Russia towards Turkey during the late war, it would have provoked most indignant disclaimers from all parts of the House. The despatches of Commissioner Yeh gave a better exposition of the principles of international law than, he was ashamed to say, could be found in the letters of the British Plenipotentiary. Governor Yeh said:—

"In reference to this matter, who is in the right and who is in the wrong, all countries must have principles of justice by which to decide. What reason is there in thus disturbing the quiet of the people of all countries?"

Had we not treaties with China recognizing her police and her courts of justice? Was there any ground by which we could mete out a different measure of international law and justice to Turkey and to China? It was true, indeed, that as to minor matters of the comity of nations, a distinction might be made between Christian and heathen nations; but in all matters of the present character between State and State it was an unquestionable proposition that China must be dealt with on the principles of international law. What, then, was the national character of the *Arrow*, and how must it be ascertained? Either by the English law, by international

law, or by the specific provisions of the treaty. The House could not have failed to observe the different lines of argument pursued by the Secretary of State for the Colonies and by the Attorney General. The former rested the case mainly on the colonial ordinance; while the latter held that the whole question depended on the construction of the treaty, and that the colonial ordinance had nothing whatever to do with the matter. The Colonial Secretary likened the colonial ordinance to what were called the Mediterranean passes. But there was no analogy between the two. The Mediterranean passes were given to protect Christian commerce against the Barbary corsairs; but then they were given in consequence of treaties with those very Barbary corsairs authorizing the issue of them. This colonial ordinance, on the other hand, was not founded on a treaty between England and China. To put it on an equal footing with the Mediterranean passes it must rest on treaty. He passed by the historical fact of the constant complaints of the abuses growing out of the grant of these passes. Therefore the doctrine asserted elsewhere, and repeated here, that it was not possible for England, by any municipal law she might enact, to take away the rights of other countries, remained wholly unshaken by the discussion in this House. With regard to the question whether the flag of the lorcha was flying at the time of the seizure, upon which so much had been said, he differed with some hon. Gentlemen on the evidence as to the fact, and he did not believe that any Judge or jury, with such conflicting evidence before them as existed on this point, would come to the conclusion that the British flag was flying. It should also be remembered that Governor Yeh had over and over again said that it was not the custom of lorchas to carry the British flag when at anchor. This he stated not only to Sir John Bowring but to Admiral Seymour, who must have known what was the practice; and yet his assertion never met with a single contradiction. But it was perfectly immaterial whether she carried the flag at the time or not. It was not the flag that determined the character of the ship, it was the real character of the ship that determined the country to which she belonged, and to whose protection she was entitled. The opposite doctrine, laid down by the Lord Advocate, entirely overlooking the true nationality of the vessel, would, if

strictly carried into effect, generate perpetual discord. The right of ascertaining whether the vessel rightfully carried the flag which she had hoisted had never been denied. What was the history of this vessel? There was clear evidence that she had been at one time piratically engaged; and at the very time of this seizure there was a pirate on board. It could not be maintained that under such circumstances the Chinese were not entitled to board her while in their own waters, and ascertain whether she was really owned by an Englishman or not. His right hon. Friend the Member for Carlisle (Sir James Graham) had called the attention of the House to many of the contradictions as to the register of this vessel which were furnished by Sir John Bowring. He (Mr. R. Phillimore) would add another to that disgraceful catalogue. At page 58 of the blue-book they would find a document headed, "Notification of Mr. Parkes, Her Britannic Majesty's Consul at Canton, on November 1, 1856"—for what purpose issued? "for the removal of misconceptions by a declaration of the truth;" and for what end? "to the end that confidence may be restored to the public mind." And what was the first averment in this "declaration of the truth"? "That the lorcha *Arrow* was a vessel duly registered as above." That was one of the many misrepresentations which, to the shame of this country, these papers displayed. His learned Friend the Attorney General had said that the Chinese had nothing to do with our municipal law, and that if the lorcha had violated our municipal law that was nothing to the Chinese. But even if this were so, which he (Mr. R. Phillimore) denied, was it nothing to the Parliament of England? Was it nothing to the British Parliament that our authorities had put forward a claim which was not founded on right? Was it nothing to the honour of this country, and what would be the opinion of the whole Continent of Europe, to whom the whole contents of these papers would speedily travel? Was it nothing to us what would be the opinion of the Chinese themselves as to the good faith of England when they learned these facts as they would now learn them by the perusal of these papers? Our municipal law might be nothing to the Chinese, but it had everything to do with those who had the honour of England at heart. He would venture to differ from the opinion of the hon. and learned Attorney General, and would put

it to this test :—Supposing that this vessel had been the subject either of a civil proceeding to determine the ownership, or of a criminal, was there any lawyer who would say that on the evidence of these papers the vessel had been registered, or that, putting aside the question of our jurisdiction by treaty for 100 miles from our coasts, that the parties would be liable under our law? Would any court, in short, have held that this ship was a British ship? These were the true means of trying the national character of the vessel. What was the celebrated case of the *Felicide*! A British murder committed on board the deck of a captured Portuguese slave-ship, our flag flying in the jolly-boat at her side; the murderers tried before all the Judges of England—the fact admitted—the murderers acquitted. Why? Because the Judges held that the British jurisdiction over the vessel was not founded in strict law. His hon. and learned Friend the Attorney General had contended that, having regard to two Articles of the treaty, the ninth, he thought, and the seventeenth, it was perfectly clear that this was a British vessel in the sense of that treaty, and that in fact the treaty was the real instrument to look to, and all the rest was beside the question. Now, he ventured to say that the rules of interpretation of that treaty were not laid down by the Attorney General in accordance with the principles of international law. He (Mr. R. Phillimore) denied that we could now turn round on the Chinese and say, “We did not mean to use the term British vessels in the sense used in our own statutes.” The Chinese would be entitled to say, “You are estopped from that argument.” The maxim *verba accipiuntur fortius contra proferentem*, applied, and particularly in a contract between two States, words of restriction must be taken against us, and not against the Chinese, and having used the term “British vessel” in the treaty, we must interpret those words in the sense in which we had used them in our own Acts of Parliament. Besides, this argument as to the treaty being everything, and every other consideration nothing, went too far; for if the treaty was everything and the colonial ordinance nothing, why was that ordinance passed at all? Let them, however, assume that the Attorney General’s interpretation was correct, and that the words “British ships” meant British ships in the popular sense of the words, and not in its technical and restrict-

ed sense, and they must then fall back upon international law to decide what was a British ship. According to that law a British ship was one which had proper British papers; but by the statements of Sir John Bowring himself it appeared that this *lorcha* had not, and moreover could not have had such papers. Therefore, however the words “British vessel” were interpreted, whether by our own statutes or by general international law, it was clear that no wrong had been done by the Chinese. The hon. and learned Attorney General had further argued, and had cited cases in support of his argument, that if this ship had been owned by a domiciled Chinese subject it would have been a British ship. Now, the cases cited from the “Admiralty Reports” simply established the position that in time of war—and it was to a time of war only that they referred—ships were to be considered *prima facie* as belonging to the country under whose flag and pass they sailed—an elementary proposition which no one would dispute. The cases cited from the common law “Term Reports” would no doubt be dealt with by other hon. Members in the course of the debate, and he would pass them by with this observation, that even if the hon. and learned Gentleman’s position were a sound one, there was no evidence that the owner of this vessel was a domiciled British subject. On the contrary, it appeared from these papers that if domiciled anywhere he was domiciled at Canton. But even if he were domiciled in a British possession, the true doctrine of international law was, that such domicile, though it might warrant the Government of the country of the domicile in protecting the domiciled person against other States generally, or as lawyers say, third parties, could not avail him against the country of his allegiance.

He (Mr. R. Phillimore) hastened from these legal questions, with which, however, he trusted he had not wearied the House, to that which was more properly a consideration of a moral character. Assuming that the British authorities were right in everything which they did with respect to this vessel, assuming that she was a British vessel duly registered, how was the case of Sir John Bowring benefited by the admission? Let the House look at the hideous disproportion between the offence and the chastisement! Was the law of nations really so stupid and so detestable a code that it exacted the blood of men as satisfaction

for an offence of this description? Did it point at no intermediate course? Certainly it did. And what was the intermediate course which the Queen's Advocate, in the letter read by the Attorney General recommended? Reprisals; and what was the difference between reprisals and war? Reprisals were made *manente pace*, but war introduced a totally different state of things; and he ventured to say that reprisals, and not war, were the proper remedy for the wrong which was alleged to have been committed. He contended also that the papers before the House showed that full satisfaction had been afforded, and that, apart from obtaining reparation for an injury, it was indefensible upon any principle of law, of justice, or of humanity to make war for the punishment of a nation. He begged attention to an authority upon this point of reprisals, which would not be disputed. In the famous answer to the Prussian memorial, which Montesquieu said was never replied to, this passage occurred:—

“The law of nations, founded upon justice, equity, convenience, and the reason of the thing and confirmed by long usage, does not allow of reprisals except in case of violent injuries, directed or supported by the State, and justice absolutely denied *in re minime dubia* by all the tribunals, and afterwards by the prince.”

The question arose, then, was this an injury supported by the State, and for which all reparation had been denied? The Attorney General had deprecated the attacks made upon Sir John Bowring for not understanding a question of law respecting which Lord Lyndhurst and Lord Wensleydale were at variance. But did the House reflect upon the bearing of this argument upon the unfortunate Chinese? If the point of law was so doubtful that the most eminent lawyers of England differed in opinion as to its construction, in God's name, and in the name of our common humanity, why was Canton bombarded? He contended that in this case the *res* was not only *dubia*, but that it was *minima* in itself, and that the proceeding was indefensible upon any principle of municipal or international law. What were the admitted facts of the case? Here was a Chinese built, a Chinese bought, and a Chinese owned vessel, having a pirate on board, without a register cognizable by the English courts of justice, and with a British flag which had been purchased for 1,000 dollars. She was boarded by the Chinese authorities, who took off ten of the crew, but neither

touched the property in the ship nor injured any of the persons who were on board. Now, one of the false statements reiterated by Consul Parkes was that the master was on board at the time this proceeding took place; when in fact he was not on board. Now, what reparation did they want? Did they want the men brought back? They were all brought back. Did they want them brought back by authority? They were brought back under the authority of a public officer of high rank. Did they want an apology for the insult offered to the flag? Why, Commissioner Yeh declared over and over again that he never intended the slightest insult to the English flag, and that he had no idea that the lorch was an English vessel, and he referred to the antecedents of the vessel to justify what he had done. Was this, then, a case even justifying reprisals? And if not reprisals, how much less war? On the 13th of October, 1856, Sir John Bowring wrote to Consul Parkes in these terms:—

“In reply to your despatch of the 12th instant, it is undoubtedly my intention that the apology of the Imperial Commissioner shall be in writing; and the requirement that the conditions of the treaty be strictly fulfilled necessarily implies the return of the arrested Chinamen to the ship, and their delivery to the authorities (if delivered) by and through you. As to the *modus faciendi*, I shall leave that to be arranged by the Commodore and yourself.”

At that time, therefore, Sir John Bowring did not conceive that there was any particular manner in which the men should be returned. On the 22nd of October Consul Parkes wrote to Admiral Seymour that he had received this statement from the Imperial Commissioner:—

“Hereafter, if any lawless characters conceal themselves on board foreign lorchas, you, the said Consul, shall, of course, be informed of the same by declaration (from the Imperial Commissioner), in order that you may act in conjunction with the Chinese authorities in the management of such affairs.”

Upon that statement Mr. Parkes himself observed, “This may, perhaps, be considered a sufficient assurance.” On the 12th November, 1856, Yeh wrote to Sir John Bowring, stating that the Assistant Magistrate Hew had been sent twice with the men to be surrendered, and he added:—

“Heretofore any foreign business that has had to be transacted by deputy has been transacted by officers similarly deputed, and the present was a case of all others requiring common conference; but Consul Parkes had made up his mind not to consent to what was proposed. . . . Imagine it, that the simple fact being that a seizure was

made by the Chinese Government of Chinese offenders whom it was a duty to seize, it is pretended that the British ensign was hauled down; and this is followed up by a movement of troops and a cannonade, to the infliction of terrible suffering on the people. I must beg your Excellency to pass an opinion on such a state of things.

He (Mr. Robert Phillimore) now asked the House of Commons to "pass an opinion on such a state of things." In page 111 of the proceedings there was a document most damning to the British honour. He referred to the minutes of a conference with some of the Canton gentry, dated November 15, 1856. These unhappy Cantonese gentlemen urged that it would be better to detach the question of free intercourse with Canton from the *Arrow* case; but the minutes continued with these remarkable words:—

"If simple reparation for outrage in the *Arrow* case had been all we required the Admiral would doubtless have been long ago satisfied with what had been done; but that a principle was at stake which could not be abandoned."

He (Mr. Robert Phillimore) asked whether any statesman or any lawyer would contend that reprisals were justified when reparation had been made? But it appeared, according to the confession of the parties who demanded reprisals, that they would doubtless have been satisfied long before if reparation for outrage in the case of the *Arrow* had been all that was required. Now, what was the House discussing. The proposition of the hon. Member for the West Riding was that the punishment inflicted upon Canton was more than adequate to the outrage upon the *Arrow*, and it appeared on the papers before them that the official of this country had himself declared that satisfactory reparation for that outrage had been given long ago.

He (Mr. Phillimore) now came to a portion of the case which had been dexterously handled by the Attorney General, who referred to Lord Clarendon's letter containing the opinion of the Queen's Advocate, an officer, as the hon. and learned Gentleman remarked, who was appointed by Lord Derby, and to whom he applied a well merited eulogium. He (Mr. Phillimore) thought, however, it was evident from the opinion that the real facts of the case were not before the Queen's Advocate, because he said that there was no evidence to show that the vessel was not registered. Now, they all knew that she was not registered. Was that learned

Mr. Robert Phillimore

person in favour of going to war? No such thing. He said at page 16,—

"Under all the circumstances of the case, I approve the intention to seize and hold one of the Imperial junks as security for the redress which the High Commissioner has been called upon to afford in this case."

This letter went no further than to justify the seizure and holding of Chinese property as a reparation, and he should like to know whether the Queen's Advocate had given an opinion to the effect that what had occurred since justified in law the bombardment of Canton? Where was that opinion? Both the Lord Advocate and the Attorney General in their address to the House on Friday night expressed their opinion that nothing could justify the strong measures which had been adopted but intentional insult or *malus animus* on the part of the Chinese. But did the papers afford evidence of any intentional insult or of *malus animus*? The impression produced on his mind by the perusal of them was exactly to the contrary. The law as regarded these colonial registers was so doubtful that the highest authorities in England were at issue on the point, and it was admitted both by Sir John Bowring and Admiral Seymour that there was great practical difficulty in discovering the truth as to lorchas. In the Correspondence relating to the registration of colonial vessels he found this passage:—

"The question presents grave difficulties; a vessel no sooner obtains a register than she escapes colonial jurisdiction; carries on her trade within the waters of China; engages probably in every sort of fraudulent dealings, and may never appear again to render any account of her proceedings, or to be made responsible for her illegal acts."

The preamble of the colonial ordinance commenced thus—

"Whereas many illegal acts have resulted from the improper use of registers granted at Hong Kong under the provisions of the Imperial Acts to vessels employed solely in trading with the mainland of China, and it is necessary that legal trading should be protected and illegal trading prevented—

And the British Admiral thus began his Proclamation:—

"Whereas it is difficult, on account of their numerous designations and flags, to ascertain the true character of Chinese junks or vessels, and whereas, so long as the present operations continue, all Chinese vessels by anchoring in the vicinity of any of our positions inconvenience Her Majesty's ships of war, and endanger their own safety, by the doubts or mistakes that their appearance may at any time occasion, &c."

If it was difficult for the Admiral on the station to ascertain the true character of a *lorcha*, what right had we to take it for granted that the Chinese authorities in boarding a *lorcha* which had been a pirate, and which was Chinese manned and Chinese owned, had intended to insult us? Commissioner Yeh denied over and over again that such was his intention; he promised that for the future the utmost care should be taken that nothing of the sort should occur, and he sent back every man who had been taken out of the *lorcha*, including the pirate; and yet the British Plenipotentiary, being of opinion that the honour of his country was not sufficiently appeased, empowered the Admiral to bombard one of the most populous cities in the world. He could not accept the benevolent suggestion of the Colonial Secretary, that we were not at war with China, for at page 46 he found Sir John Bowring thus writing to the Commissioner—

“I must now leave to his Excellency the naval Commander in Chief the measures which a painful necessity may compel him to take, and to your Excellency all the responsibility which belongs to those who disregard treaties, and visit upon a people the unhappy consequences of their own obstinacy. I shall not fail to advise the Court of Peking of the needless miseries your Excellency has brought upon this city and neighbourhood, all of which might easily have been averted.”

Soon after the Admiral thus wrote to Yeh:—that the city now lay at his mercy, and could be destroyed without difficulty, if any cause should impose upon the Admiral so sad a necessity. He had abstained so far from quoting any authorities in support of the propositions which he had advanced—not that he was not fortified in all his positions, for his authorities were abundant—but he could not resist reading to the House a passage from Lord Bacon, in which that great man—the greatest philosopher and not surely the meanest lawyer that ever lived—laid down the causes which justified a war:—

“As the cause of a war ought to be just, so the justice of that cause ought to be evident, not obscure, not scrupulous. For by the consent of all laws, in capital cases, the evidence must be full and clear; and if so where one man's life is in question, what say we to a war which is ever the sentence of death upon many?”

Was the evidence in this case, which had divided the learned Judges in the House of Lords, so devoid of obscurity, so little scrupulous, as to entitle the House of Commons to justify that act which was a “sentence of death upon many”? If it

was not, then it was impossible to avoid voting for this Motion. On reading these words he could not help reflecting with the deepest and sincerest pain that there was in another place an order of men whose peculiar mission it was to proclaim “peace upon earth.” He could not help reflecting what, perhaps, the Members of this House might not know, that by the ecclesiastical law, and by the rules of their own House, the right rev. Prelates were not allowed to vote upon questions of blood, where the life of even one man was at stake. At the trial of Lord Cardigan they all retired from the House in a body, refusing to interfere in a matter of blood. Where, then, did they find their justification for voting this “sentence of death upon many”? Lastly, he would remark that he had earnestly endeavoured to state correctly to the House the premises both of law and fact which appertained to this arduous question. What was the conclusion to which these premises inevitably led him? It was this, that by the plain dictates of common sense; by the laws of his own country; by international law; by the principles of that eternal justice which is the foundation of both and which is written by the unerring finger of God upon the heart of every man, be he Chinese or European, he must pronounce this war to have been unjust in its origin, and to be unblest in its continuance.

SIR GEORGE GREY: I am anxious, Sir, in the few observations which I have to address to the House not to go over the ground which has already been occupied by other hon. Members who have preceded me, and I can assure the House that I shall not attempt to touch upon the legal part of the question, which I am quite ready to rest upon the able, lucid, and convincing speech of my hon. and learned Friend the Attorney General. Neither do I rise for the purpose of questioning the motives which have influenced the votes of any Member of the other House of Parliament. I cannot admire the taste displayed by the hon. and learned Gentleman (Mr. R. Phillimore), who, I believe, rather prides himself upon the support which he extends to the Established Church, in thus appealing to the House of Commons against a vote given by the Prelates of the Church in the House of Lords, not acting in a judicial, but in a legislative capacity. The hon. and learned Gentleman says that because this is a question of blood the right rev. Prelates ought to have with-

drawn ; but he forgets that the noble Earl who introduced the Motion was so far from thinking that this was a matter in which the Spiritual Lords, to whom the hon. and learned Member has made this indecent allusion, ought not to interfere, that at the close of his powerful and able speech he addressed to them a stirring appeal—almost an exhortation—in the name of humanity, of that Christianity of which they are the legitimate defenders, to show by their votes the sense which they entertained of the proceedings of our authorities in China. They obeyed his appeal, exercising an undoubted privilege and acting in accordance with every precedent ; and because, after hearing all the arguments which were addressed to that House on both sides of the question, their votes augmented that majority which has given such great dissatisfaction to the hon. and learned Gentleman, they are now exposed to his censure and reprobation.

Dealing alone with the facts of the case, I shall make a few observations on what has fallen from right hon. and hon. Gentlemen in the course of the debate—for I am bound to say that the representations made by more than one supporter of the Motion of the hon. Member for the West Riding (Mr. Cobden), have had the effect of giving a very incorrect view of the case. I have already said, I shall not enter into the legal discussion of the question. I will only say I am glad to find from the course taken by the hon. and learned Gentleman who last addressed the House, that we are no longer asked to argue the case on the ground laid down in the Motion of the hon. Member for the West Riding—that there was not a shadow of law for our proceedings against the Chinese. I had thought that the House of Commons was called upon to say whether we had or had not acted in accordance with law, when it was asked to give its support to the Motion of the hon. Member for the West Riding, founded as that Motion is, on the assumption that there was no shadow of law for our proceedings in China.

But, passing from that, let me ask how this case has been represented ? It has been represented as if the vessel boarded by the Chinese authorities was without doubt a Chinese vessel, and that in boarding it they acted in perfect innocence of all intention to commit a wrong, and in the exercise of an undoubted right ; that, in short, they boarded the ship with-

out the slightest suspicion that it had any pretensions to the character of a British vessel. One hon. Gentleman has told the House that he fully believes Commissioner Yeh when he said he had no idea that it was a British ship. Now, anybody at all conversant with the state of trade as carried on in those waters, knows that these lorchas are not Chinese vessels—that some of them sail under the British flag, some under the Portuguese flag, and some under the flags of other nations, but none under the flag of China, and that under the protection of these different nations they are carrying on an extensive trade. Consul Parkes says only the truth when he states, that in consequence of this state of things these proceedings assume a most important character and object, not being limited in their results to the particular case out of which they have arisen, but affecting a large and numerous class of vessels engaged in trade in that part of the world. It has been notorious for years that great numbers of these vessels have sailed under foreign flags, and that they have enjoyed all the protection which these flags afforded. The colonial ordinance, being a municipal law of our colonial Government, could not and did not confer the right to fly British colours—it only regulated and restricted a right which had long been exercised and which had been recognized and allowed by the Chinese Government. But it has been said that this particular lorcha was a piratical vessel, and that the British flag was used in screening pirates. What evidence is there in favour of this assertion ? Gentlemen have assumed it to be a piratical vessel, though no one has brought forward the slightest evidence that it was so. On the contrary, the *Arrow* was proved to have been a vessel engaged in lawful trade, and that is clear, even from the evidence transmitted by Yeh to Consul Parkes. In the deposition of Woo-ajens, one of the crew taken out of the vessel, and sent by Commissioner Yeh to the Consul, it is said, with reference to the *Arrow* :—

“Hitherto she has made voyages along the coast to Foo-chow, Amoy, and Shanghai, trading in rice, pulse, and general merchandise.”

I am informed that these lorchas and all other vessels, on their arrival at Canton, are required to deposit their papers at the Consulate (which appears to have been done in the case of the *Arrow*, as proved by Consul Parkes' letter of the 10th of October, 1854, to Sir John Bowring), and before they can receive back their papers and

clear out, they are obliged to produce a pass from the Chinese custom-house. The *Arrow*, being a regular trader, must often have been cleared in this manner, and the Chinese officials must therefore have been perfectly able to recognize her as a British vessel. With regard to the assertion that the British authorities were guilty of screening pirates, I have only to reply, that in the event of a British vessel being charged with piratical practices, Consul Parkes would, in the discharge of his duty, have been called upon by the Chinese authorities to proceed against it. The letter of Sir John Bowring to Consul Parkes, dated October 11, 1856, shows the course that was generally followed in such cases. He says—

“You will add, that on any sufficient evidence being given that British ships or British subjects have been engaged in piratical practices they will be proceeded against without hesitation; and that, on application to the proper authority, Chinese offenders will not be harboured on board British vessels, but that all proceedings must take place according to the conditions of the treaty.”

I say, the charge of piracy rests on no foundation whatever; and I maintain that the accusation brought against the British authorities of having employed their powers to screen pirates and other criminals is just of a piece with all that has been said in the course of this debate to damage and disparage Government officials acting in the discharge of the most arduous and difficult duties, to impute to them every dishonourable motive—to charge them with crimes of which they are not capable—a course of proceeding which I think utterly unworthy of the character of this House. There being no foundation for the charge of piracy in this case, there could be no surrender on the part of the British authorities of that protection which the crew of the *Arrow* were entitled to claim as a vessel sailing under the British flag; and that being so, these gentlemen had done no more than their duty; for if they had acquiesced in the insult to our flag, they would have given up a right most necessary to be enforced for the purposes of legitimate trade. In order to give some colour of support to the charge of piracy, and to throw, if possible, discredit on the whole of the British authorities at Hong Kong, the hon. Member for the West Riding read the other evening a communication from a Mr. Cook, who he said had for four years held the important office of United States' Marshal at Whampoa. The object

of the hon. Gentleman in reading this communication was, to show what monstrous proceedings take place under the English flag in those waters. He stated that he had been in conversation with Mr. Cook, and that that gentleman had stated something in connection with British ships which led to the conclusion that the British authorities had connived at acts of smuggling. He had astonished the hon. Gentleman by the details which he communicated as to the mode in which trade was carried on in that quarter, and in consequence the hon. Gentleman asked Mr. Cook to give him those details in writing, so that he might lay them before this House. Mr. Cook, accordingly, wrote a letter, of which the hon. Gentleman read the following extract:—

“During the summer of 1855, in June or July, there lay near our chop, which is close to Her Britannic Majesty's Vice-Consulate at Whampoa, from ten to fifteen lorchas engaged in smuggling salt, and eight or ten of this number hoisted British flags during the day, the salt being discharged at night. The number of vessels was thus large at that time, in consequence of the mandarin boats having been sent above Canton to repulse the rebels; but the Government could not keep ignorant of so bold a matter long, and twelve or fifteen mandarin boats, each containing upwards of sixty men, made their appearance one morning soon after sunrise and captured the whole fleet, five or six of which had British flags flying at the time, the Europeans (generally a captain) as well as the Chinese, jumping overboard and swimming to the different vessels for safety, several of whom came on board of our vessel. The mandarin force took the captured fleet to Canton, and the parties having the right to fly the flag subsequently claimed their vessels, which were eventually returned, and the remainder retained for the Government.”

Now, in all this there is nothing to show that the British flag was improperly used with the connivance of the British authorities. What the letter does, however, show is, that the Chinese Government on this occasion expressly sanctioned what they had long before recognized in practice—the right of certain lorchas to carry British colours when duly licensed to do so. The hon. Member (Mr. Cobden) instituted a comparison between Mr. Cook and Mr. Parkes with a view to disparage the latter. Of Mr. Parkes I shall have more to say presently; but I will now refer to the hon. Member's account of Mr. Cook. He said, that Mr. Cook had been four years Marshal at Whampoa; and then he went on to state that Mr. Cook had told him we had not a leg to stand on, and that he would not allow the American stars and stripes to cover such proceedings. The

hon. Gentleman had said he always looks with suspicion upon extracts. There are other Gentlemen who look with suspicion upon extracts; and amongst them is Mr. Cook. Mr. Cook saw what the hon. Gentleman said; and considered that the hon. Gentleman had misrepresented him. He has therefore written a letter to the public journals, which I will read to the House. Mr. Cook said—"In Mr. Cobden's speech he makes reference to me"—[Mr. SPEAKER: Order !] I will omit that part of the letter which the Speaker intimates cannot be read. Mr. Cook says—

"I beg to enclose a copy of the said letter, which please publish, to prevent my liability to the charge of inconsistency among those who perfectly understand my views on the matter in question, to which, of course, the hon. Member can have no objection. In regard to the office of United States' Marshal, which he refers to, it is entirely a subordinate one, and the orders from Government were not to allow the use of the flag except by vessels regularly registered."

With regard to that, the hon. Gentleman seemed to think it was of importance to have the testimony of this gentleman, and he took care to tell the House that Mr. Cook had very significantly said such doings would not be allowed under "the stars and stripes." I will only say, that I have no doubt the same objection is made by the Chinese to the American flag as to the British flag, and that no Chinese vessels are allowed to assume it for their protection unless they have it registered under an arrangement made by the American Government similar to that provided for by the colonial ordinance as to the British flag. I will now, however, come to that part of Mr. Cook's letter, about which the hon. Gentleman said not a word.

MR. COBDEN: I beg the right hon. Gentleman's pardon. I did say a great deal about it. I said as much of Mr. Cook's opinion against the Chinese as he says himself in that letter, and I think rather more.

SIR GEORGE GREY: No doubt the hon. Gentleman said as much as he thought would suit his purpose. He said, that Mr. Cook was anti-Chinese there can be no doubt, but whether he conveyed to the House the full impression Mr. Cook intended to convey, or whether he stated the case quite as fairly as he would have done had he read the whole letter, instead of resorting to what he has himself termed the suspicious plan of quoting extracts, I will leave the House to judge when I have read the remainder of the letter.

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At all events, Mr. Cook himself believes that the impression made upon the public mind by the hon. Member for the West Riding is one calculated to subject him to misrepresentation and misconception, and, in order to avoid the possibility of that, he has published in the public journals the letter which I am about to read. After the passage quoted by the hon. Member, Mr. Cook says:—

"But as regards the present troubles, to prevent any misunderstanding of my views, I wish to express my opinion, that the duty of the Home Government to support the servants of the Crown engaged in China to the fullest extent should not be called in question for a moment, or until a satisfactory termination of the present difficulties, at least; for in case of a suspension of hostilities by the Government, it would be an impossibility for Europeans to live in the vicinity of Canton, and no amount of negotiations could alter it for the better. Any one who has lived among the Chinese can testify to the continued insults and injuries heaped upon foreigners whenever an opportunity offers, and the studied contempt shown upon all occasions, superinduced by feelings of superiority entertained by the Cantonese in contradistinction to all the other ports in China, all of which has been brought about by the previous settlement made with them, or, in other words, the want of an application of physical power to convince them of their position; and, although we are pecuniary sufferers to a very great extent in consequence of these troubles, we should prefer to suffer still more than see any settlement which did not involve the necessity of the Chinese realizing their position, and a sufficient guarantee for the liberty and safety of foreign residents while among them. My particular reasons for these views have been acquired by a long and very close intimacy with them, and, of course, cannot be condensed in a note of this kind."

Having read that letter, I must say that I cannot agree with the hon. Member for the West Riding, that in stating that Mr. Cook was as anti-Chinese as it was possible for him to be, he said all that he ought to have said, or did full justice to the views and opinions of Mr. Cook; opinions the more valuable, because they are formed upon long experience of the character and disposition of the Chinese.

There are two other points in the speech of the hon. Member to which I wish to call the attention of the House. It will be recollected that the hon. Member brought a complaint against the Government that they had played a trick upon the House, and attempted to mystify it by the production, immediately before the debate upon his Motion, of a blue-book, entitled *Correspondence respecting Insults in China*. Recurring to a practice which was much resorted to some time ago, the hon. Member addressed himself to hon. Gentlemen

opposite, calling them "plain, simple-minded country gentlemen," and representing them as saying, "Mercy on us! Here is a book of 225 pages, all about the insults we have suffered in China. It is high time that Lord Clarendon should interfere for the protection of British interests, and it is quite right to go to war on the subject, if necessary." Now, what are the facts of the case? The hon. Gentleman might very easily have ascertained how this blue-book came into existence. A noble Lord in another place—I mean Lord Grey—who has taken a very great interest in this question, and for whom I entertain, both on public and private grounds, the greatest esteem and affection; a noble Lord, moreover, who agrees with the hon. Member for the West Riding in his views upon this subject, and who has spoken ably in the other House in that sense; but a noble Lord, let me add, who never seeks to support any cause by the suppression of facts—moved an Address for the production of papers relating to China, a knowledge of which he believed would be conducive to the full discussion of the question. I hold in my hands the terms of that Motion, which was submitted before the debate came on in that House, extracted from the Journals of the House of Lords. It is headed, *Correspondence respecting Insults in China*, and runs as follows:—

"Copies or Extracts of any Reports made to Her Majesty's Government of Insults offered by British Residents at Canton to Natives of that place, since the conclusion of the Treaty of Peace between this Country and China in 1842; also, of any Reports of Insults offered by Chinese to Foreigners."

In answer to that Address, these papers were presented to the House of Lords, and we then thought it right to lay before this House the same papers, being those referred to by the hon. Member for the West Riding. The House will see, therefore, that the Government were not the first to move in the matter, but that, on the contrary, we were willing to meet in the other House, a Resolution, if not the same in terms, at least identical in purpose and effect with that which we are now discussing, without the production of the documents which the hon. Member says we have published with a view to mystify Parliament and the country, that they were produced at the instance of an advocate of the views of the hon. Gentleman. I think the House will agree with me, after what I have said, that the mystification, if any,

has been on the part of the hon. Member himself.

Again—and this is the second point to which I wish to refer—the hon. Member has sneered at the character, acquirements, and experience of Mr. Consul Parkes. I must say, indeed, that a main object of most of the speeches which have been delivered in this House in support of the Motion has been to run down everybody concerned for us in China. All our authorities, however able and valuable may have been their services, have been held up to ridicule, contempt, and scorn. What, for example, has the hon. Member for the West Riding said of Mr. Parkes? He told the House to contrast the correspondence of Commissioner Yeh, a gentleman for whom he seems to entertain the highest respect, with that of Mr. Parkes; who, he said, was a clerk in an office, a young man who might possess some abilities, but who was entirely deficient in the experience and discretion which were necessary for the conduct of the important affairs intrusted to him in China. Such an official, said the hon. Member, so young and inexperienced, was not able to deal with an Imperial Commissioner, a Cabinet Minister—I am glad to find he has some respect for Cabinet Ministers—a man who had gone through all the grades of civil employment. What right has he to speak of Mr. Parkes in the manner he has done? I do not intend to go into the biography of Mr. Parkes, but I have before me a short notice of his public services which I shall take the liberty of reading to the House. I find that Mr. Parkes was—

"Attached to Sir Henry Pottinger's suite in June, 1842; acted as interpreter at Foo-chow-foo, 1845-46; acted as interpreter at Shanghai, 1846-48; appointed interpreter at Shanghai, April, 1848; appointed interpreter at Amoy in 1849; sent to Formosa to distribute rewards to Chinese in 1851; served as interpreter at Canton in 1851; appointed Consul at Amoy, August, 1854; accompanied Sir John Bowring to Siam in March, 1855; arrived in England with Siamese treaty, and returned with ratifications, January, 1856; took charge of Canton Consulate, June, 1856."

It will thus be seen that Mr. Parkes has raised himself, by his character and abilities, to a position of considerable importance, and if the hon. Member for the West Riding, when he called him a clerk in an office, referred to his connection with Sir Henry Pottinger, all I have to say is that he served an apprenticeship eminently fitted to qualify him for his present duties. If he meant to say that Mr.

Parkes was taken by Sir Henry Pottinger out of some office in this country on account of his abilities, surely the hon. Gentleman ought to have said so. I must say that I think the hon. Member should be the last person to disparage any man who by talent and integrity has elevated himself to an honourable position in life, and to attempt to sneer him down by calling him a mere clerk. Such, however, is a specimen of the fairness of the statements made with regard to our agents by Gentlemen who ought to sympathise with them. But the depreciation of the hon. Member did not end here. He extended his attack to the British merchants in China, and, indeed, all over the world. It is not necessary for me, however, to answer that part of his speech, which has been already sufficiently handled by the hon. Members for Lancaster and Liverpool. I do not believe that what he said will have any effect either in or out of this House, or that the character of English merchants will be judged at home or abroad by the portrait which he has drawn of them. But with regard to Sir John Bowring I must say that there has been a torrent of invective and sarcasm directed against him which has both pained and astonished me, considering the quarters from which it has principally proceeded. Amid the storm of obloquy and reproach which has raged now for nearly a week, only one person, as far as I can remember, has been marked out for exemption in the wholesale condemnation of our authorities in China. That exception is Sir Michael Seymour. Against that distinguished officer no Member of this House has raised his voice, except a gallant Admiral (Sir Thomas Herbert), who I should have thought would have been the first to sympathize with a brother officer when placed in circumstances of great difficulty; yet the hon. and gallant Member sneered at the Admiral for having treated Sunday as a day of rest. But well-abused as all, or nearly all, our authorities have been, none of them have so much reason to complain as Sir John Bowring. It was with great pain that I heard the noble Lord the Member for the City, at the close of his speech, allude to Sir John Bowring as "a troublesome, meddlesome official." Following in the same strain, but improving upon it, the right hon. Baronet the Member for Carlisle told us that he had sat for a long time in this House with Sir John Bowring, and had consequently enjoyed many opportunities of be-

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coming acquainted with his real character. He said that Sir John was a man of strong opinions, but, as I understood the meaning of his words, totally destitute of judgment. Then, with that peculiar blandness which characterizes all his speeches, but also with great deliberation and gravity, the right hon. Baronet said that the responsibility of selecting him for the particular duties assigned to him in China was a grave responsibility. Now, when I heard that I could not help asking, by whom was that responsibility incurred? My noble Friend knew Sir John Bowring better perhaps than the right hon. Gentleman did, for in times of close political conflict he was among those who had followed his standard. They were associated in political life, and my noble Friend knew his character and his faults. We all have our faults, and those of Sir John Bowring perhaps are on the surface. Well, who appointed Sir John Bowring? I find that he was appointed Consul at Hong Kong on the 10th of January, 1849, my noble Friend the Member for London being then at the head of the Government. He held that office for some time; and I presume that the Government had no reason to be dissatisfied with the mode in which he discharged the duties of his office; for I find that on the 24th of December, 1853, he was appointed Plenipotentiary and Chief Superintendent of Trade at Hong Kong by the Government over which the Earl of Aberdeen presided, and of which both my noble Friend and the right hon. Baronet the Member for Carlisle were members. The right hon. Gentleman now knows on whom "the grave responsibility" of the appointment rests; and he must forgive me for saying that this is not the first occasion in his public life on which he has thought too late of the responsibility of acts to which he has been a party. I have said that Sir John Bowring had his faults and that they were on the surface; but I should not do him justice if I were not to say that he possesses great zeal in the public service, very great ability, and great humanity; and I believe that there is no gentleman conversant with Chinese affairs who will not say that all his prepossessions are in favour of China, such being the impression which was derived also by my hon. and learned Friend the Attorney General from the perusal of the papers which had been officially submitted to him. Sir John Bowring has no right to

favour from those who concurred in his appointment, but he has a right to justice, and from the right hon. Gentleman the Member for Carlisle he has not received the shadow of it. I need not go, I am sorry to say, beyond the limits of this debate for evidence, that long political associations, the memory of many years spent in office together, and the discharge of duties involving mutual cares, anxieties, and responsibilities, do not mitigate the tone of censure which we are sometimes disposed to cast upon each other, or suggest any very favourable construction of the motives which may influence Members of a Government. I am not surprised, therefore, that Sir John Bowring should have met with no favour from those to whom he might have been indebted for his appointment from a full knowledge of his character; but I repeat that he was entitled to justice, and that justice, I think I shall be enabled to show, he has not received. My noble Friend the Member for London had a right, of course, to express himself as he did with regard to Sir John Bowring—and let it not be supposed that I am endeavouring for a moment to restrict the right of any hon. Member to express his feelings upon public men and public events as freely and as energetically as he pleases—but my noble Friend's speech rather exceeded in the severity of its censure the speech of the hon. and learned Member for Enniskillen (Mr. Whiteside)—with whom I never had any political relations. Painful, however, as that speech was to some of us who heard it—not so much for the sentiment conveyed in it as from its tone—I give my noble Friend credit for that honesty of purpose, and that depth of conviction, which I know influence every action of his life. I wish that I could say as much—and I would gladly if I could—for the right hon. Gentleman the Member for Carlisle; but I must say the whole speech of the right hon. Gentleman resolved itself into an ungenerous and unjust attack upon Sir John Bowring. Now, who are the parties that are aimed at by this Resolution? The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) stated on Friday evening that it was a vote conveying censure on the Government; and the Government are willing to accept their share of the censure, and to acknowledge the responsibility which attaches to them; because, when these proceedings were made known to them, looking at the whole of the circumstances

existing at Canton, at the course of conduct pursued by the Chinese towards the British, at the difficult circumstances in which the British authorities were placed, at the entire concurrence of opinion between the British Plenipotentiary and the Admiral, and between those authorities and all the foreign residents, the Government felt that it was their duty, without criticizing every act, scanning every expression, and cavilling at this or that detail in order that they might say, when the question came before Parliament, that they had not given an unqualified approval—the Government felt that it was their duty, I say, to give an open and cordial support to British officers placed under circumstances of great difficulty, because they thought that those officers had been actuated by a true sense of what British interests required, and that a disavowal of their conduct would be fatal to British interests in China. What was the laboured object of the right hon. Gentleman the Member for Carlisle, throughout his entire speech, but to show that all the responsibility rested undividedly upon Sir John Bowring? That attempt to separate Sir John Bowring from Sir Michael Seymour has run through the whole debate, but it was not displayed by any other hon. Member to the extent that it was by the right hon. Member for Carlisle. The right hon. Gentleman says:—

“I have long known Sir Michael Seymour, and I fully corroborate all that has been said by the gallant Admiral. I believe Sir Michael Seymour to be one of the most brave, humane, and discreet officers in Her Majesty's service, and I am bound to say I do not think that a better selection for the Chinese command could possibly have been made.”

The right hon. Gentleman having filled the office of First Lord of the Admiralty, and having often had the appointment of admirals in his hands, his testimony upon that point is highly gratifying. He goes on to say:—

“I would add also in confirmation of what my right hon. and gallant Friend (Sir M. Berkeley) has said, that I do not think in the discharge of the duties of his command any man could be more certainly influenced by motives of humanity and Christian principle than Sir Michael Seymour. I have said thus much of an esteemed and gallant Friend, and all my presumption would be in favour of the course which in difficult circumstances that gallant officer thought fit to adopt. My right hon. and gallant Friend has observed that, when the Ambassador fails the Admiral is called upon to act. In this case the Ambassador, invested with the full authority of the Crown, has, in my view, called upon the Admiral, exercising his own discretion, and leaving none to that officer.”

And he then proceeds to argue that in this instance the whole of the responsibility was exercised exclusively by the civil officers at Canton. Now, I am prepared to show that not one of these transactions which it is proposed to censure was taken without communication with Sir Michael Seymour in the first instance, and without his full and entire concurrence. The first letter from Sir John Bowring to Mr. Parkes shows the course which he thought it right to take. Sir John Bowring has been represented as exercising an authority for which he was quite unfitted, and as acting in a rash, hasty, and intemperate manner. Let us see how far that charge is borne out by his conduct. He receives an account from Mr. Parkes of the outrage on the *lorcha Arrow*. What does he say to it? In his first letter, dated 10th October, 1856, he says:—

“I have had a conference with his Excellency the Naval Commander in Chief on the subject of your despatch dated 8th October, reporting the improper proceedings of Chinese officers in carrying away the crew and lowering the flag of a British vessel called the *Arrow*, and which I find is registered in the name of a Chinese settler in this colony. Sir Michael Seymour will instruct Commodore Elliot to discuss with you the most appropriate means of obtaining redress for the wrong which has been done.”

The first step taken by Sir John Bowring, then, was to call in the counsel and advice of Sir Michael Seymour before addressing any instructions to Mr. Parkes. What did Sir Michael Seymour himself do? Writing to Commodore Elliot—who is also one of the naval officers represented as being under the orders of Sir John Bowring or Mr. Parkes—he says:—

“I have to desire you will lose no time in conferring with Mr. Parkes, after he has received Sir John Bowring’s despatch and act according to the determination both you and the Consul may ultimately come to.”

Is not all this in exact opposition to the representation of the right hon. Gentleman that the naval officers were not consulted? What next is Mr. Parkes’s conduct when he receives an answer to his demand for reparation from Commissioner Yeh? And here I must again allude to something which fell from my noble Friend the Member for London with regard to the tenor of that answer. Mr. Parkes received Yeh’s answer, and that answer is one which my noble Friend says was satisfactory. The statement was repeated by an hon. and learned Gentleman to-night; but my noble Friend must have quoted

from memory, because his quotation was incorrect. What did Mr. Parkes do? Did he, as represented, immediately say that the answer was insufficient, and at once call upon the naval officers to put the forces of the Queen in motion, in order to revenge the insult which had been committed, and to exact reparation? No; but he writes to Sir John Bowring:—

“On receipt of this reply from the Imperial Commissioner I at once communicated it to Commodore Elliot, who, being equally dissatisfied with its terms, determined to give effect without delay to his instructions, by enforcing the redress which has thus been twice refused.”

He communicated, then, with Commodore Elliot—whose judgment may be thought to be entitled to more weight than Sir John Bowring’s or Mr. Parkes’. Commodore Elliot agreed with him that the answer was unsatisfactory, and he therefore felt bound, under the instructions which he had received from Sir Michael Seymour, to act in conjunction with Mr. Parkes; and he accordingly adopted the measures which were subsequently taken. What was Yeh’s answer? He said, “Hereafter Chinese officers will on no account without reason seize and take into custody the people belonging to foreign *lorchas*.” Why, Sir, as is stated in a despatch from Mr. Parkes, with the full concurrence of the naval commander, the very insertion of the words “without reason” entirely neutralizes the assurance given, and, taken in connection with his past conduct, clearly shows that he did reserve to himself the right, under certain circumstances, of boarding British ships in violation of the express terms of the treaty. My noble Friend has stated that the crew of the vessel having been returned, all the satisfaction which could properly be demanded was given by the Chinese authorities. Now, with reference to that point I will quote, not the opinion of Mr. Parkes, not the opinion of Sir John Bowring, but that of Sir Michael Seymour himself. Sir Michael Seymour writes,

“The men who had been publicly seized on board the *Arrow* were not publicly restored to their vessel as he had requested, nor was the required apology made for the violation of his jurisdiction by your Executive.”

It must be remembered that these proceedings did not take place in a perfectly civilized country, but in one where matters of form are looked upon as matters of substance; it must be remembered the Chinese

authorities have maintained a constant struggle to disparage foreigners in the eyes of their countrymen, and to lead them to look upon them as inferiors; and under such circumstances to accept half an apology may lay the foundation for future insult, and therefore a representative of this country in accepting such an apology would not be consulting the interest of the State whose interest he was sent to protect. I come now to a most extraordinary statement made by the right hon. Gentleman. The right hon. Gentleman said—

“Now, it is very remarkable that, for the first time, I believe, in naval history, not only were the naval operations suggested, but the future course and extent of those operations were laid down by the superintendent of trade, who not only took the command of the fleet as regarded what operations were to be performed, but who laid down in most extraordinary detail the precise mode in which those operations should be conducted. I do not think that the passage has been brought under the notice of the House, and, with its permission, I will read this most remarkable scheme of naval operations laid down by Mr. Consul Parkes. Talk of the discretion of the naval officer, and of holding Admiral Seymour responsible for what has occurred! Why, he was not only called upon to commence naval operations by the civil officer, but the precise nature and extent of those operations were laid down for him.”

Now, I must say that it astonished me to hear the right hon. Gentleman, who himself has been First Lord of the Admiralty for many years, express a supposition that it was possible that a British Admiral could so far compromise his character and the honour of his flag as to blindly place himself under the orders of a civil Commissioner; that he should allow that Commissioner to take the command of his fleet, and even point his guns. I should have thought that the experience of the right hon. Gentleman would have taught him the extreme improbability—nay, the impossibility—of such a course being adopted. The right hon. Gentleman then went on to describe what he was pleased to call the instructions of Mr. Parkes to Admiral Seymour, and he condescended, as the Scotch say, to particulars, and in one passage of his speech he imputed to Mr. Parkes an offence which could not have been perpetrated with a British Admiral as agent. He stated that Mr. Parkes instructed Admiral Seymour to shell the house of Yeh, which was known to be surrounded by densely-populated houses. So that the insinuation of the right hon. Gentleman is that Mr. Parkes imposed

upon a British Admiral the obligation of performing an act derogatory to his character as an officer. I must say that the right hon. Gentleman, who has read these papers and who has listened to the discussion in this House, has in this case been ignorant of, or by some most extraordinary accident has overlooked in the imaginary case which he presented to the House, one important fact relating to what he calls these instructions of Mr. Parkes. In a despatch, dated October 23, Sir John Bowring writes—

“No satisfaction having been obtained from the Imperial Commissioner, Mr. Consul Parkes, wisely judging that a conference with the Naval Commander in Chief and myself would be very useful, came down to Hong Kong on the morning of the 20th instant, and, after a long and interesting discussion, it was decided that Mr. Parkes should give in writing a succinct account of what had occurred, and that such suggestions as obtained the general concurrence of Sir Michael Seymour and myself should be embodied in a despatch, to be acknowledged by me, and which should serve as a general outline of proceedings intended to be taken. I beg to refer to Mr. Parkes's communication of the 20th instant, and my answer thereto.”

So that the right hon. Gentleman, if he had taken the pains to look into the matter, would have seen that what he characterizes as the voluntary instructions of Mr. Parkes to Admiral Seymour were, in point of fact, nothing more than a statement which he was directed to make of what had occurred, and of the suggestions which had been approved in a conference in which Sir John Bowring and Admiral Seymour took part. But does the matter rest on this despatch alone? No; Sir Michael Seymour himself, in a despatch to Sir John Bowring, dated Oct. 23, says—

“I have the satisfaction to inform your Excellency that in furtherance of the decision come to in our conference on the morning of the 20th instant, at which Her Majesty's Consul at Canton was present, I have this day taken possession of the four forts known as the Barrier Forts, without casualty on our side, but with the loss of four or five killed on the part of the Chinese, solely arising from their ill-judged resistance to our forces, two of the forts having fired upon us with guns in position and small arms.”

So that Sir Michael Seymour himself speaks of having taken possession of the Barrier Forts, not in accordance with the instructions of Mr. Parkes, but in furtherance of the decision come to at the conference of the 20th instant. Sir Michael Seymour does not stoop to any shift or evasion, but boldly and honourably accepts the responsibility of his acts. He does not attempt, as others have done for

him here, to vindicate himself by saying that he was acting under the instructions of Mr. Parkes. Let me call the attention of the House to the fifth paragraph of the letter of Sir Michael Seymour to the Secretary of the Admiralty. In that he states—

“At this period Mr. Parkes proceeded to Hong Kong to consult with Sir John Bowring and myself as to the best measures of compulsion to be adopted, and we all considered that the seizure of the defences of the city of Canton would be the most judicious, both as a display of power without the sacrifice of life, and of our determination to enforce redress; experience of the Chinese character having proved that moderation is considered by the officials only as an evidence of weakness.”

Then again, in the 11th paragraph, he says—

“On the 25th I took possession of the Dutch Folly, a fort with fifty guns, on a small island opposite the city, where I afterwards placed a body of 140 officers and men, under Commander Roland, of the *Calcutta*. All the defences of the city being now in our hands, I considered the High Commissioner would see the necessity of submission, and I directed Mr. Parkes to write and state that when his Excellency should be prepared to arrange the points in dispute in a satisfactory manner I would desist from further operations; but the reply did not answer my expectations.”

From the terms here used it is clear that Sir Michael Seymour knew the position he occupied, and did not consider himself as subordinate to Mr. Parkes; and, therefore, I think that there is no foundation for the unfair, unjust, and ungenerous charge which has been made against Mr. Parkes and Sir John Bowring. It is of course quite allowable to make comments on the public acts of a public man, but, although I do not profess the same friendship for Sir John Bowring which some persons do, I must say that I think that he has been most unfairly dealt with, and I should have felt myself degraded had I not endeavoured to show the unreasonableness of the charges which have been made against him. Do not overwhelm one man with panegyric, however much he may deserve your praise, simply in order to embitter your weapons of sarcasm and censure against another, and that other Her Majesty's representative in China. I confess I heard with pain and with regret the argument of the right hon. Gentleman, speaking, as he professed to speak, in the name of truth, justice, and morality, and concluding by a solemn appeal to that dread tribunal before which we must all appear.

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As to another part of the question, that of the free entrance into Canton, Sir John Bowring has been spoken of as a monomaniac for wishing to enforce it, and has been accused of desiring to gratify his personal vanity by an entrance into the city attended with great pomp and ceremony. That was not the case. There is a letter written by Sir John Bowring to Mr. Consul Parkes, in which he says—

“I have conveyed to Sir Michael Seymour an opinion that, if his Excellency and yourself agree on the fitness of the opportunity, it would be well if the *vexata questio* of our entrance into the city should now be settled, at least as far as to secure us an official reception there.”

That is all that has been insisted on. It is not the free right of access to Canton on the part of British subjects generally, but only the right of the representatives of the British Government to unrestrained communication with those of the Chinese Government. On this subject Sir John Bowring again consults Admiral Seymour, and invites the expression of his opinion. In proof of this let me turn to a letter written by Sir Michael Seymour to the Admiralty, conveying his views on the question:—

“Early on the morning of the 27th I caused another letter to be written to the High Commissioner to the effect that, as satisfaction had not been offered for the affair of the *Arrow*, I should resume offensive operations; and his Excellency having, by his illegal measures and determination to refuse reparation, produced this display of force, I concurred in opinion with Sir John Bowring that this was a fitting opportunity for requiring the fulfilment of long-evaded treaty obligations, and I therefore, in addition to the original demands, instructed Mr. Parkes to make the following communication:—That, to prevent the recurrence of evils like the present, which have been occasioned by the disregard paid by the Imperial Commissioner to the repeated applications for redress and satisfaction made to him by letter in the matter of the *Arrow* by Her Majesty's Plenipotentiary and the Consul—writing, in consequence of the closing of the city to foreigners, being the only means of communication—I demanded for all foreign representatives the same free access to the authorities and city of Canton (where all the Chinese high officials reside) as is enjoyed under treaty at the other four ports, and denied to us at Canton alone.”

Such was the demand made by Admiral Seymour, after his opinion had been asked by Sir John Bowring, limiting that demand, as Her Majesty's Plenipotentiary suggested it should be limited, to this official reception, the Admiral stating that he quite concurred with Sir John Bowring in thinking this should be granted. It is necessary to show by these passages that not the general right of access, but only

the official reception was insisted upon, because this makes a material difference in the view which ought to be taken of this question. The one was a demand about which there might, perhaps, reasonably be a difference of opinion; the other was a right of the utmost importance, without which there would be no security against a recurrence of these disputes.

Another article of indictment against Sir John Bowring is that he stimulated the attack made on Commissioner Yeh's house. Now, I concur in every word which has been said in commendation of Admiral Seymour, and I do not think there is one act sanctioned by that gallant officer which shows that he is deficient in those high qualities and especially in those feelings of humanity which have been ascribed to him. It has been assumed that the city of Canton was bombarded; but there is no evidence to show that a shot has been directed against any but the Commissioner's residence and the outside walls of Canton; and in every case efforts appear to have been made to warn the inhabitants away from the points which it was thought necessary to assail. Neither is there an atom of evidence to show that Sir John Bowring instigated the attack on Yeh's house. From the narrative given by Admiral Seymour in his letter to the Admiralty it appears that he thought it right to enforce the demands made by certain operations, among which were shots fired "from the 10-inch pivot gun of the *Encounter*," "at intervals of from five to ten minutes from 1 P.M. till sunset," "on the High Commissioner's Compound (the Yammun), a large space of ground within the old city, surrounded by a high wall, which contains his Excellency's residence, and is consequently Government property." This operation was effected by Admiral Seymour in the execution of what he thought an important duty, and I say that throughout he carefully abstained from the destruction of private property, and abstained still more (as much as was possible) from the destruction of human life. My object in making these observations has been to show that you are not entitled to draw a distinction between Sir John Bowring and Sir Michael Seymour, that if you condemn the one you must equally condemn the other, and that every act which was done in the course of these proceedings bore the stamp of the direct approbation and concurrence of both. These proceedings were moreover fully approved by the European

residents at Canton. "During the whole of my proceedings," says Sir Michael Seymour at the close of his despatch, "I have received the most cordial support of the British and foreign communities, from their confidence that future benefit must be the result." The House, however, is asked to condemn the steps taken by our officers, civil and naval, under circumstances of great difficulty, and upon their joint responsibility, after due deliberation, and after mutual conference and counsel, with a view to the protection of the interests confided to their care, which they believed seriously endangered unless they were protected in the mode resolved on by them.

Sir, this House ought to hesitate before it passes a vote the effect of which, I am afraid, will be to prejudice British interests throughout the whole world, when you have officers, civil, military, and naval, placed in circumstances like the present. Before you come to a vote confirming this Resolution, I entreat you to think of the consequences which will ensue from its adoption. I do not now speak of the political consequences which may take place at home. I do not allude to rumours which, on the authority of one of those organs supposed to represent the opinions of some right hon. Gentlemen opposite, intimate to us that if the present Government is overthrown there must be a reconstruction of parties, and that a Ministry is to be formed out of elements not altogether confined to one side of the House. These are matters of minor importance. I do not stop to inquire into them. We are not concerned in them. We feel that we have done our duty as a Government in giving our support to officers placed under such difficult circumstances and having to perform such responsible duties. Every day's experience, all the information derived from persons connected with the China trade or from persons arriving from the colonies whose interests are bound up with that trade, confirm us in the opinion that if we had disapproved the course pursued by our officers at Canton, or if we had expressed but a half approval of their proceedings, with a view to shelter ourselves from any share in the responsibility, such a course would have been attended with fatal results to the interests of British trade in China. The hon. Member for Liverpool (Mr. Horsfall) told you that if this House should express an unfavourable opinion of the acts of Sir John Bowring, and should decide that the proceedings subsequently taken were of

the character described by hon. Gentlemen who have supported this Motion, intelligence of this will be communicated to the Chinese as soon as to your own officers; and, looking to the accounts of the atrocities performed there—looking to the treacherous murders and acts of barbarity which are now being perpetrated under the sanction of Chinese authority—I ask whether you will pass a Resolution which will make every English resident feel that his life is unsafe from day to day after the news has arrived there? I trust the House will bear in mind the various considerations which must be taken into account in deciding this question, not looking at it as a technical question upon which lawyers may argue and differ, but remembering that the trade carried on by those lorchas was recognized by the Chinese, as being under the sanction of the British flag; remembering, too, that if you overlook this outrage there will be no security against the recurrence of similar insults, that the hands of British functionaries will be tied up, and that there will be no possibility of obtaining redress in such cases. Such results will inevitably follow if you arrest these proceedings and say that the British are to restore the forts, withdraw their forces, place the Chinese in the same position in which they stood before, and are to abstain hereafter from asserting, on the part of the British flag, the rights which that flag bestows. I believe that the House will not deal with the question upon any technical and insufficient grounds, but with reference to broader and far more important considerations, and that they will hesitate before they come to a vote confirmatory of the Resolution of the hon. Gentleman when they think of the consequences which may result from its adoption.

Mr. ROBERTSON said, that having been many years resident in China, as well as in constant connection with the trade with that country, he should, perhaps, be excused for rising and taking part in the present debate. In doing so, he must ask for even more than the usual indulgence of the House, as, in addition to his addressing it then for the first time, he felt the ordinary difficulties of such a position enhanced by the fact that he was about to express an opinion and record a vote against the views which had been expressed, and he supposed would be supported by their votes, by those Gentlemen to whom he looked as the leaders of the great Conservative party of which he was

an humble Member. He felt, however, bound to state to the House the conclusions he had come to on this question. The last act of the Chinese which had brought matters to a crisis—for he denied it to be the only thing we had gone to war about—was that connected with the lorcha *Arrow*. Now the House ought to know that a lorcha was a vessel purely and entirely of a foreign build; and though it might have been built by Chinese workmen, it was so completely distinct from the orthodox Chinese model that there could be no mistake on the part of the Chinese with regard to its character. Until the treaty of Nankin lorchas were not admitted into the Canton river. Their presence there now was a proof that they were recognized and admitted under treaty as foreign vessels, and they paid the dues to which foreign vessels were liable. Had there been no flag, therefore, flying on board the *Arrow*, and if the name had not been a sufficient indication of her nationality, she could not have been mistaken for a Chinese vessel. Then the question arose, what was the animus of the Chinese Government in acting as they had done? A long experience of the Chinese character led him to infer that the attack on the lorcha was designedly done, and he was borne out in that opinion by looking at the facts of the case. It was said that there was one man on board the *Arrow* who was accused of being the father of a pirate; and what did the Chinese officers do hereupon? They went on board the vessel and seized all the crew—not merely the man accused or suspected of being the father of a pirate, but the entire crew. They were then bound—excepting two who were left—with that humanity which he knew the Chinese officers always bestowed upon prisoners who had the misfortune to fall into their hands. It might be supposed that he was drawing on his recollection of former experience of the Chinese when he made such an assertion as to their probable *animus*. That was not so. At page 14 of the blue-book, entitled *Insults to China*, he found a letter from Mr. Davis to Lord Aberdeen, dated the 10th January, 1845, in which occurred the following passage:—

“I have found, in the archives of my office a Chinese paper, which completely embodies the vindictive spirit that has actuated the Government of the country, from the first, towards those of its unfortunate subjects who adhered to us during the war; and, at the same time, clearly explains and accounts for all that has happened at Ningpo,

Chusan, and Amoy, as well as Shanghai, where Captain Balfour successfully interposed in favour of a persecuted Chinese in our service. The paper in question was addressed, in 1842, to the Emperor, by the Governor of Che-Keang, and I think it too important not to forward it to your Lordship as enclosure No. 4.

"The Emperor enjoins his Ministers to transact this business 'secretly;' and the reply of the Governor proves that a fitter instrument could not have been selected for any work involving perfidy and deceit. He recommends that inquiries should be made whether 'the said traitorous natives have not, at a previous period, been put down as villains; and if there is any evidence of their wickedness, the said constables ought to bring the case forward, and on their guilt and transgression being proved, they should be prosecuted for their old crimes.'"

Then followed an observation which, unfortunately, recent experience showed to have been premature. It was:—

"The consequences to some of our former adherents were disastrous. Mr. Gutzlaff observed in a private note to myself.—'Fortunately for the poor Chinamen, Thom took Suh-ming's part, and Balfour as well as Campbell that of the other unfortunate fellows; for otherwise the proscriptions and the handing over to the tender mercies of the Mandarins would have been without end. The tragedy is now concluded. Two men paid with their lives Captain Bamfield's surrender; the policemen were all liberated; the Taekosan Mandarin (a great persecutor) retired from office; and your Excellency's orders have for ever put a stop to handing over the Chinese in our employ to their own authorities.'"

This, he thought, threw some light upon the *animus* by which the Chinese Government might be supposed to be actuated. But the hon. Member for the West Riding sought to fortify his position, not only by dispraising the English officials and English merchants, but by bestowing a considerable amount of praise on the Chinese Government and people. His praise of the Chinese Government was divided between praise on their courtesy to foreigners and their paternal treatment of their own people. Now as he (Mr. Robertson) had no wish to do anything but remove the erroneous impression which these remarks of the hon. Member might have produced on the House, he hoped he should be able to avoid the use of language which would give annoyance to any hon. Gentlemen who had spoken, no matter how widely they differed in opinion from one another. The hon. Member had stated that the Chinese Government had always been courteous to strangers. But he (Mr. Robertson) would remind him and the House that two centuries ago, in 1634, the very first time that the English flag ever waved in the waters of China, what did the

Chinese Government do? Why, there was evidence to prove that they endeavoured to deceive Captain Waddell and then fired upon him; and it was not until their fire was returned with effect that the Chinese opened communications with this country. That was the commencement of our intercourse with China, and it began with an act of discourtesy on the part of the Chinese Government. Lord Napier also wrote that the Viceroy of Canton was a presumptuous savage; no doubt his Lordship had very good reason for entertaining that opinion, and that the Chinese Government were busy circulating prejudicial reports about him and other foreigners in China. The truth was that the Chinese Government had been in the habit annually of issuing edicts for the express purpose of destroying in the minds of their people anything like respect for foreigners; they accused them of the vilest crimes in order to debase them in the eyes of the people of Canton; and we now saw what were the consequences. To the same tenor he might quote the authority of Sir John Davis, Sir George Bonham, Captain Elliot, and various other persons. It would be enough, however, to refer to the words of Sir Henry Pottinger, who, writing to the British merchants at Canton, described the Chinese Government as "jealous, arrogant, and unapproachable, and which we had for ages allowed, and almost encouraged, to revile and treat us as human beings of a lower grade." Did that show that Sir Henry Pottinger was satisfied with the courtesy of the Chinese Government in their relation with foreigners? Then, as to the paternal nature of the Chinese Government, that was best illustrated by their treatment of their own people. At page 82 of the blue-book, *Insults in China*, it would be seen by a letter written by Commissioner Keying to Sir John Davis, on the 24th of August, 1847, that the Commissioner declared, with reference to a charge brought against the Hwang-chuche villagers by Sir John Davis of having fired at a party of Englishmen, that, "as he was afraid the whole truth had not been told, and was apprehensive that there might have been others on the same spot who assisted in the firing, he had again directed the magistrate to elicit by torture the real facts, and seize the whole band with all severity." In further illustration he might state that he held in his hand a letter received by him from China in 1855, which stated:—

"As regards the stability of the existing state of our import market and the future political condition of the country, we may remark that the probabilities are very much in favour of quiet, though perhaps not throughout the whole empire. So far as the south is concerned, we are enabled to judge of the restored power of the Government from observing the wholesale system of extermination which prevails, the official return of executions within a mile of the factories of Canton during the first six months of the Chinese year, being no less than 70,000, and we learn that the same system is carried on in other parts of the Canton provinces. Indeed, wherever they can exercise their sway the result is excessive brutality towards their own people."

Truly, these people were very kind among themselves. It was said that proverbs sometimes threw light upon the institutions of a country, and the Chinese had a proverb—referring to the exactions of their mandarins—that "the large fish ate the little fish, the little fish ate the shrimps, and the shrimps eat the mud." The hon. Member for the West Riding also praised the Chinese people for their quiet and inoffensive demeanour to foreigners. Now, one of the first things that struck him (Mr. Robertson) on arriving in China in 1831, during the *regime* of the East India Company, was the manner in which the children were taught to regard strangers. Whenever he or any other European was seen to pass by, the children cried after him "Fan-kwei! fan-kwei!" which meant "Foreign devil!" the cry being accompanied by a gesture indicating their desire to cut his throat. At that period the resort of foreigners to Canton was extremely limited. The East India Company were the only authorized residents on the part of England, and he was certain there was no such description of European community there as would have provoked this exhibition of feeling on the part of Chinese children. Well, these children had since grown up to be men and women; and we all knew that "teach a child the way he should go, and when he is old he will not depart from it." He would give the House an instance or two of the kind and quiet conduct of the Chinese people towards foreigners. In 1840 a gentleman, who had gone out from this country to act as tutor to his (Mr. Robertson's) wards, was bathing in the neighbourhood of Macao, when he was suddenly seized by a Chinese boatman and carried off to Canton, where the boatman was rewarded by the authorities and the gentleman thrown into prison. There he was kept with six inches of chain attached to his ankles, his con-

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finement occasionally varied by his being trotted up and down in the gutter for amusement, and by incidental threats of having his head cut off. Another most melancholy case to which he would refer was the case of six gentlemen who, on the 5th of December, 1847, went to take a walk in the neighbourhood of Canton, where he (Mr. Robertson) had frequently been, and where, by treaty, these gentlemen were at liberty to go. During their stroll, they were attacked by the rabble of the village and never returned. Not making their appearance at home in the evening for their safety, and through Consul Macgregor an application was made to the Viceroy Keying early the following morning. Keying wrote back in reply, that before he received the Consul's letter he had been made aware of the fact, and had sent orders to have a search made for the foreign gentlemen and to set them at liberty. What was the result of this interference on the part of the Governor of Canton? Why that, within four miles of his residence on the morning of the 7th, these six gentlemen were found barbarously and cruelly murdered in cold blood, after having been put to the torture during the whole of the 6th. The Chinese Government not only did not release these unfortunate gentlemen, but took not the slightest trouble about the matter; and surely the fact that they had taken off 70,000 heads in the short space of six months was proof sufficient that they had energy and power if they had only chosen to use them. Another instance of a similar kind had been communicated to him on the morning of this very day. He held in his hand a letter, which he had received from Hong Kong, bearing date the 15th of January last. The writer said,

"You will read an account of the occurrence in the papers, and I have only further to add that this morning the bread was poisoned which was issued from the Chinese bakers' establishments, but fortunately so strongly that it was found out after a few mouthfuls."

The writer further stated,

"Be assured that some demonstration on the part of the Chinese will take place before the new year, but where the blow is to fall no one can tell."

It was said by the hon. Member for the West Riding, and some hon. Members appeared to have adopted his opinion that the British merchants advocated war because war tended to promote their inte-

rests ; but surely any one that knew anything about commerce must be aware that of all things war was always most injurious to them. He could assure the hon. and learned Member for Devonport (Sir E. Perry) that he was mistaken when he supposed that the balance of trade was always in favour of China—that was, that the British merchants were debtors of the Chinese. The fact was the other way. In the years 1779, 1796, 1810, 1813, 1829, 1838, and 1839, there were heavy balances due by the Chinese. He that morning received a document signed by Chinese merchants on the 5th of January last, in which they addressed Sir John Bowring, asking what steps would be taken to insure the safety of the goods left in Canton, and what possible mode there was for procuring compensation for the merchants and agents in China whose goods were in jeopardy, and for securing the debts due by the Chinese to British merchants. He trusted that the document would remove from the mind of the hon. and learned Member for Devonport the impression that the merchants in China were actuated by any desire to avoid the payment of their just debts. With respect to the allegation that had been made of the overbearing manners of Englishmen in China, he would refer hon. Members to various edicts which had been issued directing the English residents how to behave themselves. One of these edicts was issued for the purpose of depriving the English of almost the only means they had of exercising themselves at Canton. They had been accustomed to row up and down the river in small wherrys built in London, and that could not at all impede the large Chinese barges that floated on the river ; but the edict to which he referred directed the English not to “run, fly, and gallop” through the river to the injury of these great barges. He trusted that he was not wearying the House ; but he was anxious, as he was the only Member connected with the mercantile interest who had resided in China, who had taken part in this debate, to vindicate, from practical experience, that interest, as it had been charged with a desire to promote war between this country and China. The hon. Gentleman the Member for the West Riding had charged the British merchants in China with being deficient in education, ability, and intelligence. [“No !”]. Well, he certainly had said something in that way. The hon. Gentleman had threatened

that the British merchants would be supplanted in China as they had been in the Mediterranean, by Greeks, Swiss, and German merchants ; and he (Mr. Robertson) thought his hon. Friend had attributed this supplanting to the want of education amongst the British merchants. The hon. Gentleman ought to be a good judge on that point, for Lancashire was swarming with foreigners. He thought, however, that the hon. Gentleman did not mean to insinuate that this influx of foreigners into Lancashire was owing to the merchants and manufacturers in that part of the kingdom being deficient in ability and education. It was now necessary for the people of this country to consider well what demand they would make on China ; and having fully and deliberately made up their mind on that point they should make their demand and not fall back. As regarded a residence in the city of Canton, it was a city into which individually no merchant would wish to go. But English residents were subjected to restrictions imposed for the purpose of degrading them in the eyes of the Chinese. So far as his individual feelings went, he granted that he would not have been disposed to go to war even for the purpose of removing those restrictions ; but he did not say that those restrictions would not form part and parcel of his complaint against the Chinese. The demand at present was for official communication ; and he said that the murder of those six young men, to whom he had alluded, showed that direct, immediate, and personal communication between our representatives and the Chinese authorities was absolutely necessary. He might speak a little warmly on that point, because one of the murdered men was his own first cousin. Should this country now falter or fall back the disaster would be very great indeed ; and the consequences would not be confined to Canton, but it would be felt in all the other ports of China ; and it would not be confined even to China, for it had gone to Singapore already, from which place it would spread through all India. He that morning received a letter from Singapore dated 23rd of January, and stating that numerous placards had been posted about the country. The letter added that these placards were of a very alarming nature, threatening the British, and calling them barbarians and other such names ; that one notice offered 2000 dols. for Governor Blundell’s (the English Governor’s) head ;

and that a report was abroad that on the 29th of January all the shops were to be closed, preparatory to a set-to. The writer went on to say that he certainly did not like the present state of affairs, particularly as matters in China were so bad, for that it was very naturally supposed that the Chinese in Singapore would side with their own countrymen, and try to interfere with European property, by intimidation and other means. The writer concluded by saying—"I assure you it is not at all pleasant to go to bed with revolvers under one's pillow; but it is as well to be prepared for the worst." He (Mr. Robertson) hoped that under circumstances such as these the House would not pass a vote of want of confidence in the Government. He did not stand up to defend Sir John Bowring; he did not say whether or not he was a fit man to have been sent out, because that was at present beside the question. What should be considered was the practical effect of a vote of that House, and he entreated them not to be led away by anything like party feeling, but to decide upon the real merits of the question. It would be no light matter to endanger our position in China—he did not speak of the revenue derived from the trade with that country, for the question ought not to be decided upon fiscal grounds, but upon grounds of humanity; if we drew back upon the present occasion it would be imperilling our whole position in that country. He should therefore give his support to the Government, and vote against the Resolutions.

SIR JOHN PAKINGTON: Sir, I listened with the greatest attention to the speech which the right hon. Baronet the Secretary of State for the Home Department addressed to the House this evening, but I am sorry to say that that speech has not made the slightest change in the views which I take on this question. On the contrary, Sir, I think the speech of the right hon. Baronet, like that of the right hon. Gentleman the Secretary for the Colonies, has only been successful in evading all the principal points on which we have to decide. I am of opinion, also, that the House will feel that a very great portion of the speech of the right hon. Baronet was directed to points which have nothing to do with the issue which this House is called upon to decide. The right hon. Baronet complained of the tone of the speeches delivered in support of the Motion, and said that those speeches were

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unfair to public officers abroad, and evinced a desire to run down and depreciate public servants at a distance. But, Sir, I think the public will feel, and that this House will feel, that no censure has been passed in the speeches delivered in the course of this debate on officials in China which have not been forced upon us by the strongest considerations of justice. I hope before I sit down to show the House that the right hon. Baronet has been altogether unsuccessful in his attempt to defend Sir John Bowring from the attacks made on him.

Sir, I confess that I never rose to address the House with greater reluctance than on this occasion. The subject itself is a most painful one, and I hope I shall not be suspected of such presumption as to suppose that I can add anything to the amount of ability, eloquence, and learning which has to, I may say, an unusual extent distinguished the debates in both Houses of Parliament on this subject; but from the first moment that I read the despatches on this question that were published some time since in the newspapers, my mind has been so filled with a feeling of shame at the extent to which the character of this country has been compromised by the proceedings which have taken place in China, that I cannot consent to give a silent vote on this matter, and abstain from recording the sentiments I entertain on it. The Secretary of State for the Colonies has deprecated party feeling on this subject, and the hon. and learned Gentleman the Attorney General, in his speech on Friday night, complained that the speeches of hon. Gentlemen opposed to the Government had been marked by party feeling. My hon. Friend who had just addressed the House has adverted to the same subject; but I think, Sir, that this imputation is most unjust. It is quite true, Sir, that in the course of this debate there have been speeches which touched on party questions in a manner which I, for one, heard with regret. The hon. and learned Member for Devonport (Sir Erskine Perry) said that in obedience to his convictions he supported the Motion of my hon. Friend the Member for the West Riding; but the hon. and learned Member added that if the Motion had proceeded from this side of the House he would have given a different vote. An hon. Friend on this side of the House, the Member for West Norfolk (Mr. Bentinck) has said that his opinions concur with the views expressed by the hon. Member for the West Riding

—that he sees the force of this Motion, but that he shall be governed by views altogether extraneous from the Motion before the House, and under the influence of an entirely different feeling vote against the Resolutions of the hon. Member for the West Riding.

MR. BENTINCK: I beg my right hon. Friend's pardon. I said that I believed there were other considerations besides those stated by the words of the Motion; but I never said that I would be guided by motives extraneous to the question before the House.

SIR JOHN PAKINGTON: I understood my hon. Friend to say that he would not deny or affirm the words of the Resolution; that he felt the force and justice of the Motion; but should be guided by other considerations. I mean no disrespect to either my hon. Friend or the hon. and learned Member for Devonport when I say that I hear such declarations with the deepest regret, believing, as I do, that they can only tend to lower the character of this House. But if the Attorney General and the right hon. Gentleman the Secretary for the Colonies meant that we who are opposing the conduct of the Government on this occasion are influenced by party considerations, I say that I believe a more unjust or unfounded charge never was made. It does so happen that I can afford proof that my opinion has been formed irrespective of party considerations. Immediately after I read the first despatches that came from China, I remarked to two hon. Friends, who are, I believe, at present listening to me, that the proceedings of our representatives in China were so atrocious—so utterly unjustifiable—that we should have no discussion in Parliament on the subject, as of course the Government would immediately repudiate the acts of their officials, and recall the persons who had brought this disgrace on England. That was the opinion I expressed immediately after reading those despatches, and I think that fact is sufficient to show hon. Members that I, at least, am not influenced by party considerations in dealing with the Motion now before the House. Most deeply do I regret that Her Majesty's Ministers have not taken the course I expected they would take. Most deeply do I regret that they did not repudiate the acts of Sir John Bowring and the other officials who have acted in the manner those gentlemen have acted, and that they did not at once recall them from the scene

of their misconduct. Sir, no triumph of argument—and I think there never was a greater triumph of arguments than that which has been achieved in this debate on the side of the Motion—no triumph in the division can in my mind compensate for the unfortunate and dishonourable fact that the Government of England has been compromised for a time, however short, by its having given any approbation to the conduct of its officials in China. And, Sir, I have heard no reason given by Her Majesty's Government for that approbation except the necessity strongly dwelt on by several members of the Government, and especially the Secretary of State for the Colonies, of upholding distant servants of the Crown. The right hon. Gentleman the Secretary for the Colonies said that if the Government recalled officials that had acted with good intentions they would no longer deserve to be served by honest, upright, and independent men. Now, Sir, I would be the last man to deny that servants of the Crown in distant dependencies do decidedly deserve the support of the Government to the utmost extent that it can properly be given. But, on the other hand, I believe that you can maintain no doctrine more dangerous to Government—more destructive to the interests of this country—than this broad principle, that whatever the conduct of those officials may be, whether they deserve credit or have by their misconduct compromised the interests of England, at all events and at all risks they are always to be supported by the Government at home. Sir, I protest against that doctrine, which I believe to be most dangerous to the interests of the British empire; and from the very case before us, I would draw the inference that such a policy would be most disastrous to this country. The right hon. Baronet the Secretary of State for the Home Department mentioned to-night, with apparent satisfaction, that it was the Government to which the right hon. Baronet the Member for Carlisle and the noble Lord the Member for the City of London belonged that sent out Sir John Bowring to China. Sir, let us, whatever Government appointed him, draw this deduction from Sir John Bowring's appointment, that there is very great danger to the public interests from the practice of all Governments in making these appointments to consider the number of votes given in a particular lobby by the candidate for public office, rather than his competency or real fitness for the particular

office which he is to be appointed to hold. I think that, whatever Government nominated Sir John Bowring, the consideration which I have condemned was too much attended to in his instance, and that we are now suffering for it.

Sir, at this period of the debate, like the Secretary of State for the Home Department, I shall not presume to enter into the question of which the House has heard so much, and which is so much a legal one—namely, as the claim of the *lorcha* to be considered a British vessel. That question has been discussed with great ability by gentlemen competent to deal with it; and I shall not go into it. There is then the question of fact—whether or not the flag was flying from the *lorcha*. That is a question of evidence, and I must say that as a question of evidence it is very doubtful. I think the evidence is as strong one way as the other. The question whether it was right or otherwise for the British flag to fly from the *Arrow* is one of those legal questions into which I shall not enter. Again, there is a question as to whether the licence had or had not expired. That is a question not of law but of fact. It is relied on that the provision respecting the licence not expiring while a vessel is at sea saved the licence for the *Arrow*. But was the *Arrow* at sea? By any principles of reason or common sense can the *Arrow* be said to have been at sea? Why, she was lying in the river; Hong Kong is at the mouth of the river; and I cannot imagine any reason why she might not have gone down the river to renew her licence. I presume she must have passed Hong Kong to come to Canton; but she did not make a call to renew her licence; for I see in a despatch written by Sir John Bowring on the 13th October, two days after the date of the despatch in which he denies the right of the *Arrow* to protection, that he says:—"I find, on inquiry at the harbour master's, that the registry of the *Arrow* has not been regularly presented at his office, according to the regulations." I presume that refers to the regulation that the licence is to be presented every six months, and here is another proof that the *Arrow* was not within the terms of the licence. There is a point connected with these questions of law to which the hon. and learned Member for Tavistock (Mr. R. Phillimore) adverted in the able speech which I heard with great pleasure this evening. I will appeal to the House what will be the effect on other countries—what

will be the effect on Europe, when they find the British Government sanctioning those atrocities and this bloodshed on doubtful grounds? We have had the opinion of the hon. and learned Gentleman the Attorney General, and perhaps that hon. and learned Gentleman never gave a more striking proof of his signal ability than when during this debate he kept for so long a time the attention of a popular assembly like the House of Commons riveted on a dry legal argument like that with which he so ably dealt. I speak with all frankness of the hon. and learned Gentleman, and if he were in the House, I am sure he would feel with me when I say that he has not yet arrived at the period when his opinion, however able it may be, can compete with that of the illustrious Lyndhurst. Unfettered by party connections and uninfluenced by party hopes, that great and distinguished man has laid down the law affecting this case in a way that will have its effect in every country in Europe. I am, however, quite willing to admit that the legal authorities are balanced. In the House of Lords, we have on one side Lord Lyndhurst, on the other the Lord Chancellor; and again, the opinion of Lord St. Leonards balanced against that of Lord Wensleydale. Here we have the Attorney General on one side, and the hon. and learned Member for Tavistock on the other. Is it not a lamentable state of things to exhibit to the world, that these proceedings in China, when discussed in the British Parliament, should lead, not to an unanimous opinion on the legality of the measures adopted, but to the utmost diversity of judgment on the part of the most eminent legal authorities? Another portion of this subject has, I think, been very little adverted to, if at all; and to it I am desirous of calling the attention of the House—I allude to the opinion which was conveyed to China in reference to this very matter in the name of the Crown by the Secretary of State for the Colonies. The House will recollect that this doubtful ordinance was passed in March, 1855, and that when it arrived in this country the noble Lord the Member for London, then Secretary of State for the Colonies, would not give the consent of the Crown to it, but referred it to the Board of Trade. That Board thought its legality extremely doubtful, and it was sent back to China on the 22nd of June unconfirmed. The ordinance thus sent back must have been received there before the

end of September, and therefore the licence granted to the *Arrow* must have been granted at the time when the ordinance was received back without having obtained the consent of the Crown. But what follows? The next step was this, that information having been requested by the Secretary of State, reasons were returned from China explaining why it was thought expedient that the ordinance should be confirmed. But it was suggested from this country that another ordinance should be passed, and I beg the attention of the House to this most important language proceeding from the Board of Trade. Mr. Booth, one of the secretaries, wrote in the name of the Board to suggest whether, as some doubts might be entertained as to licence to use the British flag in vessels registered in the name of Chinese residents as provided by the ordinance, it might not be desirable to pass a further ordinance. Here you have doubts thrown on the legality of the very ordinance under which alone it could be contended that the *Arrow* was entitled to use the British flag. Well, while the legality of the ordinance appears to be doubtful, I will—though my own conviction is that it was not legal—assume, like the hon. and learned Member for Tavistock, for argument's sake, the entire correctness of the licence, and that it was everything for which any one can possibly contend—that it gave her all the privileges of a British vessel; I will assume that she was a British vessel; and then appeal to the House of Commons whether the facts of the arrest and the subsequent proceedings on the part of the Chinese, were such as to justify the steps taken by our officials, and the punishment which they caused to be inflicted on the Chinese? Sir, what will be the judgment of Europe on such conduct? Will not the verdict of all civilized nations be that whatever the claims of the vessel—whatever may have been the rights of the vessel—the revenge taken by the British authorities was excessive and unmeasured. Sir, I shall not detain the House by adverting again to those disgraceful contradictions of Sir John Bowring with regard to the character of the vessel. That branch of the case has been alluded to by the noble Lord the Member for the City of London in that high-toned speech which was admired and appreciated by all parties in this House; but much as I admired the speech I do not think the noble Lord dwelt on this part of the case with the severity it deserved.

However, that was dealt with by my right hon. Friend the Member for Carlisle, who did place in clear juxtaposition the two contrary statements of Sir John Bowring. The right hon. Baronet the Secretary of State for the Home Department told us this evening that we treated Sir John Bowring with harshness and unfairness; but the right hon. Baronet did not deny the truth of the charges brought in this House against Sir John Bowring. If we treated this gentleman with harshness, if we have been severe towards him as a public officer, he stands before us with, I shall not say a deliberate falsehood, but a glaring contradiction of himself—so glaring, indeed, that if his character is to stand free before the world, it will be absolutely necessary that that contradiction be explained. The right hon. Baronet the Secretary of State for the Home Department did not even advert to the charge. But, Sir, the charge of self-contradiction is, in respect of Sir John Bowring, not limited to this case of the *Arrow*. I do not know if my hon. Friend the Member for Lancaster (Mr. Gregson) is in his place. But my hon. Friend being chairman of the East India and China Association, and knowing perfectly the circumstance to which I am about to advert, I listened to him with some surprise as he vindicated the conduct of the Government in this matter, and as I understood him to vindicate the conduct of Sir John Bowring. When the Shanghai question arose—that one respecting the collection of certain duties—Sir John Bowring had to interfere; and he was charged by the Chamber of Commerce at Shanghai with having deliberately misrepresented the instructions he received from the Foreign Office here, and thereby obtained the consent of the merchants of Shanghai to an arrangement to which otherwise they would not have given their consent. The charge was sent home to this country; and I hold in my hand the report of an interview which in 1854 the East India and China Association had with the noble Lord the Secretary for Foreign Affairs. I find it stated in this report—

“Mr. Gregson read to his Lordship a resolution this day passed, to the effect that Sir John Bowring's proceedings had lost him the confidence of the merchants engaged in the China trade; and praying that in the approaching revision of the treaty Her Majesty's Government be represented by some person of known experience and discretion.”

Here we have a proof of the estimation in which Sir John Bowring was held by the

mercantile body connected with China; and it affords ground for concluding that the Government would have acted with more discretion if they had not kept our interests at China so long in the hands of Sir John Bowring. We heard a great deal this evening from the right hon. Baronet the Secretary of State for the Home Department in favour of the discretion of Mr. Parkes. The right hon. Gentleman found great fault with the hon. Member for the West Riding in consequence of what he had said about Mr. Parkes. Sir, I will not designate the letters of Mr. Parkes "flagitious," as the hon. Member for the West Riding called one of Sir John Bowring's documents; but I find in the correspondence of Mr. Parkes contradictions to an extent which I think most dangerous—most unwise in a party employed in such high and serious negotiations. On the 14th October Governor Yeh wrote these words:—

"Hereafter Chinese officers are on no account, without reason, to seize and take into custody the people belonging to foreign lorchas; but when Chinese subjects build for themselves vessels, foreigners should not sell registers to them; for if this be done, it will occasion confusion between native and foreign ships, and render it difficult to distinguish between them. Thus may all parties conform more precisely to the conditions of the 19th Article of this treaty."

I think, Sir, that every one will sympathize with the feeling that seems to have prompted Governor Yeh in writing that statement, because I believe that no system can be more dangerous than that of allowing Chinese vessels to avail themselves of the protection of a foreign flag. But what do we find Mr. Parkes writing to Sir John Bowring; after he received the letter containing that statement—

"It was eventually delivered to me at ten o'clock, and from the translation of it, which I beg to submit to your Excellency, you will perceive that it is altogether unsatisfactory, no indication being therein given by the Commissioner of his readiness to comply with the treaty by claiming the men now seized through me, no apology or expression of regret being offered for what has occurred, nor any reliable assurance afforded that the Chinese officers will not again act in the same unwarrantable manner."

This, you will observe, was written by Mr. Parkes on the same day that he received Governor Yeh's letter, pointing out means for the avoidance of any such unpleasantness for the future. I think it was on the 14th of October that Consul Parkes wrote the letter to which I have just adverted. Well, on the 15th of October he received this assurance from Commissioner Yeh;

Sir John Pakington

yet, in one week from that time he wrote (on October 21) to Commissioner Yeh as follows—

"But your Excellency, with a strange disregard both of justice and treaty engagements, has offered no reparation or apology for this injury, and by retaining the men you have seized in your custody signify your approval of this violation of the treaty, and leave Her Majesty's Government without any assurance that similar aggressions shall not occur again."

Such was the language of Mr. Parkes, though only a week before he had received a most distinct assurance that the very thing should not occur again. What is the meaning of such language—of such a denial of the fact? There was but one reasonable construction for Governor Yeh to put on it—that the British authorities were determined not to consent to terms, but to insist on a quarrel. That was the only assurance that Commissioner Yeh could give. What said Consul Parkes soon afterwards? He writes to Admiral Seymour on the 22nd—

"I add two extracts from my letter to the Imperial Commissioner of the 8th and 12th, referred to in the above enclosure, from which your Excellency will learn that the demands authorized by Her Majesty's Plenipotentiary consist of the surrender of the *Arrow's* men in the particular manner therein described, an apology for what has occurred, and an assurance that the British flag shall be respected in future."

And in the following paragraph comes the admission that all of the twelve men captured by the Chinese authorities had been returned.

Now, let me remind the House that it was at this moment that Sir John Bowring had declared that the vessel had not a proper register. Commissioner Yeh had, in reply to the remonstrance of Consul Parkes, given an assurance that such a circumstance as the boarding of the lorcha should not happen again; that the seizure occurred through ignorance that she was a British vessel; that while apologising for the act he declared to the best of his knowledge that the British flag was not flying from her. Well, at this moment the whole issue was at an end. The question of the lorcha had become too weak to be any longer sustained. An ample apology was made, the men were returned, and the whole dispute upon this point was apparently settled. It was then thought desirable to break a new ground of quarrel, by reviving the old claim of our right to enter the city. It was determined that that demand should be made. It was accordingly made, and

an intimation given that if it were not immediately complied with the city of Canton would be bombarded. Sir, I cannot pass by this part of the case without adverting to what has this evening fallen from the right hon. Baronet the Secretary for the Home Department, in reference to the conduct of Sir Michael Seymour. I listened to the generous language of the right hon. Baronet the Member for Carlisle (Sir J. Graham) with an entire sympathy of feeling. I listened with no less sympathy to the natural and generous language used by the Lord of the Admiralty opposite (Sir M. Berkeley), who took the same line of observation; and let me add, the expression of my own opinion as to the honourable motives by which the gallant Admiral is, I believe, at all times actuated. The last thing I desire to do is to impute the slightest injustice to so gallant and distinguished an officer. I have no doubt that he acted in this matter most reluctantly—that he acted under a full and sincere conviction that having received orders from Sir John Bowring, it was his duty to carry them out. But, at the same time, in a matter of this kind, I cannot consent to compliment away the truth. My opinion is this—that a man of the high character and reputed ability of Sir Michael Seymour might have discovered very soon that he had to deal with a chief who was really not competent to manage matters of such grave importance and delicacy. I think, Sir, that he would have acted with much more discretion and judgment if he had exercised rather a restraining hand, and if he had not shown himself so much the willing agent of Sir John Bowring. I am sure that everybody who reads the despatches with an unprejudiced mind must be of the same opinion. Undoubtedly Sir John Bowring must bear the whole responsibility of the affair; but I wish that the conduct of Admiral Seymour had been more forbearing than it was.

Let me now remind the House of these very remarkable passages in the correspondence of Commissioner Yeh, which I do not think have been, as yet, adverted to in this House. It was after the unhappy bombardment—after that ill-judged claim had been made of the right to enter the city—that Commissioner Yeh wrote these words, which I confess I think must raise the blush in the cheek of any Englishman who reads them. On the 5th of November he writes—

sees as my people see; Heaven hears as my people hear; that is to say, that what the people are averse to, Heaven (the Deity) is averse to. Is not this an additional reason why I should be unable to constrain (the people)? I must add that, as it is the habit of your Excellency's nation to adore the Spirit of Heaven, it behoves you, in my opinion, so much the more to conform in your actions to the principle given us by Heaven."

After the conduct of the British officials became known—after the bombardment of the town had been effected—I cannot imagine a severer sarcasm could have been written by any man—much less a person considered in the light of a barbarian—to Christian officers. Again, on the 11th of the same month Commissioner Yeh writes thus to Admiral Seymour:—

"Your Excellency fired at once into the city, and ask yourself whether this consists with the forms of war as waged by a great State, or whether this is the practice of civilization."

In the same spirit I ask the House whether they really think that these proceedings are consistent with the ordinary forms of war by a great state, or with the progress of civilization. Sir, I deeply regret to say I think that the whole of this correspondence betrays the same discreditable conduct. On the one side I find pride, arrogance, and insult. On the other, the calmness of reasoning minds. Sir, I see an hon. Member, who has been but a short time in this House, and who is, therefore, not accustomed to take part in our debates, expressing his feelings rather loudly during my remarks. Now, I strongly suspect that that hon. Gentleman has not read these papers, or if he have read them it was not with that intelligence which I know him to possess, or he would not act in the way to which I have referred. I say, that the correspondence of Commissioner Yeh is distinguished by ability, calmness, and a reasoning mind; above all, by a moderation of language under the grossest affronts and injuries, highly to the credit of that person. I would ask the House to say which of those letters are the most becoming a Christian? Are they those that have been written by this barbarian or non-Christian, or those that have been penned by our Christian officials? I am sorry to observe that the tone assumed in these debates in support of the proceedings adopted by the British authorities at Canton, is not that which ought to characterize a civilized Power towards an Oriental state. The Vice-President of the Board of Trade (Mr. Lowe) drew a distinction between the conduct that ought to be pursued towards

"It is said in the book of history, 'Heaven

a Christian or civilized state, and that which should actuate them when dealing with a barbarous people; and a noble Earl in another place (the Earl of Clarendon) said it was important to make the Chinese sensible of the law of force. Now, I confess I would much rather adopt the sentiments expressed in the able and argumentative speech of the noble Lord the Member for London. "I care not whether we are dealing with Chinese or Europeans; depend upon the sound maxim 'Be just and fear not.'" Those sentiments are both more humane and more politic. I cannot conceive any doctrine more monstrous than that we should act the character of a despot or a bully under any circumstances—that we should bombard a city, and destroy a peaceable town when the inhabitants do not happen to adopt the same doctrines or the same laws as ourselves. The supporters of the Government have all, in my opinion, shown a strong sense of the weakness of their cause in the arguments to which they were obliged to resort. I was surprised to find a statement made by a noble Earl in another place (the Earl of Clarendon) that the circumstances of this outbreak in China were precisely analogous to the occurrences which took place in the same quarter in the years 1846 and 1847. Now, what occurred there at that period? In, I think, 1846, a violent outrage was committed upon British seamen. Soon afterwards a murder was committed, and British lives were sacrificed. Under these circumstances the law of force was resorted to; compensation and redress were demanded from China for those injuries. But when an hon. Member declares that this outrage on British seamen and the murder of British subjects was a precisely analogous case to that of Chinese officials coming alongside a vessel for the purpose of capturing a notorious Chinese pirate, I can only declare my entire dissent from such an observation. Instead of any analogy between the two cases, I am of opinion that the circumstances of each were as widely different as it was possible for two things to be. With regard, then, to this unfortunate revival of our claims to enter into Canton, let me again remind the House of the declaration made by one Secretary of State after another—a declaration the most distinct—of their disapprobation of any such claim being revived without specific instructions from home. The right hon. Baronet the Member for Carlisle spoke of three diffe-

rent Secretaries of State who had given instructions to this effect. I think, however, that the right hon. Gentleman understated the case:—he forgot the fact that the noble Earl the Secretary for Foreign Affairs himself, no longer than 1854, repeated those instructions as distinctly as either of his predecessors. They were also distinctly given, and they had never been given better or more powerfully than by the noble Lord the present Prime Minister in 1848-49. The same instructions were repeated by Lord Granville, and by his successor, Lord Malmesbury; and in equally plain and distinct terms by Lord Malmesbury's successor, the present Secretary of State for Foreign Affairs. In making this enumeration I feel I am passing by another distinguished authority—I mean that of Lord Grey, whose instructions were not less explicit, and who sent out, in most distinct terms, a peremptory order of the Government that no violent measures were to be attempted against China without special authority from the Government at home. Lord Clarendon writes in February, 1854—

"There are, unquestionably, points which it would be desirable to secure, and to which we have even a right by treaty; and among those I would mention free and unrestricted intercourse with the Chinese authorities, and free admission into some of the cities of China, especially Canton. The treatment of these questions requires, however, much caution; for if we should press them in menacing language, and yet fail in carrying them, our national honour would require us to have recourse to force; and in order to obtain results, the practical advantage of which is not clearly demonstrated, we might place in peril the vast commercial interests which have already grown up in China, and which, with good and temperate management, will daily acquire greater extension."

The language of the noble Lord opposite (Viscount Palmerston), when Secretary of State for Foreign Affairs, was so explicit and, in my opinion, so prudent, and so directly in opposition to the conduct which the noble Lord is now sanctioning and supporting with the approbation of Her Majesty's Government, that I trust the House will allow me to read an extract from his despatch. The noble Viscount, writing in December 1848, said—

"I am clearly of opinion that it would not be advisable to proceed to hostile measures against Canton, or to take the unusual step of a mission to Peking, in regard to a privilege which, like the admission of British subjects into the city of Canton, we have indeed a right to demand, but which we could scarcely enjoy with security or advan-

tage if we were to succeed in enforcing it by arms."

And again—

"We should not find it more difficult to employ coercion in order to enforce a more really useful and valuable right than in order to obtain the practical acknowledgment of this right of very doubtful value; but a great naval and military effort made to enforce a valuable right would be well warranted by the value of the advantage to be gained, while such an effort for a right which would be of little use or benefit when obtained would not stand upon equally justifiable grounds."

I agree most cordially with this language. I do not see how these opinions could be better expressed, nor do I see how it is possible to reconcile these opinions with the course which has been taken in the present case. We have been told that it is very well to talk of the indisposition of the people of Canton to admit Europeans into their town, but that the Government is despotic, and that if the Commissioner pleased he could control the people and enforce our admission. I will not trouble the House with the extract, but will simply refer to a despatch of Sir George Bonham, in which there is a distinct expression of opinion, founded upon the authority of a medical man resident in Canton, that the indisposition of the people of that city to receive foreigners is so great that it could not be resisted, and that it would be most imprudent to enforce our claims for admission into the town. Now, with the knowledge of those facts, I have read with great surprise the address published from the East India and the China Association to Her Majesty's Government, which contained the expression on the part of the Association of their most anxious desire that this right of entry into China should be enforced. At the end of the address the Association reminds Her Majesty's Government that since 1842 the tea trade had doubled, and the silk trade had increased twenty-fold. I wonder, then, that the merchants, who must have been greatly pleased with this increase of trade, did not reflect upon the extreme importance of avoiding a course that must necessarily imperil such a trade, by endeavouring to force against the wishes of the Chinese the admission of Europeans into their country.

Sir, I heard with much regret—and I can only account for it by the sense of weakness under which the supporters of the Government labour—an attempt made to justify those outrages in China by the alleged cruel character of Commissioner

Yeh. An hon. Member sitting behind me (Mr. Robertson) told us of some fabulous number of thousands that were, truly or untruly, reported to have been put to death or tortured by the orders of the Chinese Commissioner. Let us even suppose this to be true, which I for one do not think is consistent with probability. Before condemning Commissioner Yeh we are bound to bear in mind this fact, that the empire is exposed to great disturbances, that the very neighbourhood of Canton has been the scene of a struggle between the forces of the Emperor and those of the rebels. I do not think that any one can venture to say whether any loss of life that has been sustained under the authority of Commissioner Yeh has not been an act of necessity, in the discharge of his duty towards his Sovereign. We have likewise been reminded of the proclamation in which he sets a price upon the heads of Englishmen, and have been told of the atrocities which the Chinese are committing. Those who urge these considerations have lost sight of two facts. One is that they stigmatize the Chinese as barbarians, and therefore ought not to be extreme in their censure of their conduct; the other and the more important is the provocation which our authorities have given. I would beg them to put themselves in the situation of the Chinese, who have had a peaceful mercantile city bombarded without any fault having been committed by its inhabitants, and then to ask themselves whether they would not think it right and just to authorize resistance by any means which might be at their command? I hope, in the verdict you are about to pronounce, the House of Commons will be influenced by other considerations—I hope that it will bear in mind that the eyes of this country, as well as of Europe, are now fixed on us. You are bound to recollect the character of this country is at stake; and you should not consider any of those questions to which I have just referred, which really do not affect the case. The broad facts are now before us. Our relations with China are interrupted, our commerce is impeded, a great mercantile, peaceable, and almost undefended city, has been unjustly bombarded—human life has been cruelly sacrificed, and the name and character of England have been tarnished and impaired. This, I believe, will be found an unexaggerated statement of the facts; and I think we have a right to demand from the Government a better ex-

planation than we have as yet heard of the grounds upon which they have sanctioned proceedings so disgraceful and so disastrous.

MR. COLLIER said, that an attempt had been made to knock down all the lawyers in that House with the opinion of a noble Lord delivered in another place. He ventured to think, however, that both the legal and non-legal members of that House would feel that this was a question which ought to be decided, not so much by authority, as by argument. He would at once have proceeded to the subject of this Resolution had not the hon. Member who moved it, and many of those who had followed him, referred a great deal to the history of our previous relations with China. The hon. Member for the West Riding passed an eloquent eulogium upon the fair dealing and humanity of the Chinese, and spoke in terms of indignant reprobation of the conduct of his own countrymen. He had described our officials as insolent and overbearing, our merchants as greedy of gain and actuated by the lust of conquest; and he had endeavoured to illustrate our relations with China by imagining what they would have been with France or America under similar circumstances. There was no foundation for any such parallel. He (Mr. Collier) was not aware that in times of peace Englishmen had ever been refused admission into either French or American towns, or that if they strayed about French or American territory they ran the risk of being murdered or tortured. From any fair comparisons between our conduct and that of the Chinese he felt confident that we should not suffer. Suppose that America had bombarded our sea-ports, would the noble Lord at the head of the Government have issued a reward for the head of every American who might be captured? Depend upon it this eulogium of our enemies, whether Russians or Chinese, and this depreciation of ourselves, was neither wise nor statesmanlike, nor patriotic. The Chinese, it could not be denied, had committed the deliberate violations of the treaty for upwards of fifteen years, and had frequently furnished this country with ample *casus belli*; but we had treated China, because she was a weak Power, with the utmost forbearance and had submitted to treatment which we should not have put up with from any strong Power like France or America. The population of Canton had been represented at one moment as turbulent, and at the next

as peaceable and inoffensive. He believed that the population of Canton were turbulent and unruly, but that their turbulent passions were excited by their Government, that they were hounded on against us, and that their turbulence was then used as an excuse for the violation of their treaty engagements. Upon that treaty the whole question turned. The noble Lord (Lord John Russell) had put the case of granting passes to certain vessels in the Mediterranean, and had asked whether the Spaniards could not board such vessels in their own waters for the purpose of apprehending a malefactor? The cases, however, were not parallel, because the Spaniards had not given up their right so to do by treaty, whereas we had a treaty with the Chinese by which they gave up their right of searching for criminals on board British vessels. By Article 9 of the treaty the Chinese relinquished their right of searching English vessels; and the 17th Article refers to lorchas of this class plying between Hong Kong and Canton as English vessels — with English registers. Surely it had never been supposed that any of the lorchas sailing between Canton and Hong Kong were British built. If in order to constitute these vessels British they must be built in Great Britain, the treaty was utterly useless. What, then, was meant by the term English vessel? He contended that the treaty was no better than waste paper if this lorcha were not an English vessel under the 17th Article. The English authorities had clearly a right to grant registers to vessels of this kind belonging to persons who were domiciled at Hong Kong, under the protection of our laws, and owing allegiance to our Queen. If, however, the Chinese authorities thought we ought not to have granted licences under such circumstances, they ought not to have disputed our right by force, but should have applied for redress to the British authorities. It was said that the date of the licence had expired; if so, by the provisions of the treaty, it did not become a Chinese vessel, but was forfeited to the Crown. But was the Crown bound to enforce the forfeiture of a vessel in every case where the licence was not renewed on the very day? The Queen's Advocate appeared to be clearly of opinion (page 15 of the blue-book), that the Act of the Chinese authorities constituted an infraction of the treaty, and that, even if the licence had been improperly granted, this was a matter of British internal regu-

lation which would not justify the seizure of the crew of the lorch. They had heard a great deal during these debates about Christian charity ; yet there had been few debates in which less of it had been displayed. When Sir John Bowring expressed an opinion that the expiration of the licence of the *Arrow*, of which the Chinese were unaware, had nothing to do with the question, an opinion in which he might have been right or wrong, but in which he agreed with the Queen's Advocate, it was reserved for the Christian charity of a bosom friend to turn the error he had committed (if it were one) into a "flagitious" crime. What was the redress that ought to have been sought and obtained for this outrage? Consul Parkes, in his first letter, described the measures he took and the representations he made to the Chinese authorities, which were of the most moderate and reasonable character. Yeh's answer to the application made to him was most evasive and unsatisfactory. His attention having been expressly called to the insult offered to the British flag, in his first answer he did not attempt to deny it, but at once ran off to the charge of piracy against a portion of the crew, and afterwards set up the excuse—which he must have known to be frivolous—that the lorch. was not British built. He said :—

"The prefect of Canton was ordered by me to examine the twelve men seized on board the lorch., but prior to the issue of these directions I had already been informed by certain subordinate naval authorities, that these seamen and others were the perpetrators of the piracy committed at San-chow-tang, on the merchant vessel belonging to Hwang-leen-vral, &c."

And further on he added :—

"As to what the Consul states relative to the lorch. being reimbursed the expense consequent on her detention, I find that as the lorch. was built by Loo-a-ching, who obtained a register for her through Po-lo-la, she is not a foreign lorch., and it is useless, therefore, to enter into any discussion respecting her."

In the whole of this communication, therefore, Yeh, though his attention was called pointedly to the insult offered to the British flag, never once denied it, nor affirmed it, but confined himself solely to the narrow ground of the lorch. not being a foreign lorch. If Consul Parkes had accepted this plea, and put up with the insult, he would have been severely blamed by those who were now loudest in condemning him. The conduct of the Government, too, in endorsing his acts, would have furnished a

theme for the eloquent but somewhat vague declamation of the hon. and learned Member for Enniskillen (Mr. Whiteside), who would then have favoured the House with a torrent of invective as strong as that which he poured forth the other night, but running in quite the opposite channel. He would have declaimed about the honour of the British flag, the gross outrage offered to it, the meanness, the cowardice, and pusillanimity of Consul Parkes, Sir John Bowring, Admiral Seymour, Her Majesty's Government, and everybody who differed from him in opinion. It was clear that Consul Parkes and Sir John Bowring were bound to demand some reparation for the outrage on our flag; and the question was, were the terms they put forward unreasonable? He believed they were not. Yeh's letters were a tissue of subterfuges and excuses. He held one language towards Sir John Bowring, and another towards his own people. He talked to us of appeals to the Spirit of Heaven, while he was publicly offering rewards for our countrymen's heads. As to the demand for admission to Canton, it should be observed that what was sought was a mere entrance for diplomatic intercourse, not an indiscriminate entrance for everybody. True, we had previously waived our treaty-rights in this matter for a time, but when those rights had been grossly violated in another point we were justified in insisting that the entire series of stipulations should henceforth be fulfilled. We did not, however, even now insist on our strict rights, but only on a part of them, which was absolutely necessary to prevent future embroilments. To effect these objects there had been no wanton effusion of blood, as had been stated by the hon. Member for the West Riding; nor had any act been done by the Admiral in command inconsistent with humanity or which was not absolutely necessary. To lay down the proposition that, under no circumstances should injuries to British subjects be forcibly redressed without a previous reference home, would be materially to impair the position hitherto occupied by Englishmen resident abroad. With nations, as with individuals, a prompt demand for redress tended to prevent the repetition of outrage; and the employment of a small force at the beginning might obviate the necessity for calling in a great one in the end. It appeared to him that the House would not be warranted in saying that Sir John Bowring had been substan-

tially in the wrong; and it must be remembered that the mere fact that all his acts were not such as hon. Gentlemen would have done themselves, would not justify them in supporting this Motion. The adoption of the Motion would be interpreted by the Chinese as a confession that we had been in error from the outset—that it was our duty to make an abject apology for what we had done, to restore their forts, and reimburse them for their losses. Such an acknowledgment would probably also be followed by a claim for compensation on the part of the Americans. Governor Yeh, the ruthless slayer of 70,000 of his own people, was held up by men who talked loudly of humanity, and obtrusively of their own consciences, as a paragon of Christian governors, the model of Cabinet ministers. That saintly personage was doubtless unaware that his supporters in that House, if they were to change places with the present Ministry, would in all probability adopt the same line of action as their predecessors. He might therefore fancy that, whatever fresh violations of treaty he might commit, he would have advocates in that House who, if he found no excuses for himself, would be able to invent them for him; and that the more audacious his aggressions the stronger would be his defence. The effect of this Motion, therefore, would, he believed, be to convert a small contest into a great one; and that what the hon. Member for the West Riding fancied to be the breath of peace, would but blow the flames of war. In negating the Resolution, he did not commit himself to the ridiculous bugbear with which the hon. Gentleman sought to frighten the House:—viz., the annexation of China. He merely wished to protect our officials under difficult circumstances, unless they were shown to be in the wrong; and that had not been shown in this instance. The propriety of their conduct was, at all events, a matter of doubt here, even among those most opposed to the war, while it was universally approved by the Englishmen, the Americans, and, in short, by the entire foreign community in China. He merely affirmed the principle that, where treaties had been violated and our flag insulted, it was incumbent on us to seek redress; that that redress should be moderate, and, being so, ought to be rigidly enforced. He was in favour of no more compulsion than was requisite to obtain that reasonable end. This was a policy equally applicable

to the weak and to the strong, to barbarous as well as to civilized Powers, and he was wholly at a loss to know how its adoption could be inconsistent with the honour and dignity of England.

SIR FREDERIC THESIGER said, he was sorry that he could not congratulate the House on the appearance of a speedy termination of the debate; and he felt embarrassed that he should have interfered with the wishes of so many hon. Gentlemen to address them. It had not been his intention or wish to take part in the discussion, for he had been too much engaged to prepare himself in the papers before the House, so as to entitle himself to be heard on the question—for he did not consider it respectful to the House for any Member who was only half prepared on the subject before it to occupy the place of others better qualified to instruct them on it. It was not until he had heard the speech of the hon. and learned Gentleman the Attorney General that he felt it almost imperatively his duty to express his sentiments upon the question. That speech of the hon. and learned Gentleman had been characterized by the right hon. Baronet the Home Secretary as clear, lucid, and convincing; and it had certainly had the wonderful effect of convincing the right hon. Gentleman, who had that night endorsed it and adopted every part of it. Now, he (Sir F. Thesiger) regretted to find himself in the position of either, by his silence, acquiescing in the principles enunciated in it, or of expressing the reasons why he differed from them. He felt the full disadvantage of the position in which he was placed after the speech of the hon. and learned Gentleman, who had told them not to allow their feelings to be swayed by party considerations; and, as he, of course thought himself perfectly free from any such motives, that salutary warning could only be meant for those that differed from him. He knew that the House heard with indifference, if not impatience, dry legal arguments. They took it for granted that the lawyers were sure to differ, as a matter of course, and were indifferent as to which side of a question the right lay. The consequence was, that if any bold statement of a legal opinion once got possession of the minds of hon. Gentlemen it was difficult to disturb it, because it was taken for granted that every contradiction of it was a mere matter of course, and must necessarily be wrong. He was old

enough not to feel confidence in the strength of anything he might advance. He was also aware of the bias that swayed the human mind, and therefore would not venture to address the House in a tone of authority. Without assuming a tone of authority on the question, he should endeavour to lay it before the House in so clear and simple a manner that every hon. Member might form his own judgment upon it without reference to the weight of professional authority. The matter itself was not so very difficult of comprehension after all. It turned on a treaty, which was an agreement between parties, and which was expressed in plain and intelligible terms; and on an ordinance which was not less intelligible—although it was from the hand of Sir John Bowring—than the Acts of Parliament which the House was making daily, and which, therefore, hon. Members ought not to have much difficulty in construing. He, therefore, thought that, if the House would favour him with its attention, he would be able to show to them, in the legal view, what was the real question which was submitted for their judgment, and after that he might call on them to weigh with what he might advance the opinions of the hon. and learned Gentleman the Attorney General. The Lord Advocate, who always spoke well, and had made the most able speech which had been delivered in opposition to the Motion before the House, had affirmed that it was his opinion that it was impossible to place the Chinese in the same category with those civilized nations to whom the strict principles of international law could be applied. He (Sir F. Thesiger) presumed that the hon. and learned Lord meant that, from their peculiar customs and habits, and from their restricted commercial intercourse with other nations, those conventional usages which were incorporated into a code for the regulation of affairs between nation and nation were inapplicable to the Chinese. So far, he (Sir F. Thesiger) was disposed to agree with him. But there were other principles of a higher character, anterior to the law of nations which were inherent in our nature, and which should come into action in every dealing, whether between individuals or nations, and whether those nations were civilized, semi-barbarous, or even barbarous—the principles of truth, justice and humanity. It was not in metaphor merely that jurists considered States as moral persons, and so bound by the law of mo-

rality equally with individuals. The hon. and learned Gentleman the Attorney General, however, called on them to discard all these higher considerations, and to descend with him to consider the peculiar language and structure of the documents before the House. However disagreeable it might be to leave the higher ground, where the atmosphere was purer, he should be ready to meet his hon. and learned Friend even in these close lists which he had chosen, and in which he stood ready to receive all comers. He certainly had been rather astonished to learn from the speech of his hon. and learned Friend that during the whole discussion of this question, both there and elsewhere, the ground upon which it had been placed had been, until he put them right, entirely mistaken, and that, instead of resting it upon the basis of the ordinance of 1855, it could only be argued upon the Supplementary Treaty of 1843. It was very surprising that all the able and powerful minds which had been applied to this question should have gone so completely astray; and it was still more remarkable that our Plenipotentiary, whose acute and subtle mind had he lived in the times of the schoolmen would probably have earned for him the title of the second "Irrefragable Doctor), should himself have been so entirely misled as to the true ground on which his case ought to rest. On the 11th of October the Plenipotentiary wrote thus to Consul Parkes:—

"It appears on examination, that the *Arrow* had no right to hoist the British flag; the licence to do so expired on the 27th September, from which period she has not been entitled to protection. You will send back the register to be delivered at the Colonial Office."

But, according to the Attorney General, the expiration of the register did not at all affect the right of the *Arrow* to protection. This was the hon. and learned Gentleman's language on Friday night:—

"When a merchant ship entered the harbour of another country those who were on board of her were obliged to conform to the laws of that country; and if there were among her crew any offenders against the municipal law, it was competent for the authorities of that country at once to enter the vessel and to bring them to justice; and undoubtedly the Chinese authorities might have dealt with the *Arrow* in a similar way if it had not been for the treaty in question."

If he was able to satisfy the House, as he believed he could do, that the treaty had no bearing upon the question, the Chinese would find that they had an unexpected

advocate in his hon. and learned Friend the Attorney General. That hon. and learned Gentleman had occupied a good deal of the time of the House in a dissertation as to what was the meaning of the terms "a British ship," and "an English merchant vessel," and he stated that the latter phrase, used in the Supplementary Treaty, meant a ship built no matter where, manned in any way that accident might bring about, but belonging to a British subject, and that in that sense the expression was used in the treaty. His hon. and learned Friend went on to say—

"The words 'British ship or English merchant vessel,' were plainly used in the Supplementary Treaty, not in the technical sense given to those words in the Imperial statute, but in the general, universal sense of a vessel belonging to a British subject. It must be observed that he expressly used the term 'British subject,' and not 'British-born subject,' which were the words of the Merchant Shipping Act; and by British subject he meant a person resident in some part of the British territory and living under British rule. In that sense only was the term 'English merchant-ship' in the Supplementary Treaty to be interpreted."

He (Sir F. Thesiger) had examined the treaty, and especially the 17th Article, in order to see what was the context of the term "English merchant vessel," and he had been astonished to find that from the beginning to the end of that treaty the words "English merchant vessel" did not occur. The only terms at all similar used in the article were in its title, where "British small craft" were mentioned, then the terms "vessels belonging to the English nation," and again the words "British schooners, cutters, lorchas, &c." The hon. and learned Member for Plymouth (Mr. Collier) had endeavoured to import a new term, "British built," into the Supplementary Treaty for the purpose of his argument; but no such words as "British built" occurred in that treaty; and it was a strong argument in favour of what he (Sir F. Thesiger) and those who took the same view of the case advanced, to find that it was impossible for their opponents to controvert them without introducing into the debate terms for which there was no justification. He asked the House to consider the fair effect of the treaty. It was dated in 1843, twelve years before the new-fangled colonial registers, under the ordinance of 1855, came into operation. They were dealing with a treaty with the Chinese, and the term "British ship," and "British lorcha" had a plain meaning, easily understood by the

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contracting parties. Now what did it mean. It meant a vessel which was owned by a natural-born subject, or by a person who had been naturalized or had obtained letters of denization; and unless a vessel answered these conditions she was not a British vessel within the understanding of the parties to the treaty. It was too absurd and unreasonable to suppose that some twelve years ago the Chinese would have entered into a treaty anticipating that a new description of registration would be established which would enable their countrymen to appear under a disguise as British subjects. It was quite clear, therefore, that the treaty referred to British ships in the strict sense of the term, and they were to have a particular sailing letter or register, differing altogether from that prescribed by the ordinance of 1855. Now, what was the intention of this Supplementary Treaty? Before its conclusion the smaller vessels had not been liable to the payment of duties even when they carried dutiable articles, and the object of the treaty evidently was to render them liable to those duties. The 17th Article of the treaty declared—

"Various small vessels belonging to the English nation, called schooners, cutters, lorchas, &c., have not hitherto been chargeable with tonnage dues. It is now agreed, in relation to this class of vessels, which ply between Hong Kong and the city, and the city and Macao, that if they only carry passengers, letters, and baggage they shall, as heretofore, pay no tonnage dues; but if these small craft carry any dutiable articles, no matter how small the quantity may be, they ought in principle to pay their full tonnage dues."

The Article then described the mode in which the tonnage was to be ascertained, and laid down the following rules—

"1. Every British schooner, cutter, lorcha, &c., shall have a sailing letter or register in Chinese and English, under the seal and signature of the Chief Superintendent of Trade, describing her appearance, burden, &c. 2. Every schooner, lorcha, and such vessel, shall report herself, as large vessels are required to do, at the Bocca Tigris; and when she carries cargo she shall also report herself at Whampoa, and shall on reaching Canton deliver up her sailing letter or register to the British Consul, who will obtain permission from the Hoppo for her to discharge her cargo, which she is not to do without such permission, under the forfeiture of the penalties laid down in the 3rd clause of the General Regulations of Trade."

There was a clear meaning of this Article of the treaty. It applied to a totally different subject to that which the ordinance was applicable, and to a different purpose, and was altogether a matter distinct and

independent. It would have been impossible for the Superintendent of Trade, or any of the authorities, under those articles, to give a vessel owned by a Chinese a sailing letter or register which would confer upon such vessel the character of a British vessel without a violation of the treaty. He (Sir F. Thesiger) thought the matter was so perfectly clear that hon. Gentlemen must be satisfied that the proposition of the Attorney General ought to have been reversed. Instead of relying upon the treaty and not upon the ordinance as a justification of our proceedings, he (Sir F. Thesiger) contended, on the other hand, that they must rely upon the ordinance and not upon the treaty, which was wholly inapplicable to the subject. Now, with regard to the ordinance, it was considered desirable that some check should be put upon the practice of smuggling, which was very extensively carried on, and in March, 1855, the following ordinance was passed, in which a distinction was sedulously preserved between British vessels and those of another description :—

“ From and after the passing of this ordinance no ship or vessel whatsoever, owned by a British subject, shall be at liberty to trade in any of the harbours of this colony, unless, in the case of an outward trading ship or vessel, she be provided with a certificate of registry in conformity with the Imperial Acts of Parliament on that behalf; and in the case of a China trading ship or vessel she has in all respects complied with the requirements of this ordinance.”

A new system of registration was then introduced for the first time, and it was provided that Chinese residents within the colony should be entitled to apply for and obtain colonial registers if they held registered leases of Crown lands in the colony. He asked the House to observe the distinction preserved by the ordinance between vessels owned by British subjects and vessels of another description, which were the objects of this peculiar colonial register. There might be great doubt whether that ordinance was legal, and whether it had not the effect of repealing the Merchant Shipping Act, so far as that Act dealt with the ownership of vessels and the consequent registration. The 547th section of the Merchant Shipping Act of 1854 first gave power to the colonial legislatures to repeal any of the provisions of the Merchant Shipping Acts, and colonial ordinances repealing the provisions of those Acts did not become law until they were sanctioned by Her Majesty in Council, and such approval was proclaimed, or until the

lapse of a specified time after they had received Her Majesty's sanction. Now, this ordinance had certainly not been sanctioned in any way when the proceedings with regard to the *Arrow* took place. It was in November, 1855, that the Secretary of State for the Home Department gave a somewhat sullen consent that the ordinance might be permitted to come into operation; and, therefore, undoubtedly, when these proceedings took place, there was a very questionable legality in the authority on which Sir John Bowring founded them. The House would observe the difference that existed between the treaty registration and the ordinance registration. The registration under the treaty could only be of British ships; the colonial registrations under the ordinance might be of Chinese residents who were also Crown lessees. The registration under the treaty was not temporary, but permanent; for the House would observe that the register was to be delivered to the proper officer at the Custom House when the vessel arrived in port, and given back again when it cleared out, so that it was a permanent registration; but the registration under the ordinance was only annual, and was forfeitable under certain conditions. It therefore appeared clear that the registration under the ordinance was something totally different from that under the treaty, and that the House had to consider this question on the footing of the ordinance alone. Now, what was the fair legal effect of that ordinance? Undoubtedly—supposing that it was not opposed to any Imperial law—that ordinance might confer rights as against ourselves. A register under that ordinance might perhaps be entitled to respect from foreign nations; but he apprehended that it could confer no right whatever on Chinese subjects as against the Chinese Government. That was the opinion of Lord Lyndhurst, who expressed himself very clearly and strongly on the subject. He said,—

“ Allow me to lay down a principle which no one can successfully contest. You may give rights as against yourselves. You may pass a law for that purpose, but you cannot give any rights to the subject of a foreign country by any of your laws as against the country of which he is a subject.”

Oh! but, said the Attorney General, the noble and learned Lord, for whom he professed the utmost reverence and respect, was entirely in error, and it was a most remarkable thing that he was utterly igno-

rant of an authority on the subject which was completely decisive against his views. Lord Lyndhurst ignorant of the law !

THE ATTORNEY GENERAL: I said no such thing—I said no such thing. I said that though Lord Lyndhurst's proposition was true, another proposition might be true also, and that Lord Lyndhurst seemed not to be aware of a certain authority ; but I never said he was ignorant of the law ; but the hon. and learned Gentleman does not seem to understand the difference.

SIR FREDERIC THESIGER had only to say that he had seen what appeared to him to be an accurate report of the Attorney General's speech, and he certainly found these words :—"It is remarkable that the noble and learned Lord who insisted on this topic in another place was not aware of this authority." Now, he thought that if any one in that House versed in the law had ventured to address Lord Lyndhurst and tell him he was ignorant of any authority on a particular case before him, he might answer as Serjeant Maynard was said to have done on a similar occasion, "I have forgotten more law than you ever knew." The case to which the Attorney General referred was one which was familiar to everybody connected with the law, and was not likely to be overlooked by so great an authority and so learned a person as Lord Lyndhurst. But he must say, that when the Attorney General contended that the authority to which he referred was a complete answer to Lord Lyndhurst's reasoning, and, moreover, that it was a complete authority to show that the Superintendent of Trade at Hong Kong had a right to give to a Chinese subject a register that would entitle him as against Chinese authority to become a British subject, he would not venture to say that he was ignorant of the case, but that a more complete misrepresentation of a case he had never heard. What was that case ? A person who was a natural-born subject of England removed to the United States with his family with the intention of settling there, was domiciled, and became a naturalized subject of the United States. Under a treaty with America, confirmed by Act of Parliament, citizens of the United States were allowed to trade with the East Indies in a particular article, which at that time no subject of England could do. The person alluded to had been for a considerable time engaged in the ship-

ping trade. He was the owner of several vessels, and the master of one of them; and the question was, whether he, as a domiciled, naturalized subject of the United States, was not within the terms of the treaty and the Act of Parliament—whether he was not sufficiently clothed with the character of a citizen of the United States to entitle him to have the benefit of that particular treaty. There were great authorities, as the hon. and learned Gentleman told them the other night, who thought he was not entitled to the benefit of the treaty, and the Act of Parliament—such as Lords Stowell, Eldon, and Redesdale; and in a case very similar, relating to a Swedish subject, Lord Hardwicke was of the same opinion. But certainly the hon. and learned Gentleman did not express himself with his usual accuracy when he enlisted all these great names in support of his views on this question. He (Sir F. Thesiger) had looked into the record, and he thought the hon. and learned Gentleman was mistaken when he so expressed himself. He could not conceive how it was possible, on such an authority, to establish that a Chinese resident, not domiciled at all, and having no rights whatever as a British subject, could, under this annual register, be clothed with the character of a British subject, and be entitled to all the privileges which were claimed for him in virtue of the colonial ordinance. The Attorney General was a lawyer of unquestionable eminence and experience, and he could not presume he was ignorant of this authority, for he had himself referred to it; but certainly it appeared to him that he had entirely misunderstood it when he put it forward as an authority that was decisive on his side of the question, the hon. and learned Gentleman seemed rather to have relied upon a practice sometimes adopted in that House—to make a bold assertion of law, and trust to its being taken without question. The hon. and learned Gentleman also chose to advert to another point on which he had the misfortune to be at issue with him, and he found it necessary to correct the information he had conveyed to the House. He said, that the respect which was due to the British flag and the British papers known to be possessed by the owners of this vessel, ought to have entitled it to protection without the Chinese entering into an examination of these matters, and he quoted as an authority an isolated passage in a judgment delivered in

the Admiralty Court, amounting to something like an abstract proposition. He culled this passage carefully from the particulars of the case, and put it boldly before the House as an authority in his favour. It was from Lord Stowell, and was as follows:—

“It is a known and established rule with respect to a vessel, that if she is navigating under the pass of a foreign country, she is considered as bearing the national character of that nation under whose pass she sails; she makes a part of its navigation, and is in every respect liable to be considered as a vessel of that country.”

That, no doubt, was at first sight startling. Everybody who heard such a proposition from such an authority, and passing through such a channel, was naturally enough apt to be led away by it. Let him tell the House what the case of the *Vigilantia*, paraded with so much pomp by the Attorney General, really was. The *Vigilantia* was a vessel sailing under Prussian colours. She belonged to a native of Holland. At that time we were at war with the Dutch, but Prussia was a neutral State. An endeavour had been made to give the *Vigilantia* a Prussian character by granting her, in some form or other, a certificate from the magistrates of Emden, that the assumed owner of the vessel was a native of that city. The result was, that she sailed under Prussian colours and carried Prussian papers. But, when Lord Stowell laid down the proposition which had been read to the House, he did so with a number of qualifications which, of course, were wholly omitted by the Attorney General; and though he admitted that *prima facie*, a vessel sailing under the colours of a particular State must be assumed to belong to that State; yet, the papers of the *Vigilantia* having been overhauled and found to be fraudulent, the vessel, which was protected by the general propositions which the Attorney General had put before the House, was condemned as a prize. He must say, therefore, that the House had not been treated fairly. They had to consider a case which all agreed to be a difficult one. They heard of contradictory opinions expressed elsewhere. They were anxious for some light to be thrown upon the question. The *dignus vindice nodus* had arrived. The hon. and learned Attorney General had descended among them to enlighten their ignorance and to dissipate their doubts; and, after exhibiting to their astonished eyes a few feats

of intellectual legerdemain, had disappeared in a cloud of authorities. He had endeavoured to track the hon. and learned Gentleman's course in the dark, and to turn the light of his feeble understanding upon it; and he asked the House whether they were now as prepared to receive without hesitation the propositions of law which were maintained the other night by the Attorney General as they were at the time they were delivered?

What, then, was the position of the question before them? He conceded that it must turn entirely upon the right of the lorcha *Arrow* to be regarded as a British vessel, and that entirely upon the footing of the ordinance. Now, let them suppose, for the sake of argument, that everything must be in favour of the view which was taken on the other side—that the ordinance was a legal ordinance, and that the register conferred upon the Chinese resident the right during its existence to have the temporary character of a British subject. But the register had expired at the time of the boarding of the *Arrow*, and whatever rights had been enjoyed under the ordinance were lost in consequence of the certificate not being renewed. The Lord Advocate, in adverting to the letter in which Sir John Bowring said, “it appears, on examination, that the *Arrow* had no right to hoist the British flag; the licence to do so expired on the 27th of September, from which period she has not been entitled to protection,” asserted that he saw no duplicity, secrecy, or unfair dealing in that document. Nor did he. The letter was a very innocent one. So with respect to the letter in which Sir John Bowring said, “The lorcha *Arrow* lawfully bore the British flag under a register granted by me.” He saw no duplicity there, because Sir John Bowring might have believed that the *Arrow* lawfully bore the British flag. But when he put the two letters together—when he found Sir John Bowring writing on the 11th of October that the *Arrow* had no right to hoist the British flag, and on the 14th of November that she lawfully bore the British flag—he recognized not only double-dealing, but what appeared to him to be a direct falsehood. Sir John Bowring then knew that at the time when the *Arrow* was boarded by the Chinese authorities she had lost her right, whatever it might have been under the register which had been granted to her at Hong Kong. He knew perfectly well that although at that time the secret was

locked in his own breast, unknown to the Chinese authorities, the period would arrive when all must be known to the world, and when it must be patent that he was acting upon a false ground, in spite of information which he possessed, but which he withheld from the Chinese. What ought he in such circumstances to have done? He ought, surely, to have been most careful, if he was determined upon retaliating, in the steps which he took to effect that object. Here, to his mind, was the most painful part of the case. He could not help thinking that there had been a feeling rankling in the mind of Sir John Bowring, which appeared to have been waiting for an opportunity to develope itself. It was recorded in what they might call the *Book of Insults*, that there had been gradually gathering in the minds of the British authorities in China a growing feeling against the Chinese. There could be no doubt, also, that Sir John Bowring was exceedingly anxious, to say the least, to obtain admission into Canton under the treaty of 1842. Now, he could not help thinking that advantage was taken of the first opportunity to give expression to these feelings, and, as frequently happened on such occasions, the very worst opportunity was selected. Sir John Bowring chose to assume that there was a deliberate insult to the British flag by the Chinese. But Commissioner Yeh had never, from the beginning to the end, asserted anything which could induce Sir John Bowring to come to that conclusion; on the contrary, he had always written humbly and submissively, but always insisting that the *Arrow* was not a British but a Chinese vessel; and why Sir John Bowring should assume that the Imperial Commissioner's impression was only a simulated one, and not a true one, why he should assume on the part of the Chinese a deliberate intention to insult the British flag, unless for the reasons already assigned, it was impossible to imagine. However, granting the insult, what ought to have been done? Why, as the hon. and learned Member for Tavistock, (Mr. R. Phillimore) had pointed out, the Queen's advocate advised the Government what was all that would be requisite upon the occasion—namely, the seizure of an Imperial junk. That was considered to be the sort of reprisal which would satisfy the demands of the case. Flag for flag, junk for junk,—such was the law laid down the other night by the right hon. Baronet the Member for

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Carlisle. But the seizure of a junk had already taken place. An insult had been offered to the British flag, and it was resolved to resent it by offering a similar insult to the Chinese flag. Accordingly, Commodore Elliot seized what was supposed to be an Imperial junk, but, according to the bitter complainings of Yeh, it turned out to be a trading vessel. Yet the intention of the British authorities was to seize an Imperial junk; and if, as was argued by those on the other side, the acts of the parties were to be judged by intention, no more ample retaliation could have been desired for the insult offered to the British flag. The matter might safely have been left there, or, at all events, further proceedings should have been suspended until the receipt of instructions from home. There could be no doubt that the authorities in China believed that the insult to the British flag had been completely redressed, and that the idea of taking advantage of the opportunity to compel admission into Canton by force of arms was an afterthought. He must say, therefore, that the Government had no right to claim anything for their humanity and forbearance. They began, undoubtedly, by attacking the distant forts; they proceeded to batter the walls; they directed their artillery against the house of the Chief Commissioner, surrounded by many dwellings; and imagine the slow torture of firing guns every five minutes—conceive the agony of dread and suspense in the interval? Why, a hot fire continued would hardly have been more fearful than the anxiety which filled every mind during the dreadful interval. He was old enough, unfortunately, to remember the bombardment of Copenhagen. A mighty armament left these shores which it was quite impossible for the Danes to resist; but they made a feeble show of opposition, and for three or four days they endured the bombardment of their town. He (Sir F. Thesiger) was a witness of the dreadful conflagration. The loss of life was immense. In the midst of all those horrors there came forth a voice, as it were, from the flames, which, after depicting the carnage that must have happened and the appearance presented by the heaps of slain, and after describing the striking down of a woman with a child in her arms by the explosion of a shell, burst out into this pathetic apostrophe, "Oh, Britain, Queen of Nations, mother of such manly sons, can this unjust and cruel work be thine?" Similar to

that was the sound which in this case would go out into all lands, and wherever it went it would carry sympathy with it. He feared that the humanity and generosity and love of truth on which we had prided ourselves would receive a deadly shock from this transaction. The noble Lord the Member for London stated that he found in the despatches no single expression of sorrow or regret on the part of the Government for all the blood that had been shed, and the learned Lord Advocate said that he thought there was no occasion for such an expression. He (Sir F. Thesiger) deeply regretted that some such passage was not to be found in the despatches; but he was much astonished and pained that men of worth, gentlemen of education, noblemen, ministers of the Gospel, and dignitaries of the Church, should be found, some to raise their voices, many to give their votes, in approbation of the proceedings at Canton. He could not trust himself with utterance of the feelings of sorrow and shame and indignation which had burned within him upon perusing the papers which were before them, and which would remain a lasting monument of the bad faith and cruelty of Britain; but he never could have enjoyed one moment's peace if he had not seized eagerly and anxiously the opportunity which had been afforded him by the Resolution of the hon. Member for the West Riding of pronouncing his hearty approbation of that Resolution, and of expressing thereby his horror of those proceedings.

SIR WILLIAM F. WILLIAMS said, he should have given a silent vote on this occasion, but that he had a duty to perform to his country and himself—to his country, because he was going to offer explanations which he was sure would be received with pleasure by both sides of the House—to himself, because he must inform them that for twenty-six years he had served his country in the East, in those portions which lay between the Bosphorus and the waters of China. Previously to the first war he was in those waters, and he saw the Chinese in the colonies of Singapore, Malacca, Penang, and elsewhere, pursuing their commerce and enriching themselves under our laws. He saw them treated with every possible kindness, and treated in every respect as British subjects; but during the whole of that time those insults and injuries were being offered to Englishmen by the Chinese which led to the first war, and to the stipulations in the treaty which ter-

minated it, which conveyed to us very great power in China with respect to our consuls and the shipping on the coast. Lord Lyndhurst had stated in another place that when we were talking of treaty transactions with Eastern nations we had a kind of loose law and loose morality with regard to them. He (Sir William F. Williams) took that statement to imply that in those treaties we had stipulated for an unjust amount of concession, and that we had thus placed them in an inferior position to ourselves. He wished to explain to the House, however, that those nations had brought themselves into that position by separating themselves from the family of mankind, by treating their own subjects of the non-dominant religion with the greatest injustice, and strangers who frequented their country with horrible cruelty. The hon. Member for the West Riding commenced his address the other evening by alluding to those treaties, and he said that they had nothing in common to do with the treaties which we had made with Turkey and Persia. He (Sir William F. Williams) contended that they were in principle identical, and that they had resulted from the same circumstances which had led to the last treaty with China. He had been in Turkey for sixteen years, and he saw so much tyranny and oppression exercised, not only towards the Christian subjects of the Porte, but towards strangers, that he was persuaded it would have been quite impossible for English people to live there if those treaties had not existed which we had made for the protection of our subjects. Precisely the same remarks applied to Persia. He had been in that country also, and he defied any Englishman to remain in it a day unless he was protected by similar treaties. Instead, therefore, of talking about meting out injustice to the weak and truckling to the strong, we should remember the bearing of these Eastern nations towards ourselves, and we should find that the superiority which we had found it necessary to assume over them entirely resulted from their separating themselves from the great family of mankind. The hon. Member for the West Riding had been kind enough to pay a high compliment to the officers of the army and navy, and he could assure him that those praises were received with great pleasure, but he hoped that when the Estimates came to be discussed he would not prove to be one of those who thought that curtailing our establishments in time of

peace increased their efficiency when the time of war arrived. The hon. Gentleman had also complained of the documents which had been laid before Parliament being garbled; but in making that complaint he had, in reference to one document, stated that it ought to have been omitted altogether, thereby displaying his real principles upon the subject. The hon. Member had also stated that British merchants had lost a large portion of their commerce in the East through their arrogance and insolence, but his (Sir William F. Williams') experience suggested quite a different explanation. Where they had lost any part of their commerce it was because they were not able to live in the same simple and economical manner as the native merchants, or as those with whom they were brought into competition. With regard, however, to the real point at issue, he felt bound to vote against the Resolution, because he felt certain that the outrage offered to the British flag was a premeditated insult, and ought therefore to be resented, and that any vote of that House in censure of the proceedings which had taken place might lead to most dangerous consequences throughout the East.

MR. SIDNEY HERBERT: At this hour of the night, and after so lengthened a debate, I certainly shall honestly endeavour to say what I have to say in words as concise as I can possibly make them, and I shall refer as little as possible to those papers which I think we now know almost by heart. I rose, Sir, in the hope of catching your eye when the right hon. Secretary for the Home Department sat down, for he gave me a challenge which I was anxious to accept—a challenge to discuss this question on broad grounds—and that challenge I now accept with pleasure. I should like us to dismiss from our minds all the legal technicalities which no doubt were necessary to be laid before us, and which have been so admirably stated, relating to the rights of the particular lorcha *Arrow* to bear the British flag. I will upon that point state my belief in one sentence, which I am afraid must be a long one, and say with whom I agree and upon what points. In the first place, I agree with Sir John Bowring that the *Arrow* was not a British lorcha; I agree with Kennedy, the stripling from Belfast, in his statement that he knew that he was only the nominal master, and that he believed that the ship was owned by a Chinaman. I agree with Mr. Booth, of the Board of

Sir W. F. Williams

Trade, who says that the ordinance under which these licences are issued is illegal. I agree with Mr. Bridges, who was the acting Attorney General for Hong Kong, who says that the British subjects to whom these licences were issued were not British subjects at all. And, lastly, I agree with Mr. Parkes, that if the *Arrow* had been legally a British vessel, the reparation was far more than the occasion required. I also agree with the Lord Advocate that the argument on these matters of the right hon. Secretary for the Colonies, and of his absent Friend in another place, the Lord Chancellor, are perfectly immaterial.

Sir, I will not revert to the question of the *Arrow*, but this I must say, upon the colonial ordinance in general, that when I see it stated what are the objects for which these licences are issued, I think the whole system requires the careful supervision of Her Majesty's Government, because when I see it avowed that the state of Hong Kong depends upon the prosperity of its coasting trade, and at the same time I see that the Colonial Treasurer tells us that the coasting trade depends upon the import of Indian goods, such as opium, &c., and when I recollect that we are bound by treaty to use all our authority, it does appear to me that the less we talk about the faith of treaties the better; and when I hear of an insult to the English flag, I think it is time to look well into an ordinance under which the British flag is prostituted for wrongful purposes.

Now, Sir, there is a subject which has been alluded to—and I wish to clear away all this ground at once—I mean the discrepancy between the two letters written upon the subject of this lorcha by Sir John Bowring. The right hon. Secretary for the Home Department has this evening thrown the shield of his protection over Sir John Bowring, but he took no notice of that circumstance. I believe that his truthful nature revolted from it; but I will only say that I wish it could have been explained. It has not been explained, and I think that it is a bad business for us as Englishmen, and the less that is said about it the better.

Now, Sir, I come to the much more important question of the right of entry into Canton, about which the right hon. Secretary for the Home Department has made some assertions with which I wish to deal. The hon. Member for Hastings (Mr. Robertson) read to the House several statements showing us what the character of

the Chinese nation is. The right hon. Gentleman the Secretary of State for the Home Department adopted the same tone. He read an extract from a letter written by an American gentleman, Mr. Cook. I do not know whether it was for the purpose of endorsing the opinions contained in it, or whether it was for the purpose of getting a cheer at the expense of the hon. Gentleman the Member for the West Riding. If it was done with the first object, I must say it was not well calculated to insure success, because, as it happens, the hon. Member for the West Riding had said on that subject quite as much as Mr. Cook himself. ["Oh!"] Well, I am anxious to satisfy the minds of hon. Gentlemen who cry "oh!" so I will read an extract from the newspaper records of the hon. Gentleman's speech:—

"In justice to the writer I must say—and without the proviso he would, I am sure, feel that I had been guilty of a breach of faith—that he is as completely an anti-Chinese as anybody I ever met. He wishes every success to every one who will go and attack the Chinese to make them more American and more European in their notions, and he would not be supposed to say a word to save them from any horrors that you may inflict upon them."

Now, if my hon. Friend had omitted to make that statement, I think he would have empowered me to offer his thanks to the right hon. Baronet (Sir G. Grey), who strengthens his case by showing that this witness, Mr. Cook, was a hostile and an unwilling witness, who could not, however, suppress the truth as to the iniquitous transactions now sought to be impugned. Before I go further let us have a clear understanding as to the character of the Chinese people. During this discussion, if anybody has shown any squeamishness with regard to the bombardment of a populous city and the shedding of innocent blood in China, he is called an "anglo" mandarin, and then hon. Gentlemen get up instances of insult and torture which occur among this semi-barbarous people, and we are asked what we think of them. Now, having read the current works descriptive of the Chinese, and accessible to all of us, I will venture to express in a sentence my opinion of this nation. I believe them to be a most precocious and extraordinary people, and to possess an extraordinary degree of refinement—I do not call it civilization, because I do not believe that civilization, in the higher sense of the word, is possible without Christianity. But with this refinement

is found great cruelty, selfishness, and the most degrading vices. But then you tell me—and it is the popular argument adopted by the Home Secretary—that these Cantonese are a set of blackguards. Well, that is a very simple way of settling the question. But, surely, it is not logical to say that every town with a blackguard population may be justly subjected to a bombardment. I suppose most Gentlemen present have visited some of our seaport towns. The city of London has four Members in this House, and it is, therefore, rather dangerous to talk about the character of the waterside population here; but there are certainly not wanting disparaging reports as to the character of the "long-shore men" living by the river side. And did you ever know any seaport town which has not got a rascally population living upon its outskirts? Remember, too, when you are using this language, that this is the very class of people whom you want by means of your ordinance to convert into British subjects. What were the twelve men in the lorchas? Chinese, picked up from the very refuse and scum of the population along the Canton river, whom you put into this vessel with a register with no limit to it—a vessel, therefore, which might go into any port in the world, which might have come over to Hamburgh, to Constantinople, or to Marseilles, and the crew might have got into a row at any of these places, and have gone with their Chinese faces and Chinese costumes up to the British Consul, when each one of them might have exclaimed to that astonished functionary, *Civis Romanus sum*. Now, I go back to these operations at Canton. It seems to have occurred to Mr. Parkes that the retribution exacted for the *Arrow* was far beyond what the case required, and Sir John Bowring appears to have cast about for some pretext to justify *ex post facto* the satisfaction he had demanded from the Chinese. I will not quote a despatch on the subject, but we all know for how long a time Sir John Bowring had been carrying on a species of controversy with the Foreign Office on the subject of access to Canton. Perhaps the House will allow me—it is rather curious—to show them what it was that induced Sir John Bowring to say that the moment had arrived, the auspicious moment, for reopening the question. In 1854 I find this sentence in a letter of Sir John Bowring to the Earl of Clarendon. At that time we were engaged in war with Russia, and he says—

"My reception within the city is a question which must for the present be made subordinate to more important matters. I did not think right to demand such a reception, as the enforcement would have required more time than I could now give to the matter; and"—now, mark this—"I could not safely have carried on the controversy in the absence of the fleet."

Is not this an indication of what Sir John Bowring anticipated when he began the controversy? He writes again in July, 1855, and says—

"It would be idle for me to use any language of displeasure or of menace, altogether helpless as I am in the absence of the fleet. I am informed by the hon. Captain K. Stewart, of Her Majesty's frigate *Nankin*, that his peremptory instructions are to proceed to the north, and to join the Admiral there."

And, from a subsequent communication, it seems that Captain Stewart does proceed to the north. Now, you see from this what was the meaning of an "auspicious" moment. Peace was declared here, I think, at the end of the month of March. It must have been known to Sir John Bowring in the beginning of July: and let me just show how he stands in 1856 with regard to that great assistance to peaceful controversy—the fleet. In 1856 he had the largest fleet in the Canton river which had been there for years. The Admiral and the Commodore were both together. He had got the *Calcutta*, line-of-battle ship; the *Nankin*, a 50-gun frigate; the *Winchester*, of 50 guns; the *Sybil*, of 44 guns; the *Encounter*, of 14 guns (screw); the *Hornet* (screw); the *Coromandel* (screw); the *Niger* (screw); the *Samson*, 6 guns (paddle); the *Barracouta*, 6 guns (paddle); and the *Bittern*, of 12 guns (sailing sloop). Having got this great assistance, it occurred to Sir John Bowring, to use his own expression, "that the circumstances are auspicious for requiring the fulfilment of treaty obligations as regards the city of Canton." Recollect that we had originally acquired this right of access by treaty, and that we had not only never made use of that right, but had consented not to abandon, but to waive it. We waived it for two years. At the end of that time we did not re-assert it—that is, if we re-asserted it in words we took no steps to alter the *status quo*. During the whole of this period every successive Secretary of State was showing his wisdom by writing the most peremptory instructions, so as apparently to restrain the exuberant activity of the Governor of Hong Kong.

Mr. Sidney Herbert

The noble Lord the Member for Tiverton (Viscount Palmerston) wrote two or three letters in great detail, filled with wisdom, and cautious against risking immense interests, and paying a great price for something almost worthless. Then came Earl Granville; then the Earl of Malmesbury; then the Duke of Newcastle, who sent Earl Grey's despatch; and next the Earl of Clarendon; each of them writing more strongly than the others, and each urging this man to give up his project, which he seemed to dream of as the one thing by which the British power in the East was to be consolidated. It appears from the papers that the Chinese Government attached so much importance to our not having access to Canton, that when the negotiations terminated, which led to the right being waived for two years, they gave honours and decorations to the Commissioners who had brought the matter to that successful issue. Clearly, then, this was not a question on which Commissioner Yeh could deal without instructions from Peking. What time then ought to have been given to the Chinese Government for consideration before commencing hostilities? Surely we ought not to have attempted to resume our rights without giving, say, a month's notice. But what notice was really given him? The subject was mooted on the 24th of October. A letter was sent from the Admiral to Yeh on the 30th. The Commissioner answers in effect to that:—"You are quite wrong; your Government has waived this claim;" and he makes a diplomatic answer to what was to him a disagreeable proposal. Admiral Seymour writes again on the 1st of November, and, no answer being given, Mr. Parkes writes on the 3rd that the demand is to be pressed irrespective of antecedents, and that if it is not granted "We are going to resume hostilities." When? Why, "this morning." That was the way the Chinese were treated! The right hon. Gentleman the Home Secretary (Sir George Grey), referring to the speech of my right hon. Friend (Sir James Graham), says that throughout these transactions Sir John Bowring had the cordial approval of Admiral Seymour, and that the statement that the Admiral acted ministerially, and merely as the instrument of Sir John Bowring, is untenable. He says we have endeavoured maliciously to defend the one at the expense of the other. In reply to this, I think I may rather say that the Government have

endeavoured to shelter Sir John Bowring at the expense of Admiral Seymour, and that they attempt studiously to implicate the latter in the guilt attaching to those transactions. My right hon. Friend (Sir George Grey) even went so far as to contradict the right hon. Baronet near me (Sir James Graham) in his assertion that Mr. Parkes had drawn out a sketch of operations. Now, surely, a denial of that sort is inconsistent with such phrases occurring in Consul Parkes's letter, as "I advise," "I submit," and so on. At all events, I venture to say that this passage is entirely Mr. Parkes's:—"I think the residence of his Excellency, which is not far from the water-side, should also in that case feel the effects of the bombardment." Now, I never in my life set eyes on Mr. Consul Parkes or Sir Michael Seymour; I have no friendship with either of those gentlemen; and I have nothing to induce me, other than what my sense of duty may dictate, to show the slightest favour towards the one or the other; but I will undertake to say, from my knowledge of the British navy, that that was not an original idea of Sir Michael Seymour. I was reading the other day the biography of Sir Charles Napier, written by his brother, the worthy historian of one of the noblest soldiers we ever had, and I met with this passage, which is an extract from Sir Charles's journal, and which in such matters will show the House the true feelings of a military man as compared with those of the civilian. It is under the date of Portugal, 26th of June, 1810, and is as follows:—

"Marshal Ney is supposed to have passed the Ford where my brother's picket was, and the men fired at him without George's orders, wounding one person of his suite. Had Ney been hit it would not have been creditable. It is not right to fire at people without necessity, like Indian savages."

There is the true spirit of the veteran English officer, contrasted with the vindictive feelings of the civilian. But in all this blue-book, which my right hon. Friend (Sir G. Grey) hunted through, all that I have found in corroboration of his view—though I have sought for it as if it were a needle in a bottle of hay—is that these operations had the general concurrence of the Admiral. Of course they had, or he (the Admiral) would not have had anything to do with the matter. The question was whether he was to act at all. Let me point out to the House a passage from a despatch showing how this general con-

currence was obtained. This is rather an important matter; and I am anxious that the House should attend to it, as it bears on the defence of Sir Michael Seymour. It was necessary before this change of treaties was carried into effect that it should have the consent of Sir Michael Seymour. The Admiral may perhaps have asked Sir John Bowring, when Sir John called upon him, to interfere, if he was sure he was acting on the sense of his instructions from home. What does Sir John Bowring say?—

"Hong Kong, Nov. 4, 1856.

"Sir,—I have to acknowledge your Excellency's despatch of yesterday, announcing the resumption of offensive operations. I think under present circumstances it is desirable to convey to your Excellency a copy of a communication draughted at the Foreign Office, and sent by Sir George Bonham under Lord Palmerston's instructions to the Imperial Commissioner on the 21st of August, 1849. In a communication, dated the 6th of July, made to the India and China Association by order of Lord Palmerston it is stated, 'Her Majesty's Government have no intention to renounce the right of entering the city of Canton.'

"I have, &c., JOHN BOWRING."

I had some difficulty in finding the documents referred to in that letter, but I at length discovered them in the appendix. There I find the draught of a note written by my noble Friend (Viscount Palmerston) with all that easy aptitude with which he adapts himself to varying circumstances. It is the draught of a letter to be addressed by Mr. Bonham to the Chinese Commissioner, and it is remarkable for the facility with which my noble Friend expressed himself in the Chinese style of phraseology. That letter to the Chinese Commissioner, which is rather a minacious document, begins by stating, that

"The British Government has learnt with surprise and displeasure that the Government of China has declined to fulfil the engagements of the treaties by which British subjects were to be admitted to free access to the city of Canton."

After reciting the terms of the Treaty of Nankin of the 29th August, 1842, the Supplementary Treaty of the 8th October, 1843, the treaty signed at Bocca Tigris in April, 1846, and the Articles agreed on at Canton on the 6th April, 1847, the note goes on to say—

"These engagements, thus solemnly recorded, the Chinese Government has now declined to fulfil. But the faithful performance of treaty engagements by Sovereigns is the security for peace between nations. The Queen of England has fulfilled her treaty engagement to the Emperor of China. The Emperor of China has not fulfilled his treaty engagement to the Queen of England.

Why has the Emperor broken his word? Is it because he is unwilling to keep his engagement, or because he is unable to do so? If he is unwilling to keep his engagement, how can the British Government trust to the Emperor's word; and how can there be lasting peace between the two Governments? If the Emperor is unable to keep his promise, because his word and his orders are not respected by his subjects, how can he expect that foreign Governments should show him more respect than his own subjects are willing to show; and will not foreign Governments be obliged to inflict on the Chinese people, in order to repress their violence, those punishments which the Emperor is too weak to be able to award? But is this the way to secure tranquillity to the Chinese people? Let the Chinese Government well consider these things, and, whatever may happen in future between the two countries that may be disagreeable to China, let the Chinese Government remember that the fault thereof will lie upon them. Let the High Commissioner send this communication to the Imperial Government at Peking."

This was put into the hands of Sir Michael Seymour, and it would have been only fair for Sir John Bowring to give the Admiral the despatch of Lord Palmerston to Mr. Bonham by which it was accompanied. But here is the letter written to the then English Plenipotentiary, Mr. Bonham. The noble Lord (Viscount Palmerston) in that note, which is full of wisdom and judgment, writes:—

"I have now to state to you that, although it would, no doubt, simplify matters if Her Majesty's Government were to renounce entirely and for ever the right accorded by treaty to British subjects to enter Canton; and although it would possibly, on the other hand, place our future relations with China upon a more certain and satisfactory footing if we were by force of arms to compel the Chinese Government to fulfil this engagement, which there can be little doubt that they could do if they chose; yet, all things considered, Her Majesty's Government are not disposed to take either of these courses. A renunciation of the treaty right would be inexpedient, because, though the exercise of the right may not for the present be attainable without efforts which would be disproportionate to the object, or without risks in the enjoyment of it which would counterbalance its value, yet at a future time the state of things may be different, and the privilege may be willingly granted and safely enjoyed. An enforcement of the treaty right by military and naval operations would require an expensive effort, might lead to loss of valuable lives on our part, and much loss of life and destruction of property to be inflicted on the Chinese, while the chief advantage which it seems by your account we should derive from a successful result would be that, by giving such an example of our determination and power to enforce a faithful observance of the treaty, we should deter the Chinese from attempting future and other violations of the treaty. But Her Majesty's Government are not disposed for this object to make the effort, or to produce the consequences above-mentioned; and they prefer waiting

to deal with future violations of the treaty, according to the circumstances of the case, if such violations should occur. Her Majesty's Government, therefore, prefer taking a middle course, and to make to the Chinese Commissioner a communication according to the enclosed draught. You will therefore send to the Chief Commissioner a copy of the accompanying draught, together with a correct translation of it into Chinese."

I ask, was it an ingenuous proceeding on the part of Sir John Bowring—supposing I am right—to send the Admiral the minacious document, but not the letter which conveyed the real instructions of the noble Lord (Viscount Palmerston) to Mr. Bonham? I have one sentence further. Sir John Bowring states, that in a communication dated the 6th of July, 1849, written by Mr. Addington by order of the noble Lord (Viscount Palmerston) to the Chairman of the London, East India, and China Association, Her Majesty's Government announced that they had no intention to renounce the right of entering the city of Canton. I turn to that despatch of the 6th of July, 1849, and I find this passage:—

"I am to state to you, in reply, that Her Majesty's Government have no intention to renounce the right of entering the city of Canton."

Does it stop there? There Sir John Bowring stops, but there I am not going to stop. Here is the passage in its entirety:—

"I am to state to you, in reply, that Her Majesty's Government have no intention to renounce the right of entering the city of Canton, although they are not prepared at present to resort to hostilities with China in order to enforce that right. Her Majesty's Government are not ignorant that some inconvenience may result from the adoption of a policy of moderation in this instance; but as the practical advantage which could be derived by British trade from free access into the interior of Canton is probably not very great, while the effort to obtain the immediate fulfilment of the Chinese engagement in this respect would be costly, and might lead to a great loss of life and destruction of property, and to a considerable interruption to British trade in that quarter of China, and might, moreover, seriously affect the trade at the other ports, Her Majesty's Government are of opinion that the general commercial interests of the country are best consulted by not pushing matters to extremities on the present occasion."

Now, my right hon. Friend (Sir George Grey) tells you that you must make no distinction between Sir John Bowring and Sir Michael Seymour, because Sir Michael Seymour was consulted throughout. But the question is, if the Admiral was brought to a decision by these means, was he not induced to come to that decision by some-

thing like false pretences? When my right hon. Friend (Sir George Grey) spoke so keenly about omissions from the despatches, what does he say of the suppression of a whole despatch? And for what purpose can this have been done if not to induce a humane man to use the gigantic force at his command against a defenceless commercial city? I must say Sir John Bowring acted a most unwise part, even if he had had instructions, in forcing this question on the Chinese. Are we not in the habitual violation at this moment of a treaty which says that all our efforts shall be used for the suppression of the opium trade? Now, I do not pretend to be more virtuous than my neighbours. We know that this trade is necessary to Indian finance. (Mr. KINNAIRD: Hear, hear!) My hon. Friend (Mr. Kinnaird), I know, thinks this trade exceedingly abominable, and as it was the tendency of the ordinance and Sir John Bowring to encourage it, I think we shall have the support of my hon. Friend.

Now, when these news arrived, what was the conduct of the Government? The hon. and learned Lord Advocate stated at the commencement of his able speech that he admitted there was much that was good in the motives of those who supported the present Motion. I will say the same, because I hold that it is the duty of a Government to back their servants, even when they commit an error, so long as they are doing their best, and so long as they conscientiously believe they are doing their best. It is generous and just to do it. But there is a limit beyond which a Government cannot go. Now, see what the Government do. They receive, first of all, an account of this miserable affair of the lorcha. I am one of those who think you ought not to treat Orientals as you would treat Europeans. There may be occasions when it may be necessary to have recourse to force towards them; but you must, above all things, in your dealings with them show at least that you respect truth; and you must be sure you are in the right before you attempt to coerce them. I say that every Government must expect sometimes to get into difficulties through slight or venial errors committed by their servants; but there must be some limit imposed to this doctrine that consuls can do no wrong. They are thousands of miles away with important interests in their charge; but if you could select from this House the very wisest men to represent

the British Government in all parts of the world, still you must qualify the general principle by great limitations. Ministers are not infallible; and the fallibility of Ministers is shown in nothing more than in their selection of public officers, and of all public officers, it is in the selection of consuls that their fallibility is the most remarkable. Are we come to this, that a Governor or Consul representing this country in a distant part of the earth is to exercise unquestioned that power which is here only exercised by the Crown—a power the exercise of which is regarded with such jealousy that night after night we are now asking questions of a responsible Government here in England why they have commenced a war without due and proper notice? You cannot maintain the doctrine that, irrespective of all offence, the public officer must invariably be supported. Well, the Government in the first instance gave that answer. They afterwards gave another, which to me is more painful. If the House will allow, I will just relate a Chinese anecdote, which appears to me to apply to the present case. There was in a distant province of China a formidable insurrection, and the Emperor of China selected his best General, a man distinguished for his “judgment, firmness, and moderation,” to whom he said, “Suppress this rebellion.” The General took his army, surrounded the province, then narrowed the circle, until all the population were driven into a wood, and then he set fire to the wood, and the whole population, men, women, and children, were destroyed. He wrote a despatch describing what he had done, which he sent to the metropolitan authorities, and the Emperor, in the flowery and poetical language of China, wrote with his vermilion pen, “Truly this is news which gladdens the heart of man.” Now, Sir, we are less poetical in our expressions, but we can convey the same thoughts and the same moral in our more dry language. With us the Secretary of State approves the judgment, the firmness, and the moderation of Sir John Bowring, and especially his respect for life and property. When my right hon. Friend told us we were entirely mistaken, that Canton had not been bombarded, he could not have read the despatch of Sir Michael Seymour in which he says, “I am now shelling the city.” In another place he says he is dropping shot at moderate intervals. That is the moderation which has so pleased the Government.

This is, however, too serious a subject to joke upon. After all, when you have said the Chinese are a rascally set, and that as barbarians they are not to be dealt with in the same way and with the same regard and forbearance as Europeans—when you have said all this, of which I give you the full benefit, and also that you must defend your servants wherever they may be, there then remains this fearful case, that in a miserable quarrel, which was not worth half an hour's difficulty, which might have been settled by reprisals—for, if one junk was not sufficient you might have seized fifty—you suddenly turn round upon a new pretext, and, after destroying forts, you proceed to drop in shot and shell, in order, as my right hon. Friend has described it, to disperse a crowd—a proceeding, in which, of course, neither age nor sex could be regarded, and all these for some rascally Chinese whom you wish to call British subjects.

I do not wish to say one word that could be hurtful to the feelings of gentlemen who may conscientiously differ from me. I know how different are the conclusions at which human intellects arrive upon the same data. I will therefore not allude to other motives which should guide us in cases like the present. I may remind them, however, that some barbarians like the Chinese may, seeing the proceedings of our Governors and our Admirals, ask upon what principles we act. I think I may ask those hon. Gentlemen the same question, and am assured that when they come before their constituents they will be called upon to answer it then. I will not press it, as I know among those who differ from me are gentlemen incapable of acting from any but the highest and most religious motives; but at the same time I cannot stifle the feelings within me when I read of these things. I know what is the public opinion of England throughout Europe; I am not anxious that we should go on piling up year after year fresh offences against that public opinion, until some day we may reap the consequence to our detriment. Above all, I confess I see with the deepest sorrow force exercised with so little mercy, upon a pretext so transparent—I will not say so transparently fraudulent—in a manner so destructive to the character of this country for truth, justice, faith, and mercy, I shall give my hearty and honest support to the Resolution, and, as my right hon. Friend has observed, irrespective of conse-

quences. I cannot believe that the House of Commons upon such a matter will allow the miserable question of party ties or party feelings to interfere, when asserting the great principle of relieving ourselves, and, I trust, relieving the country also, from the responsibility of these transactions by the honest reprobation which the Resolution conveys.

MR. SERJEANT SHEE said that finding that many of those for whose judgment he entertained great respect, entertained strong opinions upon this subject, he was desirous of explaining his reasons for voting against the Resolutions. Opinions on the law of the question had been expressed in another place to which it was impossible for him to assent; and he hoped to be able to satisfy the House that if the doctrines laid down by Lord Derby, Lord Lyndhurst, Lord St. Leonards, and reiterated in this House by hon. Gentlemen who took the same views, were to prevail, the treaty of 1843 was in all its essential articles repealed. He submitted that the true construction of the treaty was that a ship, Chinese built, Chinese manned, the property of a Chinese resident in Hong Kong, and registered by him at the British registry of Hong Kong, was to all intents and purposes, within that treaty, “an English merchant ship.” Unless that conclusion was come to there was not a single Article of the treaty which could stand, and the whole trade stipulated for by that treaty with the new colony of Hong Kong and China, must be entirely at the mercy of the Chinese. The treaty contemplated two objects. It contemplated the regulation of the trade between British subjects and the five Chinese ports in Chinese vessels, and the regulation of the trade between British subjects and those ports in British vessels. It was necessary to call the attention of the House to the circumstances and condition of Hong Kong before that treaty was made. In 1847, Sir John Davis stated that the population amounted to 21,000 Chinese, that is, natives of China, or persons of Chinese race, born in the islands of the Archipelago, and 600 British subjects. In 1842 Hong Kong was ceded by the treaty of Nankin in full sovereignty to the Crown of England, with express power to make such laws as Her Majesty might think proper. After the treaty was signed, it became necessary to make regulations for the trade between Hong Kong

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and between British subjects and the five Chinese ports that were open to us. There was to be no traffic by natives of China resident there between Hong Kong and any of the five ports, except in Chinese vessels, and if a native of China wished to purchase goods at Hong Kong, and take them in a Chinese ship to China, he had to go to one of the five ports, employ a vessel there, get a pass, go to Hong Kong, get the goods, take them to the Chinese port, and then surrender the pass; so that, between our new territory of Hong Kong and the mainland of China no trade was permitted to natives of China resident in China, except in Chinese vessels, belonging to one of the five Chinese ports. It was clear that a ship, manned by Chinese, belonging to a Chinese resident at Hong Kong, and registered at the British registry at Hong Kong, would not be a Chinese ship within the meaning of these provisions. Articles 13, 14, and 16 of the Supplementary Treaty were perfectly plain on the point. Having thus provided for the trade between Hong Kong and China in Chinese vessels, the treaty made two provisions with respect to British vessels—one relating to vessels of more than 150 tons, and the other relating to smaller vessels, coming under the description of schooners, cutters, lorchas, &c., which were to be furnished with a register from the Chief Superintendent of Trade, and to pay certain dues which were to be levied only on British ships. It is admitted, that unless it could be shown that such small ships were not within the meaning of the treaty, English merchant ships, it was impossible to support the Resolution which had been submitted to the House. It had been said that they were not English merchant ships because they were not "British ships" within the meaning of those words in the British Registry Acts, not "British ships," because not owned by natural-born British subjects. That was stated to be the essential condition of an English merchant ship within the meaning of the treaty. But the hon. and learned Attorney General had stated, and rightly stated, that the description "English merchant ship" was much more comprehensive than the technical words "British ship" as used in the English Registry Acts. If the hon. and learned Gentleman was right, there was no difficulty in the construction of the treaty. It would not be disputed that whatever was the meaning of the words "English ship," it

must be the same that it was at the time the treaty was signed, and that the provisions of the treaty in this respect could neither be extended nor diminished. If, as had been stated, a ship must be owned by a natural-born British subject, it would exclude all the new subjects of the Crown at Hong Kong which is absurd. At the date of the treaty the technical description "British ship" did not mean a ship owned by a natural-born British subject. Under the Registry Act 4 William IV. c. 34, which was in force at that time, such an ownership was not necessary. By that Act, it was necessary that the master should be a British-born subject, and that three-fourths of the crew should be British-born subjects, but not necessary that the owner should be a British-born subject. Now, what right had any one to make a British ship mean what it did not mean at the date of the treaty? The Emperor of China had no right to require, as a qualification for a British ship, that it should be owned by a British-born subject, since that definition was given by the Act of 1854. The Emperor of China's object was to exclude, as much as possible, the English from his dominions, and if he tried to limit English merchant ships to ships the owners of which were born British subjects, he would do so to his heart's content. But what right had he to do that if such was not the meaning of the treaty? Again, on what pretence could we extend the treaty against him? In 1843 every British ship, besides having a master a natural-born British subject and three-fourths of the crew answering the same description, must have been built in a territory which at the time of the building belonged to His Majesty, must be registered in a particular way, and have a certificate of registry containing a variety of particulars. All these conditions of the character of a British ship having been removed, would not the Emperor of China have the right to say, "I entered into a treaty permitting "English merchant ships" to come to my dominions, but "English merchant ships" at that time meant what the British registry and navigation Acts described them to be, and the ships you are now bringing to my ports are not manned by British seamen, the masters are not natural-born British subjects, the ships are not built in your dominions, and are not registered as they were at the time of the treaty?" By rejecting the construction of the Attorney General and adopting the construction first

suggested in the House of Lords, very hastily and taken up very inconsiderately, the Emperor of China would thus be enabled greatly to limit our trade, for there was scarcely a vessel frequenting any of the five ports, or sailing from Hong Kong, or any of the Presidencies of India, or Malacca, or Singapore, which fulfilled the requisites of the British registry and navigation Acts at the time when the treaty was signed. It was impossible, under the provisions of the treaty, for the trade between Hong Kong and China, to be carried on in Chinese ships. It was impossible, according to their version of the law, to be carried on in any other ships. If they adopted the construction which was broached by Lord Derby, and taken up by Lord Lyndhurst, in the House of Lords, in opposition to the construction put upon it by common sense, it appeared to him there would be that serious difficulty in the way of the Resolution which they were called upon to affirm. Though it may now be necessary that a British ship should be owned by a natural-born British subject, it was not necessary at the time of the treaty of 1843. It was enough that the owner should be a British subject. But then it was said these residents at Hong Kong were not British subjects, and the argument was, that they could not give these persons a privilege against their own Sovereign. But, under the treaty of 1842, the residents at Hong Kong were not foreigners. They took it for granted that a man could not become a British subject by cession of territory to the British Crown, but they were mistaken in that. The 3 & 4 *Will. IV.*, c. 34, gave a definition of a British subject by cession. In stating what should be the qualification of a master of a British ship, it mentioned that he must be, first, a natural-born British subject; but it went on to provide that a British subject, who had become so by cession of territory, acquired by His Majesty, was entitled to become a master of a British vessel. A country having been ceded to Great Britain, the residents in it became British subjects for the purposes of any treaty with the Crown of England and the Sovereign to which they formerly owed allegiance. Independently of that, the nationality of the ship depended on the residence of its owner. His learned Friend the Member for Abingdon (Sir F. Thesiger) adverted to a case decided by Lord Stowell. That case was determined in time of war, but it decided on principles

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applicable to a time of peace, that the nationality of a ship depended upon the residence of its owner. In the case of the *Indiana*, the ship was owned by a foreign consul resident in England, but it was held to be an English ship just as these lorchas were English ships.

Mr. ROUNDELL PALMER moved the adjournment of the debate.

VISCOUNT PALMERSTON: There are some notices standing for to-morrow; but I hope that those Gentlemen who have given these notices will feel that it is of importance that this debate should be brought to a close to-morrow, and that they will permit the debate to come on.

Mr. DISRAELI: I may say, for myself, that as the division has not yet taken place, and as the debate has assumed its present character, I am, of course, unwilling to attempt to force a division. I cannot, however, help remembering that in that other place which has been so frequently, and, as I think, so irregularly alluded to in our debates, when a Motion for the adjournment of the debate was made on the first night a leading Minister of the Crown objected to the adjournment. I had therefore thought that as the question has been discussed in this House and was adjourned over Friday, we might have come to a conclusion to-night. I, however, now collect that there is a very general feeling that the debate should be again adjourned; but I do hope that there will be an understanding among us on both sides that the division will be taken to-morrow.

Debate *further* adjourned till To-morrow.

COMMISSIONERS OF SUPPLY (SCOTLAND)

ACT (1856) BILL.

SECOND READING.

Order for Second Reading read.

Mr. BAILLIE COCHRANE objected to its being read a second time at that hour of the night.

Mr. DUNLOP said, last year he brought in a Bill providing that all proprietors, to a certain extent in Scotland, qualified to be Commissioners, should be Commissioners without being named in an Act of Supply. When the Bill went to the House of Lords they passed Amendments providing that the claims should be given in on the 10th of December, that seven days should be allowed for objections; and then that some days' notice should be given, bringing it down to the 27th of December, and then

it was provided that the Commissioners should dispose of them all before the 20th of December, which would be seven days before the claims could be considered. The effect of that would be, that the Commissioners could not possibly dispose of them till the following year. The object of this Bill was for the purpose of enabling the claims to be brought in on the 20th of October.

Bill read 2^o, and committed for Thursday.

HOUSE OF LORDS,

Tuesday, March 3, 1857.

MINUTES.] PUBLIC BILLS.—1^a Lighting of Towns (Ireland) Act Amendment.
2^a Divorce and Matrimonial Causes.

DIVORCE AND MATRIMONIAL CAUSES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR: My Lords, I rise to ask your Lordships to agree to the Second Reading of the Divorce and Matrimonial Causes Bill. My Lords, with two variations the present measure is substantially the same as that which passed the House the last Session of Parliament. Your Lordships will recollect that about ten years ago a Royal Commission was issued, directed to my noble and learned Friend the present Lord Chief Justice, Dr. Lushington, Mr. Walpole, my noble Friend near me, Lord Redesdale and Sir William Page Wood, with a view to ascertain whether any suggestions could be made that would enable the Legislature to get rid of the anomaly of those private Acts of Parliament which for the last century and a half have been passed in cases of adultery, where the parties aggrieved asked for relief at your Lordships' bar. The matter was inquired into by the Commissioners, and an elaborate Report was made, recommending that the passing of private Acts of Parliament for the purpose of granting a divorce *à vinculo matrimonii* should be abolished, and that there should be established a court for the trial of such matters, and that, when the case was proved with the circumstances now essential for obtaining a divorce Bill before your Lordships' House, this court should have the power of pronouncing a divorce *à vinculo matrimonii*. In pursuance of that recommendation I in-

troduced a Bill to your Lordships last Session, which, after passing the second reading, was referred by your Lordships to a Select Committee, in which Committee we had the assistance of more than one right rev. Prelate, and also of a great number of your Lordships who took a deep interest in the subject. I believe all the law Lords were Members of the Committee, though in truth the question was no more one for lawyers than for laymen, having reference to an important alteration in the social habits of the people, and not strictly coming under the head of law reform. In that Committee a suggestion was made by my noble and learned Friend (Lord Lyndhurst) for the purpose of extending the provisions of the Bill, so as to give relief to married persons who had not been separated by divorce *à vinculo matrimonii*, but were separated by a divorce *à mensa et thoro*, and to enable persons so separated to have the rights and duties of a single person; and accordingly clauses were introduced at my noble and learned Friend's suggestion, enabling a married woman so separated by the Ecclesiastical Court, but not by a divorce *à vinculo matrimonii*, to have all the rights and privileges of a single person, so as to prevent the husband from coming afterwards and taking possession of any property which she might subsequently have accumulated. These clauses were very much discussed, but they were eventually adopted by the Committee, and subsequently by the House. By the Bill then introduced, it was provided that a court should be constituted, consisting of the Lord Chancellor, the Chief Justices of the Courts of Queen's Bench and Common Pleas, the Chief Baron of the Exchequer, and an ecclesiastical functionary, to be called the Judge Ordinary, being, according to the present Bill, Dean of the Arches. It is proposed that in the ordinary purposes of an ecclesiastical court as regards matrimonial matters, the Judge Ordinary shall have the power of dealing with them without the concurrence of the other Judges; but that for the purpose of granting divorces *à vinculo matrimonii*, in order to enable the parties to marry again, three Judges shall be necessary—one of the three being the Judge Ordinary. The proceedings to be adopted are to consist of the examination of the witnesses *viva voce*, and the Court is to have power to direct issues when necessary to be tried by a jury of the country. The Dean of the Arches is to have all the power he now possesses, and

the whole Court is to have the power of dissolving the marriage in order to entitle the parties to it to consider themselves as single persons, and to marry again. That is exactly an outline of the Bill then, and it is, with the trifling exceptions which I am now about to state, substantially the same measure as that which came before your Lordships last Session. When the Bill was last before your Lordships, after it had left the Committee, the Bishop of Oxford moved the insertion of a proviso, which was carried by your Lordships, that in case of a divorce being pronounced *à vinculo matrimonii*, that although the parties should be at liberty to marry again, an exception should be made in the case of the adulterer, and that the adulterer should not be permitted to marry the adulteress. Your Lordships carried that provision almost unanimously, and although I thought at the time that it was very objectionable, I did not find much encouragement in the opinion, and the Bill consequently passed in that form. But, my Lords, as I am responsible for introducing the change in the law in what I think the best mode, I have thought it necessary to omit that provision, leaving it to your Lordships to re-insert it if I do not convince you that it is most objectionable. I may state shortly that I consider it a most objectionable proviso, because it involves a most cruel punishment upon the woman, and I am afraid that in nine cases out of ten it will be a great boon to the adulterer. I believe that in ordinary cases a man who has committed adultery, which has resulted in a divorce, would feel himself bound in honour to make all the reparation he can by marrying the woman whom he has excluded from society; and I am afraid that the consciousness that he cannot be compelled to do this will have a tendency to render him by no means less inclined to commit adultery, while, on the other hand, this clause would relieve him from the great embarrassment of a kind of retributive justice by the law actually preventing him from making the reparation; and therefore I am of opinion that the Bill is much better without this clause. But there is another reason why its introduction is most inexpedient. Your Lordships are aware that in private Acts of Parliament to dissolve marriages, it has always been your Lordships' practice to introduce such a proviso, knowing that as a matter of course it was invariably struck out of the Bill in the other House. What reason have you to suppose that a different course would be

The Lord Chancellor

adopted in regard to a general Bill to that which has been universally the course adopted in private divorce Bills? That is the great reason why I did not attempt to introduce this proviso. I do not see the use of attempting to introduce a clause which is sure not to meet approval, and most certainly it would, if its introduction were made a condition of the passing of the measure, imperil it. There is another alteration which I will for a moment advert to, although I am aware that when I intimated that it was my intention to make it, a fortnight ago, I met with but little encouragement—I mean the introduction of a clause by which deeds of separation are legalized by positive enactment. It is too late to speculate whether it is desirable for married persons to separate, and as far as they can to remove the restraints and obligations of marriage. Separation deeds have been prevalent for at least more than half a century, and though doubts have existed and questions have been raised in the courts of law and equity as to their validity, ultimately it has come to be established that they are perfectly valid, and the instruments are such as are recognized in courts of justice. Only a few years ago, Lord Cottenham was Lord Chancellor, and so entirely was that principle acted upon, that he supported an injunction restraining one of the parties to such a deed from taking any proceedings in the matter in the Ecclesiastical Court contrary to an engagement he had entered into. I am aware that such a principle would not be acted on in the case of simple deeds, in which the parties declare that they intend to separate. As a matter of form they are executed through the instrumentality of friends and trustees. But if a husband and wife agree that either from harsh conduct or other causes they will separate, will it be suggested that there would be any difficulty in finding persons to act as trustees? I do not think a doubt can seriously be entertained upon that point. It is essentially an agreement between husband and wife, and some party on behalf of the wife, covenanting that she should not molest her husband, and *vice versa* that he should not molest her; the husband is protected against debts incurred by the wife, and there are also other stipulations which experience has shown to be necessary in framing such a deed. What I propose is that without all this complicated machinery it shall be lawful for married persons to make such a deed of separation, which, on being registered in the proper court of re-

gistry, the Ecclesiastical Court should give all the effect which courts of law now give to separative deeds. Whether your Lordships will adopt this view or not I cannot say, but I must observe that I think it would be better to have a law to confirm these deeds of separation, and if you cannot make people conform to the law to make the law conform to usage; for where a practice is shown to be necessary the law ought to be made to confirm it, because where it cannot be done *per directum* it will be done *per obliquum*. Courts of law and equity have recognized the binding validity of these deeds, and that being so I cannot see the objection to get rid of all complication about them. These are the only two alterations of importance which I have introduced into the Bill which passed your Lordships' House last Session, and, having stated shortly what those alterations are, I shall content myself by moving your Lordships to give a second reading to the Bill.

Moved, That the Bill be now read 2^a.

LORD LYNTHURST: My Lords, when this Bill was before the Select Committee of your Lordships' House last year, I thought it right fully to express my views and opinions upon it, and under those circumstances I should not have thought it necessary on the present occasion to have troubled your Lordships with any observations upon it had it not been for the circumstance, that in consequence of the part which I took in the progress of the Bill, which was lost from being sent down too late to the House of Commons last Session, I have received so many communications from persons for whose opinions I entertain great respect—so many communications of objections to the Bill, as violating the principles of morality and religion, that I think I ought not to give altogether a silent vote. I am very much surprised, I must say, at what I consider this change of opinion—for I am persuaded it is a change of opinion—since the Bill passed this House in the last Session of Parliament. I am at a loss to account for this, except by attributing it to what fell from a right rev. Prelate (the Bishop of Oxford) upon the last occasion of this subject being discussed. That right rev. Prelate dealt with the question with all the eloquence and ability which he brings to bear upon every matter; but at the same time he stated a circumstance which I am afraid has had considerable effect out of doors, if not in this House, upon persons whose attention has been directed to this subject.

The right rev. Prelate stated that one of the most eminent fathers of the Church, St. Augustine, to whom this question was referred, said that after considering the question during the greater part of his life and upon repeated occasions, had been unable to make up his mind as to the propriety of allowing divorces. In consequence of that statement I have felt it my duty to look into the voluminous writings of St. Augustine, and I confess that although I have been struck with the singular subtlety and the extraordinary talent displayed by that high authority in drawing nice distinctions, yet it appears to me that that distinguished divine was more skilful in creating difficulties than in discovering methods of removing them. In his comments upon the passage in St. Matthew in the Sermon on the Mount, in which our Saviour alludes to the subject of adultery, he says great discussions have arisen in the Church as to the meaning of that passage—whether it is to be taken in the enlarged sense in which it is sometimes necessary to interpret Scripture passages, as meaning any unlawful desires or worldly views, or in the more limited sense of the words themselves. But, although he gives no express opinion on the subject, he leaves it in such a way as to make me believe that he has come to a conclusion which would be directly in support of the present measure. As the passage to which I have referred contains only two or three lines I will take the liberty of reading it to your Lordships. St. Augustine, after indicating the words of the passage, and referring to the different interpretations which had been given to those words, says:—"But that it is lawful for a man to dismiss a wife for that which *in stupris committitur*—that is, adultery—does not admit of doubt." Such, my Lords, is the authority on this point given by the distinguished divine to whom I have referred, and he repeats this opinion over and over again. In one case he says—"This is the sole exception which at all arises." When he speaks of a husband dismissing a wife he gives it to be understood that the same rule applies to the husband, since not only has a woman no power over her person but the husband, but also the husband has no power over his person but the wife. As an illustration of what I stated with respect to the opinion of this learned divine I will refer your Lordships to a short anecdote which he cites commenting on those words:—A man was thrown into prison in Antioch for not

paying his taxes, and was threatened with death unless those taxes were paid by a certain time. This circumstance became known throughout the city, and a certain wealthy man proposed to the prisoner's wife (who happened to be an exceedingly handsome woman) that if she would pass one night with him he would pay the amount for her husband. The woman hesitated for some time, and then consulted her husband, who advised her to accept the offer. She performed her part of the contract, and the wealthy man performed in a certain manner his part of the contract. And the question put to the learned divine is whether this was adultery or not. After referring to the passage which I have quoted, namely, that the husband has no power over his person but the wife, and the wife has no power over her person but the husband, he says the question is whether, as the husband gave a licence to the wife for this purpose, it was adultery or not. After giving a great deal of consideration to the question this learned divine said that he would give no opinion, but he would leave everybody to form their own judgment upon it, which shows his caution. I may as well say that the wealthy man referred to behaved in the most scandalous manner; for, instead of giving the man's wife the money, he gave her a quantity of securities on land, and had it not been for the interposition of the government the money would never have been forthcoming. My lords, this learned divine turns his attention afterwards to the question of marrying again, and he says—"Adultery is a good ground for divorce according to the passage which I have read;" but he says also—"I have great doubt whether the parties should be allowed to marry again." Now, it is to that, I suppose, that my right rev. Friend alluded, when he said that eminent divines, after considering the question, had come to no certain conclusion. Certainly, on looking through his voluminous writings, I do not find that he came to any decisive conclusion. So much for the authority of St. Augustine. But supposing he was entitled to more authority than he really appears to have a right to claim, the authorities on the other side are quite overwhelming. I do not pretend for a moment to have consulted these authorities themselves; but in the case of Lord Rosse, 150 years ago, the Bishop of Durham made a statement to the House, now to be found in print, and he says that divorces under certain circumstances are supported by nu-

merous Councils; he cites the opinion of the most eminent fathers of the Church—among the most learned Catholics he instances Erasmus; and among the most eminent Protestants, Grotius, Selden, and others, and the whole of the Church Commission, clergy and laity, appointed in the reign of Edward VI. upon the canon law. On the other side, in support of the doctrines of the Roman Catholic Church, there was little to rely on of great authority, if we except the Council of Trent; and everybody knows that the Council of Trent was called for the purpose of increasing the power of the Church of Rome, and for the purpose of supporting the Roman Catholic religion. It is obvious, therefore, that it has never been regarded as possessing any authority in our Church. If the right rev. Prelate opposite (the Bishop of Oxford) is disposed to take part in this discussion, I would remind him that divorce Bills have passed in this House for at least 150 years, and there are only one or two instances in which any opposition has been made by right rev. Prelates on that bench. The whole authority, therefore, I am persuaded, is in favour of the principle upon which the Bill is founded, and I think that no just and effective opposition can be made to it. But there is another class of objections which have been raised, and noble and learned Lords tell us that they think it better to adhere to our present practice and continue the present exceptional course. I should like to hear them argue the case on that point. I think the argument would be all in support of the Bill. Granting divorces have been in practice for 150 years, it is part of the law of the land, for having been sanctioned by both Houses of Parliament, it is quite equivalent to the law. It is certain that any person introducing a Bill into this House complaining of adultery on the part of the wife, and showing that on his part he had conducted himself with the most perfect propriety, would obtain his Bill. It may be said, if that is the effect of the present practice, why should any change be made? The answer is obvious. It is an unjust practice, limited in its operation, and confined only to the wealthy. No person of moderate income can sustain the expense of a divorce Bill. What can be more unjust, then, or more improper, to continue such a practice? My Lords, persons possessed of great wealth and large estates, enjoying comforts of every description, have sources of consolation against injuries of this description; but persons in a more humble

station of life must rest their hopes of happiness on their domestic establishments and domestic comforts. How hard, therefore, it is for them if, when their domestic hearth was violated, this privilege was confined only to the wealthy, and they were excluded. Again, it may be said, "What are you going to do with the poorer classes?" The answer I make to that is this: "It does not follow that because my noble and learned Friend proposes to establish a tribunal consisting of persons of high stations, that therefore the expense of proceeding in such a court should be necessarily great, and I have no doubt that such a tribunal would make regulations to enable all classes to have recourse to it. I have heard it stated that the proposed change in the law will be productive of immorality among the humbler classes. But upon that point I have come to a contrary conclusion. What will follow if all hope of legal redress is refused in this case to that portion of the people? Why, the want of such redress will naturally lead to acts of brutal violence. What, I would ask, can be more fatal to the cause of public morality than that a continuance in a course of adultery should afford no ground to the injured party for a dissolution of the marriage tie? I find that in Scotland adultery on the part of the husband gives the wife a right to a divorce, just as the adultery of the woman gives the man a similar right; and the remedy extends alike to the lower as to the higher classes; and yet I believe that the state of the law has had no demoralising effect in that country. Why, then, should we assume that a similar provision would be prejudicial to morality in this portion of the United Kingdom? In my opinion there is no reason why the law of Scotland upon this subject should not be extended to England; and I do not think that one arrangement ought to prevail upon such a point in the north, and a different one in the south of the island. When the former Bill was before a Committee I took occasion to say that, as in Scotland the law was equally applicable to the husband and wife, I thought there was no reason why a similar rule should not be adopted in this country. I am fortified in that view by the state of the ecclesiastical law, which places the adulterous husband and the adulterous wife upon precisely the same footing. I was desirous of adopting that rule in our law of divorce; but the Committee of your Lordships' House which inquired into the question was averse to

my proposal. I pressed it on the Committee as strongly as I could, but I pressed it without success; and I do not feel that there is now any chance of my securing to it the assent of your Lordships. I have, therefore, abandoned it for the present. But there is another alteration which I am most anxious to see introduced into this Bill. I think there are four cases in which a divorce from a husband is allowed, and I wish there should be a fifth. I think that when a husband breaks his marriage vow, and, after abandoning his wife for a certain number of years, goes to a distant country with the view of deserting her, a divorce *à vinculo* ought to be granted to a wife so deserted. In pressing that point on your Lordships' notice, I would ask you to reflect for a moment on the objects of marriage. Look at the marriage ceremony of our Church. Three objects are there stated; first, the procreation of children and their nurture in the fear of God; secondly, the prevention of sin; and, thirdly, the love, comfort, and protection, in sickness and in health, between the husband and the wife. What is the vow taken by the husband in the ceremony of marriage? Nothing can be more stringent. He vows he will love, comfort, keep, and protect his wife, in sickness and in health, and, forsaking all other women, keep only to her until death do them part. That was the obligation which he voluntarily contracted; it was as strong an obligation as any into which it would be possible for him to enter, and it was one which must exercise the most powerful influence over any man possessing the least degree of feeling. When he disregards that obligation, when he defeats all the objects for which marriage had been instituted—when he passes into a distant country with a view to cut off all communication between him and his wife, is it right or just that she should still be bound to him by our marriage law? Can we say, under such circumstances, that the wife should be tied to a man who has so cruelly deserted her and her children? Is there any justice in such a system? Since this matter was last brought under the consideration of your Lordships' House I have received several communications from women placed in this unfortunate situation, and I cannot describe to your Lordships how strongly their recitals of the wretchedness of their condition were calculated to wring the heart. The first thing to which a woman looks in early life is a matrimonial union, on which she may build all her prospects of future hap-

piness. She afterwards selects an object for her affection; with that confidence and fidelity which women only can entertain she gives up to him her property, her person, and all her expectations of welfare in this life. Before long, however, she wakes from this dream, and finds herself abandoned and deserted by the object of her love; she sees nothing before her but a dreary existence without anything on which she can repose her affections; her life is a life—

“Where no hope comes that comes to all.”

Possessed, on the other hand, of a warm heart, a generous spirit, and a confiding temper, she meets with some cowardly seducer, sinks into sin, and ends her life in misery and wretchedness. I most earnestly implore your Lordships to consider this state of the law. We are here not to protect our own sex alone, but we are still more called on to protect those who have no means of protecting themselves. Why, I repeat, should the law in this respect be so different between the two parts of the United Kingdom? Why should Scotland be just and generous to women in this respect, and England be cold, unfeeling, barbarous? Let me remind you that the great mass of the enlightened divines of the Church of England, and many laymen of distinguished talent and position, laid down the doctrine in the reigns of Henry VIII. and Edward VI. that the rights of divorce should be granted to a wife who had been abandoned by her husband. I make these observations, my Lords, in the present stage of this Bill in order to give your Lordships an opportunity of reflecting on the justice of this claim; and the more you reflect upon it I am sure you will be the more disposed to grant the necessary relief. There is a novelty in the Bill to which I desire to call your Lordships' attention. It enables parties to do that by a short course which they can now do by an expensive and circuitous proceeding. I doubt very much whether it is desirable to adopt such a course. My Lords, let me remind you when my noble and learned Friend is introducing a clause into this Bill for the purpose of facilitating the voluntary separation of husband and wife that that is contrary to the law of England. Lord Hardwicke, I may state, expressed his opinion in the strongest terms against the legality of voluntary separations; but I shall not go so far back as that. I must, however, refer your Lordships to the opinions of other eminent judges upon the subject. Lord Stowell

Lord Lyndhurst

laid down the rule which prevailed in his time in Doctors' Commons on the subject in these words—

“This Court considers a private separation as an illegal contract, implying a dereliction of stipulated duties, which the parties are not at liberty to desert;”

and, after enlarging on this point, he concludes by saying that the ecclesiastical courts

“to which the law has appropriated the right of adjudicating upon the matrimonial contract, have uniformly rejected such covenants as insignificant in a plea of bar.”

Again, Lord Eldon said he considered deeds of separation contrary to the policy of the law. If, then, it has not been held by the ecclesiastical courts or by the Court of Chancery to be wise and prudent to encourage such private separations, and if they have been regarded as contrary to the policy of the law, why should we now adopt a measure for the purpose of facilitating the practice? I must explain that in cases where parties have separated, and the Court of Chancery is called upon to intervene with respect to agreements founded on the articles of separation, all the learned Judges of the Court have protested against interfering, and have considered it contrary to public policy to do so. They have considered themselves bound by previous decisions, but the tenor of their language was that, if it depended on them, they should never adopt such a principle. Speaking of covenants arising out of such separations, Lord Eldon observed that Lord Stowell doubted whether covenants arising out of private separations were legal contracts, and ought to be the foundation of an action for specific performance, and added, “That doubt has long since had place in my mind.” Again he says, “That if this point were re-considered he would not have permitted such a covenant to be the foundation of an action at law or a suit in Chancery.” Sir William Grant is equally precise on the subject. He says—

“It is now settled that courts of equity will not carry into execution articles of separation between husband and wife. They recognize no power in them to vary the rights and duties growing out of the marriage, or to effect, at their own pleasure, a partial dissolution of it. It does seem strange” (he is referring now to the agreements founded on articles of separation) “that the auxiliary agreement should be enforced, while the principal agreement is held to be contrary to the spirit and policy of the law.”

I hope I have not tired your Lordships

with these passages. They are of the utmost importance, because they come to this—that the Courts consider the agreements of separation to be contrary to public policy and inconsistent with the contract of marriage. Something has been grafted upon this, however, which has led to a different conclusion as to the auxiliary part, but in giving effect to the auxiliary part, though the Judges have been compelled to abide by previous *dicta*, they have all protested against the original separation. It is on these grounds, then, that I say your Lordships should do nothing to facilitate a separation which all men who have considered the subject believe to be inconsistent with the law of marriage and at variance with public policy. But my noble and learned Friend goes much further than the present law. As that law stands, I believe—though it is true I have not been in courts of justice lately—that such a contract is not binding upon the wife. She may at any time sue for a restitution of conjugal rights in the Ecclesiastical Courts, and I believe there is no case in which a court of equity has ever enjoined the wife against taking such a proceeding. Therefore my noble and learned Friend is not merely facilitating an action under the present law, but he is going one step further. At present, although a man may have entered into a covenant such as I have described, it by no means follows that, if he sues in an Ecclesiastical Court for the restitution of marital rights, the Court of Chancery will enjoin him against such a proceeding. In the case of “*Wilson v. Wilson*,” which came before the House on appeal in 1854, there was a covenant not to proceed in the Ecclesiastical Court. What did my noble and learned Friend—then also holding the Great Seal—say upon that point? He said it was true there was a covenant, but he must leave the parties to their natural rights; he would not interfere with the jurisdiction of the Ecclesiastical Court. I say, then, that my noble and learned Friend is not maintaining, but is altering the law by this Bill; and if he does that which is, as I believe, contrary to what all the Judges have considered as consistent with public policy, contrary to the law of marriage, and the contracts arising out of it, then, my Lords, unless my noble and learned Friend makes a great alteration in his Bill, I think he will not succeed in passing it through both Houses of Parliament. In the same case of “*Wilson v.*

Wilson,” my noble and learned Friend (Lord St. Leonards) expressed the following opinion—

“For it does not at all follow, because the Court of Equity compels the appellant in this case to enter into a covenant that he will not, by the force of ecclesiastical censures, compel restitution of his conjugal rights, that the Court would enjoin him from breaking that covenant which he has entered into; the Court, I apprehend, would leave him to answer any action that might be brought for damages upon the covenant. What amount would be recovered would be another question.”

So that you will see, when a party enters into a covenant, in consequence of an agreement of separation, that he will not sue for the restitution of conjugal rights in the Ecclesiastical Court, it does not follow that the Court of Chancery will enjoin him from such a proceeding, because the other party has another proceeding open—namely, the recovery of damages by an action for a breach of covenant. I hope, therefore, my Lords, that my noble and learned Friend will so alter the clause I refer to when we go into Committee that the objections that I have urged against it may be in some measure obviated. I trust I shall be pardoned for the observations with which I have troubled your Lordships, but the deep interest I feel upon this question must be my excuse.

THE BISHOP of EXETER (who was almost inaudible) said, that the great object of such a measure ought to be to establish the same law for the poor as for the rich; and as he believed that the present Bill could not possibly effect that object, he would move the postponement of the second reading of this Bill for three months, in order to give the noble and learned Lord on the woolsack time to amend it. The present Bill created for all England one exclusive Court in matters matrimonial and divorce, and that Court was to sit at Westminster. Now, that might be very well for the people of Surrey and Middlesex, but what advantage could it be to the people of Cumberland or Yorkshire? It was, no doubt, true that by certain provisions of the Bill evidence could be taken in the country by commission; but surely it would do away with all the advantage which the Bill proposed to confer on the poor man if he were put to the expense of an inquiry by a commission. The only way to make justice cheap in this matter, and easily attainable, was to establish throughout the country district courts, which would administer justice in each

particular locality. Their Lordships must remember that they were legislating, not for the benefit of the opulent, but on a question which was essentially the people's question. It was a question, too, which related not only to the domestic happiness of the people, but to their religion: and there was a principle involved of which their Lordships were bound not to lose sight—namely, “Those whom God hath joined, let no man put asunder.” He did not mean to say that in certain cases divorce was not justifiable; but that in legislating on such a question they ought to have regard to the principle of the Divine law. To put a poor man to the expense of an inquiry by commission would be a perfect mockery, for if the court itself were not carried into the country, neither would justice be so. He trusted, therefore, that their Lordships would not sanction a measure which, in reality, infringed upon the relief which the people had a right to expect. As to the proposed Court at Westminster, its form of procedure was to be that of the Ecclesiastical Court, and yet the Dean of the Arches would be the only one of the Judges conversant with that method of procedure:—the other members of the Court were to be either common or equity lawyers. It was necessary that their Lordships should look at this case in a somewhat larger view than they had hitherto done, and that they should regard it as connected with those great statutes of reformation which were passed in the times of Henry VIII., Edward VI., Elizabeth, and James I. The present law of divorce in this country was founded on the law of Rome; and they (the Commissioners) must make up their minds to give their whole thoughts to the subject; and they must not fancy that they had a light labour to undergo, for they might depend upon it that the web which had been woven by the Church of Rome was not to be easily broken through. It was not by a few smart sayings that they could get rid of a system which had been inaugurated by the wisest but most corrupt of Churches; and he must say that, in his opinion, the question had, down to this time, been most partially and superficially dealt with. If they meant to carry out the matter satisfactorily, they ought to appoint a Commission which should have the power of examining learned divines as to the doctrines of the Church on the subject. The Commissioners who had previously reported upon it had exhibited a marvellous unfitness for the inquiry, and

The Bishop of Exeter

it was evident that they wanted some one to tell them what was the law of God, and how the law had been carried out, not in Rome, but in a purer state of the Church. The doctrine of matrimony and divorce had been taken up by a very wise Sovereign, Constantine, who undertook it about the year 331, with the advice of the bishops of those days; and, having learned from them what the Divine law of the question was, he applied also the wisdom of human laws, and propounded a scheme which was incomparably better than anything which had been proposed since; and their Lordships would remember that Constantine gave to injured husbands a divorce in the event of adultery, and one or two other matters on the part of the wife, but that he refused to give it to the wife, in the case of adultery on the part of the husband, unless there were certain other ingredients in the case. With regard to the doctrine of divorce *à mensâ et thoro*, he thought that it was wholly inapplicable to the nature of the offence and to the circumstances of the law. It was unknown by the Church of Christ at any period, except under the dominion of Rome; but they were now asked permanently to inflict the corrupt system of that Church upon the Church and nation of England. He regretted to find that there was no clause in the Bill now before the House similar to that which had been proposed by the noble and learned Lord opposite in the Committee for extinguishing for ever that foul reproach to the English people and the English law, the right of action for criminal conversation. He should be perfectly satisfied, so far as that point was concerned, with the assurance that a clause to effect an object so desirable would be introduced into some measure immediately to be submitted to their notice; but he thought that there were some considerations which would render such a provision particularly applicable to the present Bill. In the Committee it was also proposed that the adulterous parties should be liable to the punishment of misdemeanor. Whether that was the right mode of dealing with the subject he would not stop to inquire, but upon this portion of the case he observed that, under the most favourable circumstances of justice being brought home, as it were, to every man's door, there would always be a considerable expense incurred in connection with these proceedings, and he suggested, therefore, that a clause should be introduced com-

pling the individual who inflicted the injury to bear all the expenses of the process. He apprehended that there would be no difficulty in inserting a clause to that effect. He thought that, in the present state of the Bill, it was not one that ought to pass. Such a measure ought to receive the consideration of men of different professions, especially of the clergy; and persons well qualified to tell them what had been the Divine law and the law of the Church in the present times, and what had been the practice of different Christian countries, ought to be examined before the Commission. It would not do to found such a Bill on the opinions of lawyers alone, however eminent. He had not asked a single individual to support him, but, if he stood alone, he would ask their Lordships to read this Bill a second time that day three months.

Amendment moved, to leave out ("now,") and insert ("this Day Three Months").

LORD ST. LEONARDS said, that so far as he understood, the present Bill left the law on the subject of divorce exactly as it found it. It merely proposed to give to another Court that prerogative in such cases as had hitherto been exercised by the Legislature; and as complaints had been made that Parliament withheld from the poor what it gave to the rich, he trusted that the institution of the new Court of Divorce, which would give a remedy both to rich and poor, would remove that reproach. He should therefore be disposed to give his assent to this Bill if it assumed the shape that he thought it ought to have. He was not disposed to alter the law, but he would give to the proposed Court the power which at the present time was only exercised by Parliament. To suppose, as some did, that it might be rendered easy to obtain a divorce, and at a light expense, was, he feared, somewhat chimerical. The right rev. Prelate who had just spoken had objected to the new Court that it was a central Court; but how could that be avoided? Was it possible in cases of this kind to have a roving commission, or even to have stationary Courts in various parts of the country? He desired as far as possible to put the poor man on a level with the rich, but he must at the same time say that he was by no means so desirous of facilitating the obtaining of divorces, as to place it in the power of every inconsiderate person, whether man or woman, to rush into these Courts and demand a divorce as if they were going to demand

the payment of a common account. At present there was less inequality than was generally supposed, because a poor man who came to that House and swore that he was not possessed of more than a certain sum might sue *in forma pauperis*. In several cases divorces had thus been granted to poor men without expense, and they were not therefore justly open to the reproach of having shut their doors against the poorer classes. There were but few cases comparatively in which this remedy had been afforded to the rich, and some cases in which there had been denials of divorces to those who were rich. To revert, however, to the Bill which was immediately before the House. His noble and learned Friend said he had not reproduced in the present Bill the clause which had been introduced into the Bill of last Session, which prohibited the marriage of persons divorced on the ground of adultery with the partakers of the crime; nor was there any clause which did away with the action at law for damages. He should be sorry to see a clause introduced into the Bill prohibiting the marriage of the adulterer with the woman he had debauched. Theoretically, he had never believed that the law ought to prevent the offending man from remedying the wrong to the woman whose prospects he had destroyed. Practically, he believed that in many cases there could not be a more sure punishment upon the man than the necessity of marrying the woman whom he had ruined. The moment the marriage tie was broken and dissolved the woman was at liberty to marry again, and a man was bound in point of honour, and could scarcely evade the claim, however degraded, to marry the woman. No doubt a man would be glad in many cases to shield himself when called upon to repair the wrong he had done, under the pretence that the law prohibited him from marrying the woman, but to give him the liberty to marry her would be a salutary check rather than an encouragement to adultery. He trusted that actions to recover damages, to which a party suing for a divorce must now resort, would be abolished, for he perfectly agreed with the right rev. Prelate that if there was anything more disgraceful than another in our legal procedure it was this action for damages. He should like to know what a man was to do with the money so recovered? He could scarcely mix it up with his common funds, or consent to use it for his own benefit in any of the ordi-

nary transactions of life. He would no more touch it than he would touch scorpions. But the question was not so much whether that which was after all no compensation to an injured husband, should be taken away, as whether the person who had committed the crime should escape unpunished. What he would suggest was to abolish that form of action, which disgraced us in the eyes of foreign nations; to make the injury a misdemeanor, which the husband alone should have the right of prosecuting; and to punish, on conviction, by a fine to the Crown. Thus the money would go to a public fund and be applied to public purposes. He would not have it imperative that the husband should have taken proceedings against the seducer before suing for a divorce *à vinculo*, because the husband might be a poor man; but, if he did not take such proceedings, he would compel him to bring before the Court of Divorce the unhappy lady and the seducer. At present the effect of the action was, that while the man had the opportunity of denying and disproving his guilt, the woman was ruined for ever without being allowed to say one word—without being allowed to say one word by her counsel in denial or extenuation. They should both be heard, and the Court should have the power to impose a fine upon the one, and to pronounce a dissolution of the bonds of marriage as to the other. The provision in the Bill that a desertion of the wife by her husband for two years should entitle the wife to a divorce, *à mensâ et thoro* was one to which he was altogether opposed. If a wife were deserted he would give her alimony, but not a divorce *à mensâ et thoro*, as was proposed in this Bill, though not in the Bill last year, nor authorized by any recommendation of the Committee. It was difficult to remedy the injustice of the husband, who had left his wife, suddenly coming down upon her and sweeping off all the property she had realized by her exertions since his desertion and leaving her utterly destitute; but he would try to overcome that difficulty by taking away the right of the husband after his desertion had continued a certain time. He entirely objected to the important alteration of the law of England by the provision enabling married couples to separate by private arrangement between themselves, and making such separation deeds a bar to the restitution of conjugal rights.

Lord St. Leonards

According to the present state of the law, a man and his wife could not so separate themselves. Their mutual tie could not be severed except under very peculiar circumstances, and it should be the object of the Legislature not lightly to create facilities for the severance of that tie. The provision in the Bill relating to voluntary separations was open to grave objections. At present, if a woman desired to separate from her husband she had to procure a friend who entered into covenants with the husband to hold him harmless from all debts contracted by the wife, and other stipulations of an onerous character. No person would willingly assume such a responsibility, and the consequence was that when the wife applied to her friends they in the first instance asked whether it was necessary to separate, and inculcated mutual forgiveness and forbearance—advice which in many cases avoided the necessity for any separation between the parties. Under the Bill there would be no such wholesome interference; upon the slightest difference of opinion recourse would be had to the provision in the Bill, and the extreme step of separation would be taken. And then, again, in the event of there being children, no consideration of their interests was to be found in the Bill. With respect to the composition of the new Court to be established, he did not approve the scheme proposed. In the debate upon the Testamentary Jurisdiction Bill he had suggested that the Judge of the Prerogative Court should be the Judge of the new Court to be created under that Bill, and so in this instance he thought the Dean of Arches should still have the administration of matrimonial business. He thought the best course would be to take this Bill and the Testamentary Jurisdiction Bill together, and to vest the supreme authority in both Courts in the same Judge.

THE BISHOP OF OXFORD said that, without being able to acquiesce in all the arguments of his right rev. Brother, he should feel himself bound to vote for the Amendment if it were pressed to a division. He assumed that in all legislation upon this subject the first obvious principle to be observed was to surround marriage with every new fence and every guard that could be devised. After a careful perusal of the Bill before the House, he had arrived at the conclusion that it had been framed upon a totally different principle, and in the new clauses for voluntary separation

this principle was carried to the utmost, for his noble and learned Friend on the woolsack was thereby affording every facility to those who wished to violate the marriage tie. No one could desire to be freed from the tie of marriage without the existence of sin on one if not on both sides. In granting any relaxation of the present law the first consideration ought to be whether, by granting that relaxation to a few persons whom sin had brought into difficulties, injury was not done to numerous innocent persons who were maintaining the sanctity of marriage. He regarded the provision relating to voluntary separations as affording an indication of the principles upon which the Bill had been constructed. It was the introduction of a totally new principle—that upon the occasion of any slight difference or misunderstanding between a married couple they could proceed to destroy the most solemn religious compact of marriage. That provision marked the *animus* with which the Bill had been framed. At present persons separated were in an anomalous and not creditable position, because the law did not sanction their separation. But if the law stepped in and recognized the position of separated parties, the law must be held to some extent to invite that separation, by giving them a *status* in society which they did not at present possess. He thought the Bill was undoubtedly in its chief provisions a delusion, because it professed to be an attempt to do away with the superior advantages, as they were called, which the rich possessed over the poor in this matter, but, practically, did not advance a single step towards that end. But it was said that a poor person could sue *in formâ pauperis* before the new divorce tribunal. In order to do that, however, he must swear that he was not worth £5 in the world, and all the poor class who could not take that oath would virtually be excluded from the benefit of the Act. But even those who could proceed *in formâ pauperis* could not do so as to bring their suit to a successful issue, for how could they find the means to pay the expenses of the numerous witnesses who would be necessary to prove that there had been no collusion between the husband and the wife or adulterer? He contended, moreover, that the more their Lordships brought down those actions to the lower ranks of society the more danger there would be of collusion. The Bill did not, he repeated, do away with the difference between the seve-

ral ranks of society in this particular point. But there was another ground on which it was objectionable, and it was this,—if they dealt with this question at all he thought they were bound to do away with that foul reproach on our law, the action for criminal conversation. He was not prepared to read any Bill a second time that did not face the difficulties which beset that question. Of all others, a Government Bill ought to have presented some mode of meeting those difficulties. The House ought to have the whole scheme before them in its completeness before they were asked to deal with it. Those were great fundamental principles with which they ought to deal in the Bill under consideration before it was read a second time. But the Bill was so scanty, silent, and incomplete on many of the most essential requirements, that he thought if they proceeded further with it in its present shape they would involve themselves in the most inextricable confusion hereafter in dealing with this subject. The voluntary separation clause was, perhaps, the most remarkable thing about the Bill. He thought he remembered to have heard it said by a noble and learned Lord in a former debate that the principle of voluntary separations was part of the law of France, and was found to work well. He (the Bishop of Oxford) contended that there was no such principle in the law of France—even in the laxest of all codes on marriage, that of 1792. Besides, in most, if not all, of the other countries on the Continent, who were by no means austere in their views, the system of voluntary separation had been repudiated. The French law laid down this wise and philosophic principle, that “marriage does not subsist for spouses alone, but for the children, and for society; it is in its essence permanent, and we cannot fix a term to it.” He therefore on these grounds would strongly beg their Lordships to adopt the Motion which had been made by his right rev. Friend (the Bishop of Exeter). He repeated they ought to have a nobler basis on which to legislate on this most important subject. He might be suffered to remind their Lordships that, even with all the evils of the existing system, they could hardly calculate the mischiefs they might do by meddling with it, and that, in dealing with the subject, the deeper they descended into the lower strata of society the greater would be the disturbing influences they would have to encounter. The

present system might require change; but, in God's name, let alterations, if any such were made, be most maturely weighed. Let them be alterations which would suggest to every mind the idea that they were final; that they were not the beginning of a set of changes with regard to this holy law; that they were, as far as the Legislature could make them, final—final because they were the embodiment of the conviction of the great minds of England that these laws had been made to accord with the law of God. Such changes should not be introduced as an expedient to get rid of present difficulties, as if in dealing with the law of marriage Parliament was dealing with some of the trifling rules affecting the transfer of property, but as though it was dealing with a great institution of God, upon which the purity and the happiness of this Christian land, more than upon any one other matter, did indeed depend. It was because he believed that this Bill could lay no claim in its principles to be the embodiment of such an idea—because he believed it would shake everything and settle nothing—because he believed it would tend greatly to unhinge men's minds as to the sanctity of marriage, and would lead to no permanent and purifying result, that he ventured to entreat their Lordships not to give it a second reading.

LORD WENSLEYDALE said he could not concur in the proposal to defer the second reading of this Bill for three months. He believed it to be imperative upon his noble and learned Friend on the woolsack to introduce the measure in the present Session, after the understanding which had been come to at the close of last Session. The Bill had its origin in the recommendation of a Committee consisting of very learned and eminent persons, among whom were the Lord Chief Justice of the Queen's Bench, Dr. Lushington, and other high authorities, who recommended the establishment of a court differing in construction from that existing before, which should take cognizance in all cases matrimonial, and possess the additional power of dissolving marriage. Now, it was abundantly clear that, from the time of the Reformation to the present day, the law of England was that a legal marriage should not be dissolved except by Parliament, and he must own that upon this part of the Bill he had some misgivings. Generally speaking, it was not a fit thing to confide to a court of law, which was established for the

settlement of disputes between man and man as to their legal rights, that relief which Parliament alone can give. Of late, however, a different course has been pursued. Last Session his noble and learned Friend on the woolsack brought in a Bill enabling the Court of Chancery to grant certain powers to tenants for life, which powers before that time could only be conferred by Parliament. No doubt such a measure, saving the public, as it did, the time and expense involved in passing private Bills through Parliament, was a wise and beneficial one. When, however, the question was as to the propriety of giving to a law tribunal the power of deciding whether or not divorces should be granted, he confessed that upon that point he entertained some doubt. The proceedings in Parliament were exceptional proceedings, and they were attended with this advantage—that although Parliament had laid down certain rules beyond which it would not go—as, for example, that a divorce should be granted on the ground of the wife's adultery, or incestuous adultery on the part of the husband, yet it was not bound by those rules, it might depart from them in any case if substantial justice required. Were they to entrust such a jurisdiction as this to an ordinary court? It was said that the establishment of this new court would give to each party a cheaper mode of obtaining the redress to which he or she was entitled. His fear was, however, that if such a jurisdiction as that contemplated in this Bill were created no answer could be given to any future demand for an extension of the power of deciding these questions; and no one could then say why it should not be brought home to the door of every poor man, and why the County Court should not have authority to dissolve the marriage tie. That, in his opinion, would be a very serious evil, and he thought it extremely likely to introduce into the lower orders a degree of profligacy and a corruption of manners which could hardly be contemplated without dismay. It was argued that this must be a false alarm, because in Scotland, where a different state of the law prevailed with regard to divorces from that now existing in this country, no such evils ensued. The Scotch, however, besides being a moral people, had long been accustomed to this law, and he did not think such an alteration in the English system as the present measure seemed to involve would have the same harmless effect upon the people of this country.

This, however, was only a presumption of his own, and inasmuch as the question had already been discussed, and the principle to which he had referred had been decided on by a large majority, he felt it impossible on this ground to refuse to go into Committee, where, perhaps, the provisions of the Bill might receive satisfactory alteration. He would say the same respecting the points of detail referred to by his noble and learned Friend (Lord Lyndhurst), and by the right rev. Prelate who had just addressed their Lordships. His noble and learned Friend had stated that deeds of separation of husband and wife were contrary to public policy. The legality of these deeds had certainly been questioned more than once by Lord Eldon and other authorities, but there was not the least doubt that they were as perfectly legal as any other contract, and might be enforced in every court of justice. [Lord LYNDHURST: By injunction?] No, certainly not, because he was aware of the case of "*Wilson v. Wilson*;" but if his noble and learned Friend maintained that an action arising out of these contracts would not lie, and that such contracts were illegal and void, this would be a doctrine which no other man in the profession would hold. It might be that a court of equity would not take cognizance of such contracts, but that these contracts would be held valid in any court of law he apprehended there was not a moment's doubt. This being so, it would be for their Lordships to consider in committee whether the law on all these points of detail should remain as it was, or should undergo revision. He saw no reason why they should not consider the different clauses of the Bill in Committee, and for that reason he should certainly give his vote against the postponement.

THE EARL OF DERBY: I came down, my Lords, with the intention of voting in favour of the second reading of this Bill, because I thought that the advantage which might be produced by it would preponderate over the disadvantage; but I have never in the course of my experience heard a speech which has caused me to feel so much hesitation as to what vote I shall give as that of the noble and learned Lord who has just sat down. In the first place, I should naturally approach with great reluctance and doubt a subject involving such important considerations as a Bill must do which affects marriage and divorce, and when I find that the principle of this Bill is condemned in a most able

manner and with great eloquence by the only two Members of the right rev. Bench who are present on this occasion, those feelings of doubt and reluctance must naturally be much increased. I should have thought, my Lords, that if there were one question to which the heads of the Church in their legislative capacity were bound to give their utmost attention and consideration, and to advise your Lordships as to what is the law of the Church, what, in their opinion, is the law of God, and what the effect upon the moral and social condition of the people under the present system, that question would be the question of marriage and divorce. It is to me a matter of deep regret that, on a recent occasion, when the subject under your Lordships' consideration was almost entirely of a secular character, no less than twenty-three right rev. Prelates gave their votes, and that on the present occasion, when it would well become the right rev. Bench to enlighten your Lordships on this subject, there are only two right rev. Prelates present. When, again, I turn to the legal authorities, and, without any disrespect to the noble and learned Lord who spoke last, I may say the highest legal authorities, my doubts are increased. I find the noble and learned Lord throwing his vote and his speech into opposite scales, for although he has stated his willingness to go into Committee on this Bill, he has expressed grave doubts as to the expediency of substituting a court of law to supersede the exceptional jurisdiction of your Lordships' House. Now, my Lords, that appears to me to be the very essence of the Bill. The great objection to the existing practice is that it renders necessary a succession of legal proceedings, thereby giving a great advantage to the rich over the poor, and practically depriving the latter of any advantage of the law. Now, the whole principle of this Bill is to do away with the present exceptional course of proceeding, and to bring every case before a judicial tribunal; and I do not, therefore, understand how the noble and learned Lord can be prepared to go into Committee upon a Bill about the principle of which he entertains grave doubts. Having listened to the two right rev. Prelates who have spoken on this subject, I confess I cannot go so far as to hold with them that by the law of God the marriage tie is indissoluble.

THE BISHOP OF OXFORD denied having said so.

THE BISHOP OF EXETER said, he had not intended to convey that impression, for he admitted its dissolubility in certain cases.

THE EARL OF DERBY: Then, as I understand the right rev. Prelate, marriage is dissoluble according to the law of God in certain cases. Marriage is, to my mind, the highest and holiest of human ties; but I hold it to be dissoluble on certain prescribed grounds. I do not, therefore, my Lords, object to the principle of the Bill which lays down the doctrine of the dissolubility of marriage in cases of proved adultery, nor do I object to the principle which declares that those cases shall be dealt with by a judicial tribunal according to established judicial rules of proceeding, instead of being dealt with as exceptional cases. Adopting, therefore, these two principles, I am prepared to go into Committee upon this Bill. I agree with the right rev. Prelate (the Bishop of Oxford) that a more workmanlike measure might have been brought forward by the Government—a measure which would have dealt with the other matters to which reference had been made. Still, agreeing with the right rev. Prelate, I go further and say that this Bill ought to be a final measure, and I think that it would be a great misfortune if it went out of your Lordships' House without dealing with those other important subjects which have been touched upon in the course of this discussion. I quite concur with my noble and learned Friend (Lord St. Leonards) that this Bill should not pass through your Lordships' House without some provision being added to it repealing the scandalous action for damages in cases of criminal conversation. I know not—for I had not the honour of being a member of it—upon what ground the Committee of last year thought it necessary to repudiate the proposal to consider these two questions together, and to do away with that odious action, at the same time imposing a penalty upon the adulterer. There is in law no difficulty in imposing a penalty upon a man who has robbed the person who has trusted him of a trifling sum of money, and it is open to the judge and jury, more especially to the judge, in measuring out the penalty to be inflicted, to take into consideration whether there has been any undue negligence on the part of the prosecutor, or any undue exposure of his property, or whether there are any extenuating circumstances. Yet, in the case in which the

highest injury is inflicted which man can inflict on man, in which a man is robbed by the man whom he has trusted of that which is dearer to him than anything upon the face of the earth, when his social position and the reputation and success in life of his children are affected by the wrong done to him by his friend, the law says that that injury shall not be visited with any penal consequences, but that the person injured may obtain in the shape of a sum of money a paltry reparation for an irreparable wrong. I admit, my Lords, that nothing can be more absurd than to attempt to make men moral or virtuous by Act of Parliament; but the question is whether we may not employ the criminal law advantageously to check an outrage upon society. I cannot understand upon what principle any hesitation can be felt in accepting the principle of doing away with the present disgraceful action for damages, and imposing upon the adulterer a criminal penalty. I do not understand why the discretion should not be allowed in each case of visiting the offence with fine or imprisonment, as in other misdemeanors. If you visit it with fine alone you place the rich man in a better position than the poor; and if you say that in the event of the fine not being paid imprisonment shall follow, the rich adulterer will have comparative impunity, while the poor man may have to undergo a long term of imprisonment. We are, my Lords, severe enough, and properly so, upon the crimes of violence, robbery, and attacks upon property or life, in which the lower classes are subject to greater temptation than we are; and it is our duty to take good care that there shall be no feeling on the part of the country that those temptations to which the rich are at least as much exposed as the poor should be deemed less criminal and treated with less severity. I trust, therefore, that this Session will not pass over and that this Bill will not leave your Lordships' House without there being some such measure passed or engrafted upon this Bill as was proposed by my noble and learned Friend, and that we shall do away at once and for ever with that opprobrium on our law, the action for damages for criminal conversation. There are two or three other clauses which have already been adverted to which appear to me to be very objectionable. The 17th clause, for example, it is impossible ever to agree to. Everything which tends to give additional facilities to the hasty sepa-

ration of married persons, without affording time for the passions to cool, or for the intervention of the advice, assistance, and counsel of friends, should, in my opinion, be carefully guarded against; for it is not the policy of the Legislature to encourage those separations hastily, without due consideration, and without those checks which the law at present imposes. I agree with my noble and learned Friend also in his objection to the 15th clause of the Bill, which, contrary to the recommendation of the Committee, permits the granting of a divorce *à mensâ et thoro* to the wife upon the ground of desertion. I think, with my noble and learned Friend, that that is carrying the principle further than is desired. I agree that there ought to be a provision by which the wife may be secured and protected in the event of long-continued desertion by her husband; but when my noble and learned Friend said that there was no provision for securing to the wife any property obtained by her own exertions after her desertion, I think that he overlooked the 18th clause, which would give her entire protection in the case of a divorce *à mensâ et thoro*. On the whole, I look upon this as being very far from a perfect measure. We have a choice of evils and of difficulties in this matter; but the state of the law at present is such that we cannot adhere to it as it stands, and the question is whether we shall absolutely prohibit all dissolution of the marriage tie, or whether we shall adopt some such provisions as the present Bill contains, which shall make the law positive and conclusive, instead of being as now optional and uncertain. Under these circumstances I shall vote for the second reading of the Bill, trusting that it will receive the fullest consideration before it passes through Committee.

THE MARQUESS OF LANSDOWNE: My Lords, an opposition has been raised to the second reading of this Bill which I must say I hardly anticipated, because it is only carrying out that which has been the manifest intention of Parliament for years past. I utterly deny that the Bill which has been laid upon your Lordships' table is calculated to facilitate divorces or to render the law of marriage more lax. Its object is to record the principle that the present mode of effecting divorces is liable to great and serious objections, and to substitute for that which has been found to be attended with so many evils a more safe, a more just, and, let me add, a more

decent method of dealing with such cases. It is intended to carry out suggestions which were discussed in a Committee of your Lordships' House, and to give effect to that which has already the concurrent approbation of almost all sides of the House and almost all classes of the country. "But the Bill effects that partly by means and machinery which were suggested last year, and partly by some additions which have been made with the view of obtaining for it a more universal consent. It is unnecessary for me to enlarge upon the subject of actions for criminal conversation, because I endeavoured to impress upon your Lordships last year what were my views with respect to it; and because my noble and learned Friend on the woolsack well knows that my constant opinion has been that neither this Bill nor any Bill of this nature ought to pass if it were not accompanied, or immediately followed, by a Bill removing that great stigma upon the legislation, the manners, the habits, and the customs of this country—the trial for what is called "criminal conversation,"—which exists in no other country in the world, and which, existing here, is represented in all other countries in the world as an indication of, I will not say the "degraded," but of the loose, selfish, and sordid principles which prevail in this country. When I am told that the Bill as it now stands, does nothing to remedy that practice, your Lordships must bear in mind that most of those actions have been instituted with a view to obtain that which could be obtained in no other way, the divorce not being procurable until such an action had been brought. I agree with your Lordships in opinion that this Bill ought to be for the poor as well as for the rich; and I apprehend, so far as the Bill goes, that greater facilities will be afforded by it to persons who approach the tribunals of justice than exist now. At present many actions are necessary, and the expenses are great; and even if the attendant expenses should still be heavy, at all events all the legal poison, so to speak, will be concentrated in one place, and all the fees paid and all the extortion incurred—if there be any—will be under one roof and in one proceeding. I think it is most important that this Bill should pass. It is not improbable, as the right rev. Prelate has foretold, that you may have a greater number of divorces under the operation of this Bill; but they will only be permitted where they are required. And, my Lords,

judging from my observation, and speaking as a member of society, I believe that the evils arising from the want of the power of divorce are as great among the lower orders of this country as among the higher classes—nay, I believe them to be greater. I believe that the vice and misery of every kind that ensue from the want of this power of separation, are much greater among the lower orders of this country than among the upper classes. Among the poorer classes this want not only leads to actual vice that is tolerated by the absence of divorce—the wife living in a state of adultery and incontinency—but to that other vice which is the greatest bane of the lower orders of this country—the vice of drunkenness. I have found in my own neighbourhood, and I dare say the testimony of every noble Lord who hears me as to the manners of his neighbourhood will be to the same effect, that many drunken persons have been led to that habitual state of drunkenness from having a debauched wife, with whom they could not live in peace at home, whom they could not respect, and whose ill conduct leads them to go abroad and indulge in those habits of drunkenness. So that, while the wife lives in a state of vice, and has intercourse with another man, the husband is led, from the impossibility of obtaining a separation from her, to indulge in habits of dissipation. It is possible that if the House will go into the inquiry, some means may be found of extending the tribunal having cognizance of these cases to every part of the country. The experiment having been once tried and succeeded, it may be possible to extend the power, at least of obtaining evidence, to every part of the country, and then we may attain that which must be the object of all your Lordships, and extend the power of obtaining a divorce to all classes equally. Before I sit down let me add one word on the 17th clause, which gives married persons the power to separate by arrangement. I think that you should require a certain interval between the signification by the parties of an intention to separate and the time when that declaration acquires a legal force and effect. We have a precedent for this in the French code. By that code a divorce for a *séparation de corps* is not given at once. The parties have to signify their intention, which is formally notified through the mayors of the communes, and has no effect until after the lapse of a year or two, ac-

cording to circumstances. If at the end of that time the parties manifest their intention to persevere, the notice then acquires the form and substance of a law. I have understood, on the best authority, that the result of that interval of delay is that a very large proportion of the parties who have signified an intention to separate come forward at the end of the year, and declare themselves changed and reconciled to each other by the mere operation of the law, which thus interposes a valuable test by compelling the parties deliberately to review their intentions. If your Lordships adopt some modification of the law in this respect it may be very desirable; but in principle the law of France is sound, because I am satisfied that there exists in England, in the higher classes of society as well as in the lower, a practical separation on the part of those who desire to separate more formally, and to come before a tribunal which can give a validity to those arrangements which ought to be made, but which at present these parties are not able to enforce. For the want of such a tribunal these parties live in a state of conflict, which is the occasion of incessant disputes and torment, and is productive of nothing but mischief to the family. And, my Lords, when I am told that it is the interest of the children that these separations should not take place, I say that the interests of the children will be better provided for under a separation regularly entered into, and where the tribunal will give validity to the contracts made between the parties, than where the children are left to witness disputes between parties who wish to separate, but who live together for the purposes of hatred, because they are not able to give legal form and solemnity to their separation. It might be true that these separations did not exist in France during the iniquitous period of 1792. The revolutionists encouraged divorce rather than separation; but upon the first occasion on which the question of divorce was reconsidered the French immediately had recourse to a *séparatoin de corps*, which is now the law in France, and which exists under the modifications I have described. I do not pretend to say that I think this Bill perfect, or that it ought to go forth in its present shape without amendment. But the subject has been long considered. We have had the Report of a Commission and of a Committee of both Houses of Parliament, and there is no reason for interposing any further delay. Your Lordships may rely

upon it that this question of divorce will remain a constant subject of discussion until you reform the existing state of things. I trust that your Lordships will not oppose the second reading of the Bill, and that you will agree to it for the purpose of making the Bill perfect in Committee.

EARL GREY said, that if he voted for the Amendment of the right rev. Prelate, he should not do so because he was an advocate for the existing state of things. No man was more strongly of opinion than himself that the present state of the law was disgraceful and ought not to be allowed to continue. But it must be admitted that the right rev. Prelate had been successful in showing that the Bill was extremely imperfect, and his noble Friend who had just sat down had given additional reasons for this belief. The very foundation of the Bill was the constitution of the Court which would have to decide questions of divorce. The noble Marquess said that it was more necessary that facilities for divorce should be extended to the very lowest class of society than to any other: but if that were the object of the Bill, and if it were a Bill for the poor, was it not a mockery to constitute a Court of which the Dean of Arches was one member, the Lord Chancellor another, and the three chiefs of the common law Courts the remaining members? How could such a Court deal with the number of cases that came before them? It was matter of extreme difficulty and doubt how far they ought to afford facilities for divorce; but his opinion was that Parliament ought to provide some means by which all ranks of society should be relieved from wives who had committed adultery. The measure was shown by its supporters to be altogether inadequate to accomplish the object which they had in view. He was perfectly persuaded, from experience in both Houses of Parliament, that to read an immature and ill-digested measure a second time was not the way to expedite reform; and, being thoroughly convinced that this Bill was so essentially defective it was impossible it could ever be made a perfect piece of legislation, he should vote for the Amendment of the right rev. Prelate. Let the Government take this Bill back, revise it carefully, get the best assistance they could, and lay upon the table such a measure as their Lordships might pass with a fair expectation of obtaining for it the sanction of the other House of Parliament, and of its working

when brought into operation, in a manner satisfactory to the country.

LORD REDESDALE was confirmed in the opinion which, as a member of the Commission, he had expressed, that it was impolitic to introduce any law by which divorces *à vinculo* could be obtained. The objections taken against this measure were objections against any measure of the kind. What their Lordships ought to do was steadfastly to uphold the law, and refuse to grant exceptional Acts for the dissolution of marriage. From the earliest period no such remedy had ever been open to the nation at large, and the consequence was that in no country in the world was there more domestic happiness or greater regard for the marriage tie than in England. It was absurd to suppose that the principle of divorce, if once admitted, would not be carried further, and ultimately divorces be granted for comparatively light reasons. Believing that this alteration was not demanded by the people generally, and that, if made, it would cause greater mischiefs than it would cure, relieving a few cases of hardship, but introducing misery into many families, he should certainly vote against the Bill.

THE LORD CHANCELLOR said, that when he had the honour of introducing this Bill, he never supposed that there would be any serious opposition to it on the part of their Lordships, and he thought he was justified in that opinion. He might remind their Lordships that, with the exception of a very few particulars, the Bill was *ipsisssimis verbis* the same as their Lordships sent down last Session as a proper measure to the House of Commons. He thought it would, under those circumstances, have been an impertinent waste of time, if on moving the second reading he had done more than give an explanation of the way in which it differed from the Bill of last year. There had been some objections urged to which he would very briefly direct attention. The right rev. Prelate who moved the Amendment stated that upon such a matter it was not right to legislate without much more previous consideration. What amount of previous consideration did the right rev. Prelate consider would be sufficient? The question was ten or twelve years ago referred to a Committee of their Lordships' House, and that resulted in a Commission consisting of Dr. Lushington, Sir W. Page Wood, Mr. Walpole, Lord Campbell, and one or two others, whose names did not at that mo-

ment occur to him. Those eminent persons investigated the matter with great care, and issued an elaborate Report, in which they urged substantially the propositions contained in the Bill now before the House, namely the constitution of a Court—not so perfect as that provided for by the Bill—but a Court to consist of a Vice Chancellor, a common law puisne Judge, and an ecclesiastical Judge. The present Bill substituted the Lord Chancellor for the Vice Chancellor, and the Chief Justices of the common law Courts for a puisne Judge. The Bill had been referred to a Select Committee and Amendments had been introduced. Five days of anxious attention had been devoted to the measure, and the result was that the Bill introduced last Session was passed through their Lordships' House. That was the Bill which he now asked their Lordships to read a second time. What, then, became of the allegation of the want of previous consideration? If it had been said that there were such great difficulties surrounding the question as to render legislation impossible, he could have understood it; but he believed that to expect to derive further information by any amount of further inquiry was to hold out a hope that could never be realized. It was said that this court was a sham; that we were constituting a tribunal just as inaccessible to the great bulk of Her Majesty's subjects as the present system of relief; but he denied that *in toto*. He did not mean to say that the poor man would have the same facilities in applying to this court as the rich man, but where was there any court in which that was the case? That was one of the advantages of wealth which could not be prevented. But the Bill would relieve the poor man from the necessity of applying to three expensive courts for redress. If an attempt had been made to pass at once from the highest tribunal in the country—their Lordship's House—to the County Courts, it would have been scouted at once as impracticable; but the tribunal as now proposed was precisely what had been approved by their Lordships last Session, as recommended by the Select Committee. Of course, if any improvement could be suggested they could be listened to in Committee. There were some variations from the Bill of last Session which he had introduced considering them to be improvements in the measure. The Select Committee recommended that if a woman was

deserted for the term of two years—he believed—without any reasonable cause, that then it should be competent to the Court to grant to her alimony, to continue until further order of the Court. In the present Bill, that had been altered by proposing that, instead of alimony, it should give a right to a divorce *à mensâ et thoro*. If, however, their Lordships objected to that introduction and thought it better that the original clause should be restored, it was easily done—it only required the stroke of a pen. It had been objected to the 17th clause that it would alter the whole of our social relations, because it would facilitate voluntary separations. Now the progress of judicial opinion had gone on altering from time to time on the subject, and he would say, without fear of contradiction, that the doubts which were thrown formerly on the validity of deeds of voluntary separation were now totally scouted. There was not the smallest doubt that contracts entered into to facilitate those separations were contracts perfectly valid. The object he had in proposing the clause was not to facilitate separations, but to facilitate the machinery for separation. It might be that the clause was not fenced about with sufficient protections—it might be that it would be improved by requiring the lapse of a certain time, and the concurrence of friends to the act of separation, and he would therefore endeavour to make some alteration in that respect before the Bill went into Committee. Many observations had been made respecting actions for criminal conversation. No man could feel otherwise than disgusted at the actions for crim. con. under the existing state of things, but the reasons why those actions had been so common was, that without bringing such actions it was a rule of their Lordships' House that there should be no divorce. When that objection was removed, he believed that those actions would die a natural death. The difficulty the Committee had felt in recommending its abolition was that if there were no such action there would be no remedy against the adulterer. It had been suggested that the adulterer should be tried for a misdemeanor; but was the woman also to be made guilty of a misdemeanor? Then, again, what was the punishment to be? If merely a fine, it would be totally disregarded. He believed that the real punishment would be found in the Bill as it was then before the House—namely, omitting the proviso introduced

by the right-rev. Prelate (the Bishop of Oxford) into the Bill of last Session, forbidding the man to marry the woman he had seduced; for he believed that the feeling that he could not abstain from marrying the woman without forfeiting his honour in the world would be a very great safeguard against the commission of the crime. He had thought it right to explain why he had introduced the matter so briefly to the House at the beginning of the evening; having done so, and their Lordships being aware what the Bill was, he hoped they would, after the great care and deliberation which the subject had undergone—first in a Select Committee on the subject—secondly, before a Royal Commission; and, finally, before a Select Committee of that House—he trusted they would have no hesitation in giving a second reading to the Bill in its present state, in order that any improvements which might be suggested might be impressed on the House in Committee. These improvements, he trusted, would make the Bill, if not a perfect measure, at least one which would be a material improvement on the anomalous state of the law as at present existing.

On Question, that “now” stand part of the Motion, their Lordships *divided*:—Content 25; Not Content 10: Majority 15.

Resolved in the Affirmative: Bill read 2^a accordingly.

CHIEF CONSTABLES BILL.

COMMITTEE. BILL REPORTED.

Order of the Day for the House to be put into Committee read. House in Committee accordingly.

THE EARL OF SANDWICH moved an addition to Clause 11, that no person should be eligible to a new or additional office of Chief Constable whose age exceeded fifty years.

EARL GRANVILLE opposed the Amendment, on the ground that it would introduce exceptional cases, with which it would be inconvenient and difficult to deal in the face of an inflexible rule.

THE MARQUESS OF SALISBURY supported the Amendment.

THE EARL OF HARDWICKE thought, considering that the constitutions of men differed so much, it would be better to leave the question of age in this matter to the magistrates or the Crown, to be decided according to circumstances.

Amendment negatived.

VISCOUNT DUNGANNON moved,

“That no person shall be eligible to fill the office of chief constable who has been a bankrupt, or who has passed through the Insolvent Court, unless such bankruptcy or insolvency shall be proved to the satisfaction of Her Majesty’s Secretary of State for the Home Department to have arisen from unforeseen or unfortunate circumstances, and not to have been the result of fraud or reckless extravagance.”

EARL GRANVILLE thought the addition proposed was unnecessary. In the regulations made compulsory upon the magistrates they were bound to state to the Secretary of State any special fact respecting the chief constable which came to their knowledge, and when such a fact as the insolvency or bankruptcy of this officer was represented to the Secretary of State he would certainly institute an inquiry into the circumstances. This, therefore, would answer the object which the noble Viscount had in view.

After a few words from the Earl of Powis,

On Question, Committee *divided*:—Content 3; Not Content 10: Majority 7.

Amendment negatived.

Bill *reported*, without amendment; and to be read 3^a on *Thursday* next.

PRIVATE BILLS.

RESOLUTIONS.

On the Motion of Lord REDESDALE,
Resolved,

“That no Private Bill shall be read a Second Time after Tuesday, the 7th Day of July next:

“That no Bill confirming any Provisional Order of the Board of Health, or authorizing any Enclosure of Lands under special Report of the Enclosure Commissions for England and Wales, shall be read a Second Time after Tuesday, the 14th Day of July next:

“That when a Bill shall have passed this House with Amendments these Orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended.”

House adjourned to Thursday next.

HOUSE OF COMMONS.

Tuesday, March 3, 1857.

MINUTES.] NEW MEMBER SWORN.—For Leicester County (Northern Division), Lord John Manners.

PUBLIC BILL.—1^o Grand Juries (Ireland) Act (1836).

THE PERSIAN WAR.
QUESTION.

MR. GLADSTONE said, he wished to ask the President of the Board of Control whether the "financial year," in his letter of the 9th day of December last, has the same meaning as the "ensuing financial year," in Sir Charles Trevelyan's letter of the 2nd day of December last; and, if not, by whose authority the change was made? Whether any Estimate of the charge of the Persian War for the ensuing financial year has been presented by the East India Company to Her Majesty's Government; and, if so, at what date it was thus presented, and when it will be laid on the table of the House? And whether any supplies or munitions of war, the property of Her Majesty, have been despatched from this Country, or from any British possession, in aid of the expedition against Persia?

MR. VERNON SMITH said, in reply to the first question, that the words "the financial year" in his letter had the same meaning as the words "the ensuing financial year" in the letter from the Treasury. The fact was that one had been copied from the other, and that a clerical error had caused the omission of the word "ensuing." In reply to the second question, he had to state that an Estimate had been presented by the East India Company to the Board of Control. That Estimate was received on the 7th of February, and was submitted to the Treasury on the 9th. It had not been acknowledged, or examined, or assented to, by the Treasury. It was not his intention to present that Estimate to the House, believing that it would be unadvisable and inexpedient to do so. The Estimate which had been formed in this country was a rough one, and he trusted it would turn out that the calculations were erroneous, because it proceeded on the supposition that the Persian war would last until December, 1857. That, he hoped, would not be the case. But even if the war should last until that period, he should still object to the production of the Estimate, because it contained matters which ought not to be in possession of the enemy, and he trusted the House would not enforce the production of such a paper. With respect to the third question, he confessed that the object of that question was to him utterly unintelligible, and he could only answer it on a strict interpretation of the words, by saying "No." Expenses of the kind were incurred by the East India Com-

pany, and afterwards became matters of account. No munitions of war, the property of Her Majesty, had been despatched from this country. All such munitions must be purchased by the East India Company, and they might either be sent from this country or elsewhere. As he had before said, they would form matter of account, but did not proceed from supplies the property of Her Majesty.

ARMY REGULATIONS AND ORDERS.

QUESTION.

MR. T. DUNCOMBE said, he would beg to ask the hon. Under Secretary for War when the revised Copy of the Army Regulations and Orders would be ready for distribution or sale; also, what was the date of the Order or Authority, and to whom it had been sent and addressed, upon which the disbandment of the Land Transport Corps took place, as stated by him on Friday last, and whether there was any objection to lay upon the table a Copy of such order or authority?

MR. FREDERICK PEEL said, the revision of the Regulations was nearly completed, and as soon as they were completed the publication would take place at once. With regard to the Land Transport Corps, instructions were issued from the War Department in May or April, 1856, directing that the detachments on their arrival in this country should be reduced as fast as possible. In August last an Order in Council was passed, authorizing the formation of a Military Train, and directing that any men belonging to the Land Transport Corps who should join the Military Train should be re-enlisted, and the disbandment of the Land Transport Corps followed.

MR. T. DUNCOMBE said, he wished to know if the Order in Council had been gazetted.

MR. FREDERICK PEEL replied, that the Order in Council had been issued in the usual form.

MR. T. DUNCOMBE said, the Orders were at present in abeyance, and the officers of the army could not obtain them. An advertisement had been issued, announcing that they were to be had at Messrs. Parkers', in the Strand; but on applying there that morning he was assured that the press had been stopped, and that no copies were to be had. The same answer had been given to different officers; and, on applying at the War Office, they were told that the Orders

were not ready. With regard to the Land Transport Corps, he wished to know if the hon. Gentleman was prepared to lay the authority for its disbandment on the table. The 8,000 men who had been disbanded knew nothing of what was to take place until after their arrival from the Crimea, and they considered that they had been hardly used. He wished to see the Order, because he believed the act of the War Department was illegal. But, even if it should not be illegal, he submitted that a great injustice had been committed, which ought to be inquired into. He wished a copy of the Order to be laid on the table, and it was his intention to bring the subject under the consideration of the House.

SIR JAMES FERGUSSON said, he must urge upon the Government the necessity of coming to a speedy decision respecting the officers of the Land Transport Corps. Great uncertainty prevailed on the subject, and the paymasters in the troop were at the present time kept without their pay.

MR. FREDERICK PEEL said, he could not give any further information with regard to the Orders and Regulations. They required great consideration, and the whole had been completed with the exception of that portion relating to the embarkation of troops. As soon as they were completed, they would be published. He was not aware of any difficulty in procuring copies of the existing Regulations. The Land Transport Corps was reduced under the instructions of the War Department, and not by Order in Council.

WEIGHTS AND MEASURES (IRELAND).

QUESTION.

SIR WILLIAM VERNER said, he wished to ask the Chief Secretary for Ireland if he could inform the House when the Bill for the Assimilation of Weights and Measures in Ireland was likely to be laid upon the table of the House?

MR. HORSMAN, in reply, said that it was the intention of the Government to introduce a Bill for the regulation of fairs and markets in Ireland, and the regulation of weights and measures would form a portion of the Bill, which had been prepared, and was now under revision. He hoped to be able to lay it on the table in the course of a short time, and he trusted that its discussion would be proceeded with as soon as the state of public affairs would permit.

COURT OF EXCHEQUER CHAMBER

(IRELAND)—QUESTION.

MR. P. O'BRIEN said, he wished to ask the right hon. and learned Attorney General for Ireland whether his attention had been directed to the present constitution of the Court of Exchequer Chamber in Ireland, as regarded the delays and difficulties experienced by suitors in that Court, and whether it was the intention of the Government to apply any remedy.

MR. J. D. FITZGERALD said, that many difficulties arose from the mode of transacting business in that Court, and a heavy cost was entailed on the suitors. During the recess he had been in communication with the Judges, and if they adopted the views which he entertained, he proposed to introduce a measure to assimilate the practice in that Court to the practice prevailing in this country.

CRIMEAN COMMISSIONERS.

QUESTION.

MR. LAYARD said, he wished to ask the hon. Under Secretary for War whether he had any objection to lay on the table the correspondence which had passed between the Government and Sir John McNeill and Colonel Tulloch on the subject of the offer of £1,000 which had been made to those gentlemen?

MR. FREDERICK PEEL replied, that he had no objection to the production of the correspondence.

CHINA.

RESOLUTION MOVED. RESUMED DEBATE.

(FOURTH NIGHT.)

Order read, for resuming Adjourned Debate on Question [26th February]—

"That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river; and, without expressing an opinion as to the extent to which the Government of China may have afforded this Country cause of complaint respecting the non-fulfilment of the Treaty of 1842, this House considers that the Papers which have been laid upon the Table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*."

Question again proposed.

Debate resumed.

MR. ROUNDELL PALMER said, that his hon. Friend the Member for the West Riding had taken a wise and judicious course in not calling upon the House to

commit itself to any unnecessary expression of opinion as to whether the Chinese had now or at any former time been guilty of any default in the performance of their treaties with this country which would have justified the adoption of other means of redress, or the making of other representations than those which had been adopted and made in this instance. If it were proved to demonstration that in the affair of the *Arrow* the Chinese Government was more or less wrong, and that there was matter for remonstrance and complaint, that would be far from justifying either the kind and tone of the remonstrances which were made, or the perseverance in those complaints, with the addition of new demands, after a redress which he trusted the House would think was adequate to the occasion had been offered. But although it was by no means requisite to justify the votes of those who intended to support the Motion, that it should be determined that the Chinese had given no ground of complaint; on the other hand, it was absolutely necessary to the case of the Government that they should clearly make out that the Chinese had been guilty of a deliberate violation of their treaty with Great Britain. His right hon. Friend the Home Secretary had, towards the conclusion of his able and eloquent speech—in which, however, he entirely gave the go-by to the substantial merits of the case—said that he declined to enter upon the narrow technical ground of the legal question. He must, however, be permitted to say that, according to his (Mr. R. Palmer's) view of the matter, it was absolutely necessary for the Government to prove themselves right as to the question of law, in order to establish the least justification for the course which they had sanctioned and approved. How stood the matter according to the showing of the Government themselves? His hon. and learned Friend the Attorney General had discarded as irrelevant the arguments which had been founded upon the colonial ordinance, and upon the Acts of the Imperial Parliament, and had said—and he (Mr. R. Palmer) concurred in that assertion—that the treaty must determine between China and Great Britain whether there was any cause for the reprisals which had been made by the latter Power. His hon. and learned Friend said that, if it were not for this treaty, the *Arrow*, or any other merchant ship at Canton, was liable to be visited by the Chinese autho-

rities. In saying this, he only repeated what was stated by Lord Wensleydale, as high a legal authority as any, in another place. The words of that noble Lord were these:—

“If it was then in the port of Canton, within the territorial bounds of China, the Chinese had undoubted authority to seize criminals breaking their laws on board the ship, in this port as well as on their own territory, and we had no right to treat the seizure as a wrong done to us, unless the Chinese had by treaty agreed to give us the right.”

Then, what became of the declamation about the British flag, unless it could be made out that by the terms of this treaty the Chinese had agreed to take the British flag, when hoisted by any vessel, as conclusive evidence of the nationality of the vessel hoisting it? It was admitted by the Attorney General, and by the highest legal authorities elsewhere, that the British flag by itself was wholly irrelevant to the question, and that the boarding of a vessel bearing such a flag for the purpose for which the *Arrow* was boarded, within the river of Canton, was no violation of the law of nations, unless the Emperor of China had by this treaty contracted himself out of the right to exercise what would otherwise be his undoubted prerogative. Then, it became necessary to look to the treaty. Did the Emperor of China, or did he not, by that treaty, concede his rights?—because, if he did not, we had been making war upon the Emperor of China for exercising his undoubted right of sovereignty in his own dominions in a case not provided for, and in which he had not agreed to limit his sovereignty by the terms of the treaty. The Government, then, must make out that the *Arrow* was an English merchant ship, within the terms of this treaty. If they failed to do that, their whole case fell to the ground, and there was no justification for any part of the hostilities in which we were engaged. Some hon. Gentlemen had said—but to do him justice this argument was not repeated by the Attorney General—that the Chinese had nothing to do but to look at this ship to see that she was a British vessel; she was a lorcha; all lorchas were English; therefore this lorcha was an English vessel; and therefore the Chinese, in boarding a lorcha must have known that she was an English vessel. Would any one contend that all lorchas in China belonged to the English nation? Were there no Portuguese, no American, no Danish lorchas? No lorchas belonging to Chinese insurgents or pirates?

Why, the papers showed that this very lorch, at one time in her history at least, belonged to Chinese pirates; and therefore an argument more preposterous than that because this vessel was a lorch, *ergo* it must have been British in the sense of the treaty, probably never entered the mind of man. That, however, was not the argument of the Attorney General. That hon. and learned Gentleman said that the sailing letter or register clearly made the *Arrow* a British ship—that the 17th Article of the treaty required every British schooner, lorch, cutter, &c., to have a sailing letter or register in English and Chinese, under the seal and signature of the Chief Superintendent of Trade. This was very true; but the hon. and learned Gentleman contended that every lorch receiving such a sailing letter or register was by the very letter and conditions of that treaty converted into a British lorch, and entitled to the character and privileges of a British vessel. The hon. and learned Gentleman had earned many distinctions while at the University of Oxford, and probably had not forgotten that a book called *Aldrich's Logic* was used at that seat of learning. But if the hon. and learned Gentleman, when in the schools of Oxford, had proposed as an example of sound logic, that because every British lorch must have a British sailing letter or register, therefore every lorch having a British sailing letter or register must be British, he could hardly have carried off the high honours which he had won there. He (Mr. R. Palmer) would venture to put the proposition in a shape that could scarcely be mistaken:—"Every Member of the House of Commons must take the oaths of allegiance and supremacy; therefore everybody who takes the oaths of allegiance and supremacy is a Member of the House of Commons." Therefore he thought it not so abundantly clear that the mere sailing letter or register was the only condition to be looked to. No doubt, a British lorch without a sailing letter or register was not entitled to the protection of the treaty, and he should inquire by and by whether this lorch had one in the meaning of the treaty. His hon. and learned Friend, the Attorney General, however, had relied upon another argument, which he was bound to say carried greater weight with it, and deserved a more careful examination. He had endeavoured to make out that this ship must have been British because the person to whom it belonged was a Chinaman residing at Hong Kong.

In this part of the subject he had been anticipated by the hon. and learned Gentleman the Member for Stamford (Sir F. Thesiger); yet he would examine it briefly in the light of the treaty itself. There could be no greater fallacy than to apply mere abstract principles of construction to the interpretation of such a document; and there was no sounder principle than, in the first instance, to consider what the parties intended, by looking at what they had said. The first and governing words of the 17th Article, to which the Attorney General adverted, were "various small vessels belonging to the English nation." Here there was nothing about British subjects, to introduce nice technical arguments as to how many kinds of British subjects there might be, and under what limitations and conditions a man might be called a British subject; neither was there anything about British citizens. The nationality of the vessels was pointed out, and not the temporary subjection of the persons owning them, who might not share in that nationality. The nationality of a ship could be English in one of two ways only—either her ownership would make her so, or the character of the ship itself must be English. The Attorney General held that the ownership of a person residing at Hong Kong, being a Chinese and owing allegiance to the Emperor of China, made this ship a British ship. If that argument was true, of course the principle of it would apply throughout the treaty; and they must adopt the same rule of interpretation in all other parts of the treaty. This was the case of a Chinaman living at Hong Kong, whose ownership of the vessel made it in all the ports of China a British vessel. Well, would a vessel belonging to an Englishman, settled for the purposes of trade at Canton or at Shanghai, be a Chinese vessel within the meaning of the treaty? If the owner's residence at Hong Kong made the vessel of a Chinaman an English vessel: so the residence of an English owner at Canton or Shanghai would make his vessel a Chinese one. Everybody saw how monstrous it was to say that ships belonging to Englishmen, resident he cared not for how many years at Canton or any other Chinese port, were not in the sense of the treaty English ships, and as such entitled to English protection. But there was another point. It was clear that if Chinese shipowners living at Hong Kong were British subjects entitled to the protection of the treaty,

then all the obligations and duties imposed by the treaty on the same class of persons applied reciprocally to such shipowners and such ships. According to this principle of interpretation, under the fourth Article of the treaty these Chinese shipowners resident at Hong Kong would not be allowed to trade at any Chinese ports, except Canton, Foochow, Amoy, Ningpo, and Shanghai, neither should they repair to any other ports or places, nor would the Chinese people at any other ports be permitted to trade with them. The infringement of these restrictions would render their vessels as "English merchant vessels," and their cargoes liable to confiscation by the Chinese authorities. Would it, then, be gravely maintained that because a Chinese owner, owing allegiance to his own Government, lived at Hong Kong, his junk or his lorcha (for the two classes of vessels were all one to the sense of this clause of the treaty) would not be permitted to go to any Chinese port except the five above-named, and that we should be guilty of a breach of the treaty if we did not endeavour to prevent it? The sixth Article of the treaty precluded English merchants, and others residing at, or resorting to, the five ports, from going into the surrounding country beyond certain short distances; seamen, and persons belonging to the "ships," should only be allowed to land under authority, and rules, which would be fixed by the Consul, in communication with the local officers; and that it is also declared that persons infringing this article should be seized and handed over to our Consul for suitable punishment. Should we, then, be guilty of a violation of the treaty if we allowed such Chinamen as the crew of the *Arrow* to go into their own country? It was clear that this Article pointed to English nationality, properly so called; and was wholly repugnant to the notion that by residence at Hong Kong subjects of the Emperor of China could, for the purposes of this treaty, be converted into Englishmen. If we attempted to do this we should manifestly bring these persons under the disabilities as well as confer on them the privileges of the treaty—a thing which we could have no power to do, and which we never meant to undertake. Were we to be responsible for these people? Why the blue-books showed that the Chinese residents at Hong Kong were a turbulent, disaffected race, nearly allied to the insurgents and the

secret societies in feeling; and if we were to be made responsible for their acts, except during the time they were actually within the British territory at Hong Kong, it was most essential that we should look narrowly at the obligations we undertook in regard to them. It was also material to recollect what was the actual position of Hong Kong, both before, and at the time of, the signature of this Supplementary Treaty. Before the first Chinese war, it had long been a favourite trading station for English merchant ships; it was ceded by the Treaty of 1842; and the Supplementary Treaty was concluded in 1843, being within a month of the ratification of the former, and before the settlement of Hong Kong was effected. The third Article of the first treaty declared that Hong Kong was ceded to us by China, because "it was obviously necessary and desirable that British subjects should have some port where they could careen and refit their ships and could keep stores for that purpose." That being so, would it not be a fraud towards the Chinese Government under this treaty to create a *dépôt* at the place thus ceded to us in which Chinese subjects might, *ad libitum*, be turned into Englishmen, and in which you should multiply in favour of an indefinite class of Chinese ships privileges that were intended for English ships only? The 17th Article of the Supplementary Treaty showed that the same usage which existed before Hong Kong was ceded, and while the whole of the British trade was necessarily carried on in ships belonging to the British nation, was contemplated by the stipulations bearing on this question. Suppose that when we ratified the independence of the United States, and entered into a commercial treaty with them, we had ceded to them, in order to give their vessels greater facilities for careening, refitting, and taking in stores, some small island off our coast—say the island of Arran, near Glasgow—and had agreed that no English offender should be taken off American vessels entering the harbour of Glasgow without communication with their consul; would any Judge of any court in this country hold that small vessels belonging to Scotchmen who had gone to the Isle of Arran to make money by dealing with the Americans there, and who for convenience resided there, were American ships, and were entitled to the privileges granted to vessels entering the port of Glasgow belonging to the American nation? Would it not be asked

what it was which made these vessels American ships? Would it be held for a moment that the owners by simply going to the Isle of Arran, and staying there for ever so short a time, became immediately invested with American nationality? How ridiculous and absurd such a proposition would seem! How could the ships of such persons be American ships unless they were recognized by the superior Imperial authority of the United States as being possessed of a general American nationality? This brought him to the consideration of the arguments derived by the Attorney General from the decisions which had been given in the cases arising under the American treaty. He had not understood his hon. and learned Friend the other evening as speaking with any disrespect of what had fallen from Lord Lyndhurst in another place, but quite the reverse. Neither had he understood his hon. and learned Friend to speak of the omission of any reference by Lord Lyndhurst to the case of *Marryat v. Wilson*, in the language which had been represented as falling from him by the hon. and learned Member for Stamford (Sir F. Thesiger). The Attorney General, he thought, said on Friday night that Lord Lyndhurst had, in some way which he could not explain, overlooked that case.

THE ATTORNEY GENERAL: What I said did not refer particularly to Lord Lyndhurst, but was meant generally. I expressed my surprise that that particular case had been overlooked altogether in the debate.

MR. ROUNDELL PALMER: That was quite consistent with his impression of his hon. and learned Friend's meaning. But the oversight did not appear to him to be so surprising, or so difficult to explain. The reason why the noble and learned Lords who took so prominent a part in the debate in the other House—the Lord Chancellor and Lord Wensleydale on one side, and Lord Lyndhurst and Lord St. Leonards on the other—had not mentioned this case, with which they were, of course, perfectly familiar, probably was that they were of opinion that it had nothing whatever to do with the question;—and, fortifying himself with such high authority, he was obliged to confess that that opinion was also his own. In the first place, that decision turned not upon any abstract and general question, but on the meaning of the particular words, “vessels belonging to citizens of the United States of America,” in the 13th Article of the Treaty of Commerce

with America. It was the case of a man who had been living for twenty years in the United States of America, who was settled there with his family, who had been naturalized and admitted as a citizen according to the law of the United States, who had taken the oath of allegiance, and who in America had every right of citizenship; he was also a natural-born subject of this country, and the Court said, “If we by treaty and by Act of Parliament have given to vessels belonging to citizens of the United States certain rights and privileges, and if it is as clear as daylight that this man is a citizen of the United States, and we have not said in the treaty that citizens of the United States who are also natural-born subjects of the British Crown shall lose those rights, why should he not possess them?” The argument appeared perfectly clear, nor was there much doubt about it at the time. There was another point incidentally touched upon, but not decided, bearing on the interpretation of the word “subject,” on which Lord Eldon, Lord Stowell, and Lord Redesdale had expressed a different opinion, and had held that within the meaning of the same treaty a person similarly circumstanced was not to be regarded as an American subject when he came to this country. That opinion was not absolutely overruled, but it must be admitted that considerable doubt was cast upon it by the decision in the case. Consistently with the comity and law of nations, a person being naturalized became a citizen of his adopted country; and the Court decided that he should have the privileges given by Act of Parliament, though he was the natural-born subject of this country; and on the other hand they decided on similar principles, that being a *bonâ fide* citizen of the United States he might have the privileges of such a citizen, though in another and a higher sense he had also the privileges given to subjects of this country. But “citizens” or “subjects” had nothing to do with the present question. The point to be decided was, did this ship belong to the English nation? It was clearly not a public vessel, nor was it the property of any person belonging to the English nation. Its owner had not been naturalized. It was not seriously contended that he had been domiciled, and he had done nothing whatever to clothe himself with the rights of British citizenship. Going back to the case which he had put of the Isle of Arran, what would those Judges have said, if, because certain rights might have been ceded to

bonâ fide American citizens residing on the mainland of the United States, any Scotchman who had been living in the Isle of Arran for a short time and trading with the persons residing there, who was in reality no more an American citizen than any Member of that House, had claimed the right of taking a vessel from Arran, and of trading within the limits of the jurisdiction of the East India Company? The cases were exactly parallel. There was no pretence whatever for the assertion that the accidental residence of a Chinese subject within the limits of Hong Kong gave him a right to protection on the score of British ownership. If it was not on the score of ownership, on what other ground could this vessel claim the rights of British nationality? To give a ship a national character the national authority must be impressed upon it, and it was clear that that had not been done in this case, unless by the colonial ordinance; and even assuming that ordinance to be valid, it seemed plain that in this case it did not confer any rights at all. If the ordinance had any force to make a Chinese vessel a British vessel it could only be while it was operative; but the moment it failed, if the ship was not a British ship without it, there was an end of the nationality. The 17th Article of the Supplementary Treaty laid down:—

“1. That every British schooner, cutter, lorch, &c., shall have a sailing letter or register in Chinese and English, under the seal and signature of the chief Superintendent of Trade, describing her appearance, burden, &c., &c.

“2. That every schooner, lorch, and such vessel, shall report herself, as large vessels are required to do, at the Bocca Tigris; and when she carries cargo she shall also report herself at Whampoa, and shall, on reaching Canton, deliver up her sailing letter or register to the British Consul, who will obtain permission from the Hoppo for her to discharge her cargo. . . .

“3. When the inward cargo is discharged and an outward one (if intended) on board, and the duties on both arranged and paid, the Consul will restore the sailing letter or register and allow the vessel to depart.”

It was a remarkable fact that throughout these papers there was no intimation that the *Arrow* ever had discharged her cargo or that her sailing letters had ever been communicated to the Chinese authorities, or that their permission had ever been obtained for the unloading of her cargo. He would venture to say that none of these things, which ought to have been done had she been a vessel entitled to British protection, had been done; and for two reasons.

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If she had paid the duty it would have been stated in the papers, because it would have fixed the Chinese with a conclusive knowledge of her nationality; and if her sailing letters had been shown to the Chinese, they would have known that she was not a British ship, and that the only register under which she sailed had expired on the 27th of September. It was said, however, that the register was still in force, because the ordinance provided for cases in which registers expired while vessels were at sea. But how did this case stand? Where was this ship on the 27th of September? Mr. Parkes, in a letter of the 12th of October, 1856, told them that on the 1st of September the *Arrow* sailed from Hong Kong for Canton, and proceeded thence to Macao, where she lay a fortnight, painting and refitting; that she then loaded again outside Macao, reentered that port, discharged a portion of her cargo there, and brought the remainder, consisting of rice, on to Canton, where she arrived on the 3rd of October, five days after the register expired. According to that statement, then, the *Arrow*, when her register expired, was at Macao, within three or four hours' sail of Hong Kong,—so that nothing could have been more easy than for the master to proceed thither and to obtain a proper renewal of his licence, which would have entitled him to trade at Canton. It was clear that the *Arrow* was not at sea in any sense of the words. Although close to her port of registry she did not choose to go there, but sailed up the river to Canton with an expired register, which, he assumed, was delivered to Consul Parkes, who knew on receiving it—and must have told the captain—that it was mere waste paper. Whatever might be the authority of the colonial ordinance, it did not apply in this case; but yet, they were gravely told that the register entitled the *Arrow* to British protection. Upon this point there could be no mistake. Sir John Bowring must have understood the matter, and they could not accept the excuse made elsewhere that he did not understand his own case. In his letter to Consul Parkes of the 11th of October Sir John Bowring said,—

“It appears on examination that the *Arrow* had no right to hoist the British flag; the licence to do so expired on the 27th of September, from which period she has not been entitled to protection.”

Dr. Bowring admitted that, not only had the register expired, but that after that period the *Arrow* was not entitled to pro-

tection. On the 12th of October Consul Parkes wrote a letter, in which he faintly and falteringly suggested the possibility of getting out of the difficulty by saying that the *Arrow* might be supposed to have been at sea when her licence expired.

"When this document," said Consul Parkes, "was deposited with me on the 3rd inst., the year for which it was granted had expired five days previously; but, if the statement of the master is to be believed, it was because the *lorcha* was then at sea, and has not been in the waters of the colony since the 1st of September last, that timely application had not been made for its renewal."

Then followed a passage to which he (Mr. R. Palmer) had before referred, which showed that the *Arrow* had been at Macao, a place much nearer to Hong Kong than to Canton, and there was therefore no possible excuse for neglecting to renew the register. What was the decision of Sir John Bowring under these circumstances? On the 13th of October he wrote to Consul Parkes—

"I will consider the regranting the register of the *Arrow* if applied for; but there can be no doubt that after the expiry of the licence protection could not be legally granted."

These were nearly the same expressions which Sir John Bowring afterwards used in writing to the Chinese Commissioner—"there could be no doubt that the *Arrow* was entitled to protection."

He would now advert to the argument of the hon. and learned Attorney General with reference to the character of a British ship as defined by the navigation laws. He (Mr. R. Palmer) had shown that the *Arrow* did not become a British vessel from the character of her colonial ownership; but she might possibly have become a British vessel by the authority of the Imperial Government. The Attorney General had quoted from the well-known work of Lord Tenterden *On Shipping*, a passage describing the state of the law as it existed in former times. It must be remembered that at that period the navigation laws, which had now been abandoned with such general advantage to the country, prohibited the carrying of certain descriptions of goods, within definite limits, in any but British bottoms; the right of carrying such goods being denied to foreign vessels. Lord Tenterden had said, that, although registry, according to the Navigation Acts, was necessary to confer the privileges of a British ship; there was nothing in those acts which rendered the possession of an unregistered British ship impossible or illegal, if such a ship

only carried goods which a foreign ship might lawfully carry. Upon this point, however, the ground taken by his hon. and learned Friend the Attorney General was entirely cut away by the Merchant Shipping Act passed in May, 1855, previously to the grant of the licence to the *Arrow*. It was perfectly clear under that Act, that, so far from the national authorities being allowed to sanction a claim to the protection of the British flag on the part of any vessel not owned and registered in conformity with the requirements of that statute at Canton or elsewhere, they were absolutely prohibited from doing so. It was expressly provided, by clause 18, that that the second portion of the Act, which defined British ships, their ownership, measurement, and registry, should apply to the whole of Her Majesty's dominions. The Act, therefore, applied to Hong Kong as well as to any other place which was not specially excepted from its operation. With regard to ownership, the 18th clause provided that no ship should be deemed a British vessel unless she belonged wholly to a natural-born subject of the British Crown, with certain exceptions as to persons who had received letters of denization, or to persons naturalized by an Act or ordinance of proper legislative authority. Now, it was not pretended that the owner of the *Arrow* answered any of these descriptions. The 19th clause provided that every British ship might be registered in a prescribed manner, except (among other cases which were immaterial, but in this instance the exception was emphatic, as showing the extent of the rule) "vessels not exceeding thirty tons employed wholly in fishing or trading coastwise on the shores of Newfoundland, Canada, Nova Scotia, &c." These vessels were of much smaller burden than the *Arrow*, and were employed in a somewhat similar colonial trade; but it would be observed that there was no exception with regard to Hong Kong. The same clause then proceeded to enact, "And no ship hereby required to be registered shall, unless registered, be recognized as a British ship." And lastly, the 108th clause provided, that, whenever it was declared by the Act that a ship belonging to any person or body corporate qualified to be owners of British ships should not be registered as a British ship, such ship "should not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships and

should not be entitled to use the British flag, or assume the British national character." The British authorities at Canton had, then, been doing the very thing which this law prohibited—namely, encouraging a vessel, which was not qualified to do so under the provisions of the Act, to carry the British flag and to assume the character of a British vessel, and, as if that flag and that character were legally assumed, they had taken upon themselves to involve us and the whole empire of China in a war, the consequences of which no one could foretell.

With regard to the general question, he thought the arguments advanced by some hon. Gentlemen—the stories of crimes committed by the Chinese, of the vices of the Government, of the weakness of the people, and of the vexations to which British subjects had been exposed—if they were at all pertinent to the matter, were certainly not in favour of the course taken by Her Majesty's Government. Surely, the considerations that the Chinese were misgoverned—that they were imperfectly civilized—that they were destitute of the light of Christianity—that they were irritable, impatient, easily provoked to acts of outrage and violence, and, when so provoked, were not restrained within the limits imposed by civilization and Christianity—ought to have rendered the British authorities more scrupulous and more cautious in dealing with such a people. They ought to have set an example of justice, humanity, and moderation in dealing with the Chinese. Although they should have maintained an attitude of firmness, they should have been firm only when they knew they were right; and instead of insisting upon that as a violation of a treaty which they knew not to be so—instead of insisting, after they had received reasonable reparation for an alleged though doubtful injury, upon new and further demands—their first object in dealing with such a people should have been to show how superior the light of civilization and the knowledge of Christianity had rendered the British people to the inhabitants of China. Our trade and commerce were no doubt instruments of good to them as well as to ourselves—instruments of good to them as well as to us, if we endeavoured to extend them in a spirit of prudence, of wisdom, and of goodwill. The expansion of our trade and commerce would be of signal advantage to mankind; and the peaceful extension of our means of intercourse with the Chinese

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would be to that people and to us in the highest degree beneficial; but if we sought to force it from them—if we endeavoured to excite them, to irritate and exasperate their sense of dignity—to involve them in a struggle of this cruel kind, and to expose them to these dreadful calamities, under circumstances which no man could lay his hand on his heart and justify, then that appeared to him to be the last course calculated either to increase our commerce or our influence, or to exalt the reputation of this country among either Western or Oriental nations.

COLONEL HERBERT said he would detain the House but a very few moments, while he ventured upon some observations which he thought were pertinent to the discussion. He had listened last evening with steady attention to the speech of the right hon. Gentleman the Secretary for the Home Department, and he confessed he was at first inclined to draw from that speech the most cheering prospects as to the support which henceforth officers employed at a distance were to meet at the hands of Her Majesty's Government. But when he contrasted the lavish declarations of last evening, and the small support measured out to the late Lord Raglan in the midst of his terrible difficulties, when two years ago he was at the head of the British army—when he remembered that Her Majesty's Government, conscious of those difficulties, failed to extend to him a fair share of support—whilst he recollected how they shrunk from the responsibility of recalling the noble Lord, although they would not support him, he confessed he for one could place but little reliance on such new-born sentiments. Lord Raglan had not had the advantage of blue-books to refer to; nevertheless that noble Lord would have been too glad to have placed his case before the House of Commons and to be judged by his own despatches and the instructions of Her Majesty's Government. As he listened to the appeal made by the right hon. Gentleman in favour of public servants at a distance, he could not help thinking how a little of all that virtuous indignation two years since might have cheered and solaced the last hours of that simple-hearted and noble-minded man. When he contrasted the conduct of Her Majesty's Ministers upon that occasion with their conduct now, he could not help expressing his indignation that the Government should have reserved their protest against attacks upon

absent officers for a cause so worthless in itself that all the legal ingenuity and subtlety of the Attorney General only served to mystify the House concerning it—a mystification, however, that had been happily cleared away by Gentlemen that had since followed in the debate. But, above all, he was indignant that it should have been reserved for the case of an individual who had been so justly described by the noble Lord the Member for the City of London, and he appealed to every Member whether, with the papers before him, he did not think the noble Lord was justified in that description, as a troublesome and worthless official.

LORD JOHN RUSSELL was understood to dissent from that description of his language.

MR. KENDALL : Sir, I cannot support the Motion of the hon. Member for the West Riding. I feel much surprised and alarmed that so many gentlemen on this side the House should be prepared to condemn, on such grounds as have been stated, an absent public servant. I have given to the matter the utmost consideration, and I have come to the conclusion that it is impossible for anything to be more unjust, more ungenerous, or more dangerous than hastily to condemn a public servant. I do not refer so much to an individual as to public men in general, I will say, let a public servant be ever so full of moral courage, have ever so much confidence in himself, if he finds the House of Commons ready without a hearing to condemn him, he will be more than mortal if he is not cowed by such a prospect; and if it be so, his public usefulness must be to some degree affected by it. I do not mean to say that I approve altogether of Sir John Bowring's proceedings, but I ask you, examining what has happened by the light of common sense, ought we to condemn him? or again, take it upon the ground of humanity, ought we to condemn him? We have heard much of humanity, and I give all credit to the hon. gentlemen that are promoting these Resolutions for being actuated by humane feelings; but my conscientious belief is, that if the Motion passes there will be more bloodshed than ever. Suppose the Chinese to be powerful—when this news arrives in China they will put forth all their strength, and not an Englishman's life there would be worth an hour's purchase. On the other hand, suppose them to be weak and powerless, you lead them to think that they

are sympathised with in this country, you are only coaxing them on to their destruction—you are only inducing them to bring large masses together to be cut down at once by our broadsides. Leave them rather to the operation of the merciful shot which may be dropped in amongst them now and then. [*Laughter.*] Yes, it is a merciful thing to kill a few to save thousands. Well, my common sense has been very much offended. I have been astonished to hear how British merchants have been run down as if they were the scum of the earth; but I have been equally astonished to hear the character given of the Chinese. They are the gentlemen, we the reverse; they are the Christians, we the barbarians. Let me ask, has any change taken place within the last three months to bring this about? Why, if at any time previous to the last three months I had gone up to any person and given him that character of the Chinese which is now given in this House, I venture to say the remark would be, "That man is a fool; he ought to be sent to a lunatic asylum." Until, therefore, I know that some change has taken place, I, for one, shall be cautious, indeed, before I give my support to such a Motion. But I have other grounds for that determination. The right hon. Baronet the Member for Carlisle told us the other night that he was justified in suspecting the conduct of absent men. Well, I hold that if he is justified in suspecting those that are absent, I am justified in suspecting those that are present; and I think that, mixed up with the question of the *lorcha Arrow*, there is an ulterior consequence. I say any man must be blind who does not see that there are certain combinations at work. I do not believe there has been any actual communication between gentlemen; but if there is an understanding, where is the necessity for communication? Let me ask, if the combination succeeds, what will be the consequence? Now I hope I shall not say anything unpatriamentary, for I am one who likes to go straight to the point, neither have I the power of making a long speech; but what I mean to tell you is this, that if the present Ministry goes out, your new Ministry must include the noble Lord the Member for the City of London, the right hon. Baronet the Member for Carlisle, the right hon. Gentleman the Member for the University of Oxford, and the right hon. Gentleman the Member for South Wilts. I ask myself, then, this question at a such juncture, "What

ought I to do as a party man?" I must be either very ungrateful or very forgetful to play my part as a party man. I cannot forget the war question—I cannot forget how we drifted into that war—I cannot forget who managed to get us into our difficulties then—nor can I forget who helped to get us out of them. I believe that nine-tenths of the English people attribute the difficulties and disasters of those days to the right hon. Gentlemen opposite; but I believe likewise that nine-tenths of the English people have not forgotten that to the noble Lord at the head of her Majesty's Government is due our release from those difficulties—aye, and that, too, under a pressure which no one but the noble Lord would have withstood. Well then, we are at war with the Chinese; and I put it to you, who is the most likely man to get us out of it? I come to another matter, and I must turn now to my own side of the House, although I am sorry to have to say anything displeasing to that quarter. The Motion has been submitted to us by the hon. Member for the West Riding; I must say I admire the abilities of that hon. Gentleman very much, although I do not like his politics. I cannot, as I have said, give my support to the Motion. If I mistake not, however, I heard the speech of the hon. Member very much cheered by the noble Lord the Member for King's Lynn (Lord Stanley). I was not surprised at that, for the noble Lord is gradually working over to hon. Gentlemen opposite. But I was astonished to hear Gentlemen occupying the benches on this side of the House cheering every word that fell from the hon. Member for the West Riding. Why is the hon. Gentleman to receive cheers now that were denied to him when he was fighting against the late war? Who, when he uttered his prophecies with respect to France and Russia, attempted to sneer him down? Why, the Opposition—the very parties who now cheered his speech upon China. I was made suspicious of the hon. Gentleman, but am I to blame those who made me suspicious of him? And when the right hon. Gentleman the Member for Carlisle (Sir J. Graham) had the boldness—for he is a bold man—to talk to us of Odessa, as exemplifying how we ought to have treated Canton, he was loudly cheered by hon. and right hon. Gentlemen sitting on these benches. He had a right to say so; but what right had they to cheer the right hon. Baronet now who blamed him before? I was much

mortified by those cheers. I would here wish to set the right hon. Baronet (Sir J. Graham) right as to some observations which fell from my hon. Friend near me, the Member for West Norfolk (Mr. Bentineck) on Thursday night. What my hon. Friend really said upon that occasion was this:—

"He would further say, that there was no man in that House more anxious than himself (Mr. Bentineck) to see a pure Conservative Government at the head of affairs. No man in the House, he would add, would exert himself more strenuously to secure that object. But adverting to the fact that he was bound to look at the Motion as a vote of censure on the Government, and assuming the possibility that an adverse vote might be passed, and the Government resign their seats as a consequence of it, he could only say, that he, for one, would never be accessory, by word or deed, to bringing into power—more particularly in combination with a Conservative Government—any of those right hon. and hon. Gentlemen who, for the last six years, had been closely identified with all the most anti-Protestant and democratic measures which had been brought before Parliament."

Now there was a sneer in the House at this allusion to Protestant feeling. I may differ from my hon. Friend on some points of his speech, but I certainly agree with him in his views as to the Protestant religion. And when I talk of the Protestant religion I do not speak as a Dissenter, I do not speak as a low Churchman, but I speak as a good Churchman, although a very poor erring mortal. I say that, before we go further, we should consider what things are now in progress. There is a party, and a very strong political party in the country, with very High Church notions. Now I believe that if there is any body of men that are likely to pull the Church about their ears, it is these extreme High Churchmen. And I know, if there is one single thing more than another for which the whole community are grateful to the noble Lord at the head of the Government, it is for his episcopal appointments. I am afraid, however, that there is a very strong party in this House—strong from intellect, strong from position—who disapprove of those appointments. The Protestant feelings of the noble Lord were sneered at the other night. Now, my impression is, that if the noble Lord were removed from office our Protestant institutions would suffer; for I am afraid that if the Resolution of the hon. Member for the West Riding were carried, a party would get into power who would not evince the same Protestant feelings as the noble Lord. Sir, I have as strong a Conservative

feeling as any one in this House; but with all that Conservative feeling, if we are to have among the elements of a new Administration men who have those extreme High Church opinions, I must say I would rather sacrifice my Conservative feelings than see such a Government in office.

MR. MILNER GIBSON said he would not presume to go into the Church controversies which had been introduced, he knew not why, by the last speaker. He had risen on Thursday last to second the Motion of the hon. Member for the West Riding, on which he did not then think it necessary to make any observations, after the very able and comprehensive speech of his hon. Friend; he felt, however, that he should not be discharging his duty if he did not ask the House to hear a few remarks before the debate closed. The hon. Member who spoke last, like many other Gentlemen who had addressed the House, seemed not quite to comprehend the position in which they were placed. How was it that it had become necessary that Parliament should pronounce an opinion upon the proceedings in China? It was because in the speech from the Throne Her Majesty announced that hostilities had commenced with China, and the Government laid on the tables of both Houses papers conveying information as to the grounds of those hostilities. The object undoubtedly was to invite the opinion of Parliament on the question, for it was unavoidable that some notice should be taken when papers were laid on the table by command of Her Majesty. The House, then, had no alternative but to enter into a consideration of the question, because if those papers had been received in silence, the acquiescence of Parliament would have been immediately assumed, and they would have upon themselves the responsibility which at present belonged to the Executive Government. Therefore, when it was said that it would be wrong to express any opinion by vote upon the question of the war with China while hostilities were going on, it was at least equally wrong for the Government to lay the information before the House, which was tantamount to saying, "You, the House of Commons, can give a conscientious opinion upon the proceedings of your Executive Government without any injury to the public interests." What was the Resolution of the hon. Member for the West Riding? It had been erroneously called an abstract Resolution. There was nothing abstract about it; on the con-

trary, it was a practical reply to the invitation of the Government for an expression of their opinion. His hon. Friend said that, having heard the case which the Government had laid before the House, he was of opinion that the papers failed to establish sufficient grounds for the violent measures adopted at Canton in the affair of the *Arrow*. Could the Government be said to have proved, either by their speeches or their papers, that the bombardment of Canton was an act of positive necessity? If they entertained a doubt whether these acts of violence which had taken place were necessary, they ought to vote with the hon. Member for the West Riding; for, by negating his Motion the House would volunteer to share in the responsibility, now solely resting on the Government, of all the proceedings in China. The right hon. Gentleman, the Home Secretary, had stated that if the House accepted the Resolution the most disastrous consequences would happen in China, and that every English resident would feel that his life was unsafe from day to day after the news arrived there. Surely the right hon. Gentleman did not mean to say that protection for British life and property would be withdrawn if the Resolution passed, or that, if it were negated, the Chinese would not do all in their power against British life and property after the bombardment of Canton? He imagined that that statement of the Home Secretary was inconsiderate—that it fell from him, perhaps, in the excitement of the delivery of what had the character of a purely party speech. The House had been told that the merchants were in favour of the course which had been pursued, and they must know what was right. But was it intended to be maintained that the mercantile body of England was in favour of the policy pursued in China? The British merchants at Canton were some hundred in number; could their opinions be taken as an indication of the views of the great mercantile body of the United Kingdom? He had the honour to represent a most important city of manufacturers and consumers, and he had received no communication from his constituents in favour of the policy pursued by the Government in China. The only intimation which had reached him was one proceeding from a public meeting of the inhabitants of Manchester, and he had presented the memorial agreed to at that meeting to the Home Secretary

order that he might lay it before Her Majesty. Through the medium of that memorial, the inhabitants of Manchester, in public meeting assembled, conveyed to Her Majesty the feelings of shame and indignation with which they had learned the news of the destruction by the British forces of innocent life at Canton, and their belief, founded on the published evidence, that the hostile acts committed by Admiral Seymour, with the concurrence of Sir John Bowring and Mr. Parkes, could not be justified on the plea of necessity, and were worthy of the heaviest censure. They observed that Her Majesty's prerogative to declare war had been usurped by the before-mentioned servants of the Crown, and they implored that they might be recalled, in order that a searching inquiry should be made into their conduct. It therefore appeared to him that it was not correct to identify the opinion of a small limited body of gentlemen connected with the opium and tea trade in China with the opinion of the general mercantile community of England. Let the House not forget that there might be such a thing as the opinions of a certain class being biassed by their immediate interests. It was said that the stock of tea was never so large as at the present moment, and that during the first two months of last year the export of tea at Canton had exceeded that of any previous two months by 17,000,000 lbs. They knew too that extensive credit had been given for those teas; and he could easily understand that individuals might think anything would be to their interest which would have a tendency to give increased value to their stocks, or to extend the period of their credits. Who complained, during the recent war, that the blockade of the ports of the Baltic was not sufficiently rigorous? It was discovered that they were owners of large stocks of Baltic produce, who wanted to keep out competition, and so to get the greatest possible advantage out of the speculations into which they had entered. Therefore, without charging against this body of gentlemen, who had been referred to as approving the proceedings in China, that they were all actuated by interested motives, yet, as a man of common sense, he was bound to take into consideration circumstances affecting their opinions. And had not those who consumed tea a claim to be considered in this matter? Had they not as good a right to be consulted as those who supplied tea?

Mr. Milner Gibson

The impression among those with whom he had conversed was, that the only way to extend the English trade with China was by increasing the consumption of tea in this country, and that could only be done by lowering the duties on tea, and not by raising them as proposed by the Chancellor of the Exchequer. Increasing the consumption of tea would do more to extend the trade with China than would ever be accomplished by the bombardment of a commercial town, or by any measures of hostility. Another point which had been very strongly urged was this—that it might be very well to support the hon. Member for the West Riding (Mr. Cobden); their feelings and convictions might be that he was right; but then that they must look to the state of parties and to what might be the result of their vote. They were, in fact, invited to vote against the Motion, simply because hon. Gentlemen opposite were going to vote for it. He would make what might seem a peculiar remark, but nothing gave him so much confidence that it was right to support the present Motion, as the fact that the great body of the Conservative party were about to support it. Why did he say that? Because the Conservative party as a rule supported the Crown during wars and hostilities. This was not a question which involved distinctive principles between the Liberal party, as it was called, and the Conservative party. This was a question which had been thrown among all the Members of the House, and upon which every Member, without any reference to his political opinions, was entitled to pronounce a deliberate opinion. The Conservative party generally supported the Government of the day in foreign complications, and especially when actual hostilities had commenced; the case must then be strong indeed when Gentlemen on the Opposition side of the House (who, he believed, had considered it as fully and as free from party ties as any other Gentlemen in the House) were willing to pass a disapproving vote as to the policy of the Government with reference to the hostilities at Canton. Instead, then, of the support which the Conservative party had given to the Motion being an argument against it, he believed that it was rather a proof of its propriety and justice. When the noble Lord at the head of the Government was in any difficulty he made no scruple of accepting the votes of the Conservative against the Liberal party. When

it was necessary to put down the Member for the Tower Hamlets (Sir W. Clay) on his question of church rates, or the hon. Member for Bristol (Mr. H. Berkeley) on the ballot, or the hon. Member for Surrey (Mr. Locke King) on the extension of the franchise—all of which questions lay at the very foundation of the principles of the Liberal party—the noble Lord at the head of the Government was not squeamish about accepting the support of the Conservative party. Well, then, when the hon. Member for the West Riding brought forward a motion consistent with all the views which he had entertained and professed in his public life, was he to be deterred from asking the support of his friends because members of the Conservative party, forsooth! would support it? He (Mr. M. Gibson) had been told that there had been a meeting of the Liberal party lately at the residence of the noble Lord. He read the report in the public newspapers—for it seemed now to be the fashion to publish in the journals reports of these private political meetings. That meeting was remarkable more for the absence of certain distinguished men than for the presence of those who attended it. He read over the names, and he must say that it was the first time he ever recollected a meeting of the Liberal party being held without the name of Lord John Russell appearing among those who attended it. There were other distinguished names which were not to be found in the list of those present at that meeting. He should like to know what the noble Lord at the head of the Government said to his hon. friends who attended the meeting? What pledges were given, what inducements were held out? When sufficient inducements were held out on such occasions, many a Member, for the purpose of saving a Ministry in danger, gave a vote that was not exactly according to his convictions. He read in the newspapers that one thing stated at the meeting was that the noble Lord at the head of the Government was a man of extraordinary luck, and that it would be well for those present to give him their support. Well, now, he (Mr. M. Gibson) should think that the Canton and the Persian difficulties were no proof that good fortune had attended the career of the noble Lord. He believed that the cause of these foreign complications was to be traced to what the hon. and learned Member for Sheffield (Mr. Roebuck) called the mischievous activity of the noble Lord, who interfered in

all parts of the known world. What "cry" would the Government inscribe upon their banner if they were to go to a general election, as had been threatened in the event of this Motion being carried? They must have a political banner of some kind with which to go to the country. They were told that the name of Lord Palmerston was a tower of strength. He (Mr. M. Gibson) doubted that. Could they put on their political banner the old motto, "Peace, Retrenchment, Reform," or would they stand on "Bombardment of Canton and no Reform?" He concurred with his hon. Friend the Member for the West Riding in thinking that if they were to ask the country to give the Liberal party increased power, in order to enable them to carry on the administration of public affairs, they would be obliged to pick up some new principles for that party, and to inscribe on their banner something more than was indicated at the political meeting that was held at the residence of the noble Lord. He (Mr. M. Gibson) felt at liberty to make these statements, for he could assure the House that the pressure—the disagreeable pressure—that was put upon hon. Gentlemen to induce them to change their votes upon this important question was of a character that could only be equalled by the pressure put upon voters at a small provincial contested election in order to compel them to vote in this or that direction. Now, hon. Gentlemen were at liberty, with a due regard to the public interests, and without being in the least afraid of the deluge coming upon them if the Government should experience some difficulty on this occasion, to pronounce their conscientious opinion upon the Motion of the hon. Member for the West Riding. They had been told the hostilities at Canton were necessary; but why had no attempt been made at the commencement of the dispute to refer the question of the lorcha to the Emperor of China? [*A laugh.*] That laugh no doubt meant that such a reference was impossible. Why, then, did Sir John Bowring threaten Commissioner Yeh with a complaint of his conduct to the Emperor of China if he did not alter his conduct? That threat assumed that Sir John Bowring had the power of carrying it into effect, and nothing appeared to be more natural. Had this been done, the Emperor might have thought proper to reprimand Yeh, and thus afford the most satisfactory reparation. But what were we fighting about? There were no men to be rescued, and no

property to be got out of the hands of the Chinese. The only question that remained to be settled was about a doubtful construction of a particular treaty. But the commencement of hostilities rendered it most difficult for the Emperor of China, whatever might be his wishes, to interfere pacifically in the matter. What, then, were we fighting for now? He hoped that before this debate closed Her Majesty's Government would state to the House what were the precise objects for which we were now to fight, and what were the terms which they considered to be sufficient to satisfy our wounded honour? He saw that reinforcements were to be sent out. He hoped, therefore, that the noble Lord at the head of the Government would give the House some idea of the expenditure that this war with China would entail. Without that information the case would be very incomplete. A letter had been put into his (Mr. M. Gibson's) hands which bore upon what was called the law of this question. That was a subject upon which he could not presume to give an opinion; but the letter referred to a legal authority, which entirely confirmed the opinion of Lord Lyndhurst as to the illegality of any attempt to nationalize vessels as against the rights of other countries. The opinion which he was about to read was that of a practical man, now administering in our courts of justice the particular laws bearing upon this question—he alluded to Dr. Lushington. Now, Dr. Lushington, in the Admiralty Court, in the case of *The Soglasie*, gave the following judgment—

“It is not competent to any State by its own particular regulations at once to change a national character to the detriment of other States. It may give local rights and privileges, it may confer all those benefits which are within its own jurisdiction, but I am of opinion that it cannot alter the rights of others.”

Therefore it was not quite true that noble Lords and hon. Gentlemen connected with the legal profession gave opinions simply in accordance with their political opinions, for here was a Judge who laid down a rule in entire accordance with the views of those who supported this Motion. He (Mr. M. Gibson) would not go over ground which had been so often travelled over by other hon. Members, but he would tell the Government that the feeling which he had heard expressed, and which was to be found in most of the provincial newspapers, and in all the London ones, with one or

two exceptions, was that Her Majesty's Government—and he said Her Majesty's Government, because he declined to give any opinion as to the conduct of Sir John Bowring and Mr. Consul Parkes, seeing that the Government had most loyally and most properly adopted the conduct of those gentlemen; he believed they were all wrong together, but he should have thought it extremely shabby, he should have thought it a meanness of which no one would be capable, if, having approved and encouraged the conduct of Sir John Bowring, the Government had at the last moment made a scapegoat of him and thrown him over in order to save themselves—the feeling generally expressed both by the provincial and the London press, and by those with whom he had conversed upon this subject, was, that in this matter Her Majesty's Government had shown a too zealous sensitiveness, and had seen insults on the part of the Chinese when no one else had perceived them; that they exhibited indifference to the blood which had been shed, and had treated this difficulty as if upon every offence from a foreign country we were at once to fly to arms and raise the cry for blood. This was the feeling of those with whom he had communicated upon this subject. It was not that they did not wish to see British interests protected and the British honour vindicated, but they believed that the Government had from the commencement of these hostilities exhibited an indifference which was not becoming those who administered the affairs of an enlightened and a Christian country.

MR. BERNAL OSBORNE: Sir, I have not been surprised by the two speeches which have proceeded from the other side of the House; for, although at first sight it appears very extraordinary that Lord Raglan and the Crimean campaign, and still more extraordinary that the noble Lord's appointments to the Bench of Bishops, should be introduced into a Chinese discussion, still, when I consider how this debate has been mystified, how it has been obfuscated, by the opinions and speeches of the numerous lawyers who have worried this subject, and who have plunged it into a morass from which it is very difficult for a plain man to extricate it, I do not wonder that the two hon. Gentlemen opposite should not have been very well aware what is the subject under discussion. For my own part, I would entreat the House, in the language used by my right hon. Friend

the Member for Carlisle (Sir James Graham) on a former occasion, to have done with *nisi prius*, at least for to-night, and to discuss this question upon broader grounds. In my humble opinion, this matter resolves itself into two questions:—Were Sir John Bowring, Mr. Consul Parkes, and Admiral Sir Michael Seymour justified in taking the course which they have adopted, after deliberate consideration of what had taken place, they being upon the spot? and, secondly, are Her Majesty's Ministers deserving of censure for their support and approval of their officers? I was much surprised to find a right hon. Gentleman, lately Secretary for War (Mr. Sidney Herbert), in his speech last night, endeavouring to draw a distinction between Sir Michael Seymour and Sir John Bowring. Although he said that he had no acquaintance with that gallant officer, he gave him credit for a humanity which I know belongs to him, and for a bravery in which he has not an equal. But why did the right hon. Gentleman thus praise the gallant Admiral? In order that he might blacken the character of Sir John Bowring; not that he had any great love for the gallant Admiral, but because he had so strong a wish to decry Sir John Bowring he determined to draw a contrast between them. He went further. He accused Sir John Bowring of having by deception forced the gallant Admiral into the line which he took. The right hon. Gentleman is labouring under a most complete misapprehension of the facts. Sir Michael Seymour was in complete possession of Sir John Bowring's intentions; and, although I have a great objection to read anything from a blue-book, and am sure that the House must be ready to faint at the sight of this one, I will quote the letter of Sir John Bowring, in which he says he is glad to find that "there is a perfect concurrence of opinion as to the course of action between the Admiral and myself." It is very well for the right hon. Gentleman to say that he has found other things in the appendix; but I tell him that this is the fact, that the gallant Admiral entertained exactly the same views as Sir John Bowring, and acted concurrently with him upon those views. But, says the right hon. Gentleman, he bombarded the city; and really from the speeches which we have heard to-night and on other occasions it would seem as if Canton had been laid in ashes. How stands the fact? The city

has not been bombarded. Those shells which the right hon. Gentleman described so graphically as being pitched in every five minutes were confined to a certain portion of the city. ["Hear!"] I repeat the assertion, founded both upon private letters and upon public documents, that these shells were thrown into a certain part of the city, when the Chinese attempted to burn down the factories, in order, if possible, to save the buildings and prevent their being plundered. The right hon. Gentleman even took exception to the attack upon the High Commissioner's house, and quoted a passage, I think, from Sir Charles Napier's biography with regard to an attack by a picket upon Marshal Ney and his suite. I was surprised at this, because I could perceive no analogy between Marshal Ney and the High Commissioner, between the French Marshal and the Tartar chief, except that both their names are monosyllabic—Yeh and Ney—which, I suppose, suggested the comparison to the right hon. Gentleman. What similarity is there between the French Marshal who in 1810 conducted the war according to the principles of civilized nations and this High Commissioner Yeh, who is now the *protégé* of the right hon. Gentleman? Did Marshal Ney offer rewards for assassination? Did he issue proclamations recommending the poisoning of his opponents? We have seen what effect these rewards have had in the case of the unfortunate ship the *Thistle*, the crew of which were murdered, and have witnessed the result of the incentives to poisoning in the attempt made to poison the inhabitants of Hong Kong. Many hon. Gentlemen will regret to learn that a gentleman who was for some time a Member of this House, the present Attorney General for Hong Kong (Mr. Anstey), is suffering from the effects of Commissioner Yeh's recommendations, and it is doubtful whether he will recover. The right hon. Gentleman also favoured the House with a Chinese anecdote, which, as I then suspected and have since discovered, was derived from a French novel. If the right hon. Gentleman will allow me, I will read to him a real State paper belonging to these people, who he says are so refined—these Tartars. This is a literal translation of a Chinese edict with which I have been favoured by the kindness of a friend. It is headed "Rewards for arrest or murder of English"—and continues—

"To those who will verily put the English barbarians to death.—No matter whether literary, or military officers, soldiers, or common people, who-soever will capture a large English 80-gun ship, a reward shall be given in cash to the amount of 20,000 dollars. . . . For the murder of a barbarian officer, genuine evidences of the fact being shown, a reward varying, according to rank, from 5,000 dollars to 500 dollars. For murder of common men, 100 dollars. . . . Nobody cares for the mischievous rat, if he does fall into a disagreeable vessel!"

After this will the right hon. Gentleman or his right hon. Friends get up in this House to excuse the Chinese, and tell us that they are a people of refined notions and elegant tastes. Anybody who comes to this question with an unbiassed mind will agree—and I am sure people out of doors will agree—that it is impossible to discuss it from an English or a European point of view. Talk of applying the pedantic rules of international law towards the Chinese! Why, they neither regard your morals nor look at justice in your light. Their treatment of foreigners is now what it always has been, and what it was in 1847, when six unfortunate Englishmen were murdered as they were coming from church. We hear nothing of that; and, though their blood cries for reparation to this day, no reparation has been given. The right hon. Member for Manchester (Mr. M. Gibson) with the quiet sarcasm that lurks in everything he says, talks of referring this matter to the Emperor of China, as if such a thing could, under any circumstances, be done by any Government. The right hon. Gentleman, following in the track of the hon. Member for the West Riding, sought to detract from the character of British merchants, and also undertook to say that the commercial community of this country dissent from the course adopted by the Government. Is the right hon. Gentleman so sure of that? Is he so sure that when he returns to those hustings for which he is so eminently qualified, his commercial constituency will accord with what he has stated to-night? He has made insinuations with reference to the tea-merchants which I am surprised that the hon. Member for Ashburton (Mr. Moffat) could hear and sit in his seat—only he happened not to be in the House. He insinuates that for the sake of filthy lucre the merchants of this country are urging the noble Lord to involve us in a war with China. Does the right hon. Gentleman suppose that the hon. Gentleman, who may be regarded as the head of

Mr. Bernal Osborne

this great interest, would advocate these hostilities because he has a large stock of tea on hand? The noble Lord the Member for London affected to have a great respect for the opinion of the British residents of Canton; but he altogether passed by their judgment on this question. It will not do to come down and cast wholesale aspersions on a body of men because they happen to deal in a particular article of commerce. If any class of men is more qualified than another to speak on this subject it is the persons who have been engaged in the China trade. Why should aspersions be thrown out against them because they happened to deal in a particular article? The hon. Member for the West Riding, however, talked more like a Tartar mandarin, than a Member of this House; and though it was his bounden duty to speak with singular respect of that body of English merchants who had subscribed to present him with the most munificent testimonial ever presented to a Member of Parliament, he did not shrink from branding them with selfishness, or from accusing them of wishing to get up a war in order to raise the price of their own commodities. The hon. Member for Liverpool (Mr. Horsfall), who spoke with great practical knowledge of the question, gave the best reasons for the course adopted by the Government; while the Member for Hastings (Mr. Robertson), in a speech which did him honour, because it showed that the force of his convictions compelled him to separate himself from his usual political friends, declared, from his own experience as a resident for many years at Canton, that the charges preferred by the two hon. Members of the Manchester school are not founded on fact. Any hon. Gentleman free from those party motives which it is unparliamentary to ascribe to anybody, but which, nevertheless, we all have, could not hesitate, after hearing the practical witnesses who have come forward on this occasion, to pronounce a judgment in favour of the noble Lord. He, of course, had his own party feelings—but such would be the decision of any impartial man who sat on a jury in this case; and certainly, with so many legal gentlemen addressing us, this is more like a trial before a jury than a Parliamentary debate. There is one argument which will weigh at least with the Chancellor of the Exchequer. Supposing you pass this vote of censure—for a vote of censure it

is—and recall Sir John Bowring in disgrace, I understand you will have a Bill brought into this House for damages on behalf of British, American, and other merchants, to the amount of £5,000,000 sterling. The sum may seem a mere trifle to those who are bent on what they call “justice to China,” but it will be no trifle to the people of England if they have to pay it. But this will not be the only evil consequence. It may suit the right hon. Gentleman (Mr. M. Gibson) to throw ridicule on this point, but I say that if you disavow Sir John Bowring, neither the property nor the lives of Europeans at Canton will be safe. The name of Dr. Lushington has been alluded to in this debate. This reminds me that the hon. and learned Member for Stamford (Sir F. Thesiger) last night referred to the bombardment of Copenhagen, at which it appears he was present as a midshipman. I much regret that the hon. and learned Gentleman ever left the navy. If he had remained in that service I feel sure that he would have achieved as great distinction in it as he has won in the legal profession; but, then, I am convinced that if he had been in Admiral Seymour’s place he would have acted precisely as that gallant officer has done. Will the House allow me to quote the sentiments expressed in this House in 1808, in the debate on the bombardment of Copenhagen by a Mr. Lushington, whose language would have done honour to the present bearer of that eminent name? I would draw the particular attention of the representatives of the Manchester school to this passage. Mr. Lushington said:—

“The sentimental system of hon. Gentlemen would embrace all nations but their own. These ingenious disquisitions may be well calculated for the amusement of the schools, but they are not fitted for the events of real life, or a state of ferocious war.”

Can anything worse be conceived than the present state of things in China, when rewards are offered for the heads of our countrymen? [“Hear!”] Is the hon. Gentleman who interrupts me so thoroughly Tartarized in his tastes that he wishes for something more? Mr. Lushington continued:—

“Sir, the first law of nature, the foundation of the law of nations, is the preservation of man. It is on the knowledge of his nature that the science of his duty must be founded. When the feelings point out to him a mighty danger, and his reason suggests the means of avoiding it, he must despise the sophistical trifler who tells him it is a moral duty he owes to others to wait till

the danger break upon his foolish head, lest he should hurt the meditated instrument of his destruction.”—[1 *Hansard*, x. 308.]

Whoever spoke these sentiments, they were worthy of the House and of a great debate. This debate, however, seems to me to have been a medley of questions of law and abuse of Sir John Bowring. I think “the plaintiff’s attorney” was never so well abused as on the present occasion. What are the antecedents of Sir John Bowring? He was first introduced to me when I entered Parliament by the right hon. Member for Manchester (Mr. Milner Gibson). At that time the right hon. Gentleman sat on the Conservative side; and no man is better able to give an opinion on the different states of feeling on both sides of this House than the right hon. Gentleman, who has vacillated so often. He was then a remarkably high Conservative—he was for “Church and State,” and all that sort of thing. Well, the right hon. Gentleman introduced Dr. Bowring to me as a man of great abilities, although not a lively speaker; but, said he, “He has only one crotchet, and that is about peace.” I believe he was then the Secretary of the Peace Society; and I must say I think it unfortunate that this circumstance was not taken into consideration by the noble Lord who gave Sir John Bowring his appointment. But in the course of this debate he has been hunted down, he has been called a liar, a plunderer—in fact, everything but a thief; he has been accused of every larceny but petty larceny; but I have no doubt, notwithstanding the usual unwillingness of hon. Gentlemen on the benches below to throw out imputations; that he will be accused of that before the night is out. But what has been done in China? I believe, owing to his peculiar fidgetiness of disposition, of which there is no doubt, he is not a favourite with the merchants at Canton. They do not like him, and one reason for that is, that soon after his arrival he undertook to settle a question which had been pending for six years about certain duties, and having taken the Chinese side of the question he made the British merchants pay up. Those merchants, however, petitioned that he should have fuller powers, when he was made Superintendent of Trade by Lord Aberdeen’s Government. In concluding the treaty with Siam he showed the greatest ability. But, after all, is it Sir John Bowring’s character which is in question? It is not. No man can be deceived on that

point. It is not the Superintendent at Hong Kong who is struck at, but the Minister in Downing Street. You care little about Sir John Bowring; it answers your purpose to blacken his character—an amiable amusement forsooth!—but your real object is to displace the noble Lord. You object altogether to the foreign policy of the noble Lord. Who that has listened to this debate can have failed to call to mind the great debate of 1850? Changing Greece for China, and substituting Bowring for Pacifico, we might imagine that we were listening to the same speeches and going through the same debate. But of what faults do you accuse the noble Lord? He remained at his post in times of difficulty when the war waxed hot, and success was doubtful. He remained at the helm when he was deserted by a body of Gentlemen, for whom individually I entertain the greatest personal respect, but whose public course, I think, has been neither prudent nor patriotic—but he weathered the storm, he brought the vessel of the State into smooth water, and now you seek to throw him overboard—the man who never forgot a friend, and who has no enemies but those of his country and his country's honour. Is this a proper course—is this the gratitude which the country owes to the noble Lord? I differ from the noble Lord on many points—I differ from the course which he took the other evening. I did not vote on that occasion because I had not given the noble Lord warning; but however I may differ from him I will not stab him in the back. But, supposing you do upset the noble Lord, in what *lorcha* are you going to embark? I think that hon. Gentlemen opposite must acknowledge that the crew is rather mixed. Who have you taken for your *comprador*? The hon. Member for the West Riding, in whom you have put so much confidence in your previous cruises. The nominal master is a noble Lord in another place, and the registered owners, I grieve to say, are the well-known firm of Russell and Co. I have nothing to say with respect to the great name which heads this firm. I honour that noble Lord, and not a word shall fall from my lips to cause him pain or myself regret; but I am afraid that the noble Lord, giving way to a chivalrous feeling for the Chinese nation, has allowed himself on this occasion to be made the catspaw of others. I am sure that the noble Lord's motives are good, nor do I impugn the motives of other right hon. Gentlemen;

but they have always been consistent; and from the year 1840, from that Chinese debate which I had the pleasure of reading this morning, they have been, I may say, the hereditary enemies of the noble Lord's policy. A high authority in this House has laid it down that "England distrusts coalitions." I differed from my right hon. Friend at the time because a coalition was then in full bloom; but I do not think now, from circumstances which have recently occurred, that coalitions will be very successful or popular in this House; but, however great their popularity or success here may be, sure I am that the public out of this House will never listen or give their assent to a conspiracy to displace the noble Lord from power.

Mr. HENLEY said he thought the House could not fail to be much amused by the speech of the hon. Gentleman who had just addressed them, but he questioned whether they would derive much information from it, for amongst all the subjects which the hon. Gentleman had thought fit to travel over, there was hardly one that belonged or was apposite to the question before them. The hon. Gentleman had talked a great deal about the character of British merchants; he had dwelt a great deal on the various observations of a collateral nature in that debate; and he had condemned with considerable energy the epithets applied to, and matters charged against, Sir John Bowring; but he had not denied one of the allegations made against that official. The hon. Gentleman had complained that Sir John Bowring had been called a liar. [Mr. B. OSBORNE:—That he had been accused of falsehood.] The hon. Gentleman now repeated his complaint, but it was rather surprising, considering the line which the hon. Gentleman took, that he had not ventured to express an opinion that Sir John Bowring had not been guilty of falsehood. No, nor had any one Member who had spoken on the Government side of the House ventured to do so. The observations which he (Mr. Henley) intended to address to the House should be confined to the point at issue, and to account for the vote which he was about to give. He thought that in a matter of this kind party considerations ought to be laid aside; and he was not aware that this had been made a party question. He was not a member of the Peace Party. He was not particularly fond of the hon. Member for the West Riding; he had never had any political association

with the hon. Member, so that he could not be accused of any private bias in favour of the Resolution. He was quite ready to accept the proposition laid down by the hon. Member for Middlesex (Mr. B. Osborne) that they ought to deal with the question as a jury should with a case coming before them. He (Mr. Henley) went even further, and using the language applied by Judges in their addresses to juries, he said that if the House had any reasonable doubt, the benefit of that doubt ought to be given to the accused. On the other hand he said, that if the circumstances of this case were so clear as to leave no reasonable doubt, then, however painful it might be, they were bound to record the opinion at which they had conscientiously arrived. He, of course, held that the case should be decided on the evidence before them; but the hon. Member for Middlesex did not seem to be of that opinion, for he had not alluded to the evidence at all, but had made those who had commented on the evidence his witnesses, and applied his remarks to their statements. That certainly was a very curious mode of conducting so serious an inquiry. The issue was exceedingly clear and simple; on the one side they were called by the Resolution before the House to say, that on the statements in official papers before the House—not the statements of British merchants, but those contained in the papers laid upon the table of the House—it was not shown that there had been sufficient ground for the violence which had been used in China by the British authorities. That was the question on which the House was called to come to a determination. On the other hand the Government had declared, through the despatches of Lord Clarendon, their approbation of the measures adopted by their agents in China—of the judgment, forbearance, and moderation of those agents, and of the respect shown for the lives and property of the Chinese. Now, he thought that all that had been said about the character of the Chinese was altogether foreign to the question before the House. He did not suppose that any one would stand up in the House and say, that because the Chinese were, as some persons alleged, cruel, uncivilized, and many more such things, on that account it was justifiable to inflict upon them violence that was not necessary or excessive. However, the argument of the hon. Member for Middlesex seemed to have been directed in

that way. The hon. Gentleman made use of the word “ferocious;” he had introduced it into the debate, and asked hon. Members if the cutting off of men’s heads and attempting to poison the community of Hong Kong was not warfare of a sufficiently ferocious character. But he (Mr. Henley) would ask, was not the commencement of those ferocities the bombardment of Canton? [Mr. B. OSBORNE, No, no!] The hon. Member for Middlesex said “no, no!” but he (Mr. Henley) said “yes, yes!” This cutting off of heads, and those threats of poisoning, were long subsequent to the bombardment of Canton, the burning down of the suburbs and the slaughter of a number of people. It had been truly stated that the question turned upon the construction of the treaty. The complaint was that a vessel had been boarded, the flag hauled down, and an arrest of some of the crew made in violation of the 9th Article of the treaty. The person who made the arrest was applied to; but he referred the matter to higher authorities, and a correspondence took place between the High Commissioner and Consul Parkes. Sir John Bowring informed the Consul that the vessel had no right to the British flag—no right to be protected, and that she was not entitled at all to be considered a British vessel. But some time after that, and with a full knowledge that Sir John Bowring did not consider the vessel entitled to protection, Mr. Consul Parkes claimed redress from the Chinese governor for the boarding of this vessel, under the 9th Article of the treaty. A correspondence, attended with no satisfactory result followed, and was continued until the 23rd or 24th of October, with no satisfactory result; and then the British authorities commenced reprisals by seizing a Chinese junk, and they afterwards took and destroyed three or four forts, mounting 200 guns, and so ended the first stage of the hostilities. Now, supposing—though they had Sir John Bowring’s own statement to the contrary—that the *Arrow* was entitled to all the protection of a British vessel, were not these proceedings reprisal enough for the injury committed in the case of the *Arrow*? But it had been said in the course of the debate that the French and American authorities at Canton approved of the course pursued by the British representatives. However, no hon. Member had ventured to assert that when French and American authorities approved of what was done, they were aware of the declaration of

Sir John Bowring that this vessel was not entitled to British protection. Unless they were prepared to state that the French and American authorities had the whole case before them, their approbation went for nothing, inasmuch as it was an opinion on a case of the facts of which they were not informed. What was the American view of this case? It happened that a much greater insult than any that could be supposed in this case had been offered to the American flag; for an American man-of-war's boat was fired on by the Chinese while the American flag was flying, and there was not, nor could not be, any allegation that the boat was not an American boat. Those who were in her were obliged to save their lives by putting back. Yet what was the course which the American authorities deemed it proper to adopt under such circumstances? The American Commodore said that he would require reparation, and that, failing to obtain it, they would inflict becoming punishment on the Chinese, and would reserve the consideration of future measures. He (Mr. Henley) thought that that was a spirited and, at the same time, a prudent course; and it was pretty well known that the revolver and bowie knife were in such frequent use amongst their American brethren that they were not the people to be particularly slow in obtaining redress for wrongs inflicted upon them. He (Mr. Henley) thought that the destruction of the forts by the British forces was a sufficient punishment for the insult offered to the British flag; but the question was complicated by further demands on the part of the British authorities. The affair of the *Arrow* having brought our agents and all the Chinese authorities into collision, Sir John Bowring directed Mr. Parkes to raise the *vexatio questio* as to the entrance of foreigners into Canton under the treaty. The Admiral disclaimed to make that a question when the matter was placed in his hands, but for some reason or other he raised another question, which, though closely connected with the first, was not in his (Mr. Henley's) opinion necessarily contained in it. The Admiral did not ask for the admission of British merchants or foreign people generally into Canton, but he demanded the right of entry for official people, for the purposes of official intercourse with the Chinese Government. To his (Mr. Henley's) unlearned mind it was not clear that that was a treaty right; he had very considerable doubt of it, because

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in the treaty were regulations for the conducting of official correspondence, and when details like that were gone into in the treaty, it was very extraordinary that there should be no regulations concerning personal official conferences, if such had been contemplated. At all events, he could not, in the papers before him, see anything which would lead him to think that it was just or politic to proceed to enforce the right which the Admiral asserted by the bombardment and other hostile movements that had been resorted to. Great exception had been taken on the other side of the House to the distinction drawn, in the course of the debate, between the officials engaged in these hostile proceedings. But while averse to such distinctions, when made with the view of casting obloquy on one person rather than on another, he thought that in a case like the present distinction was justifiable. The papers before the House did, to his mind, show irresistibly that two out of the three parties concerned for our Government in China had stated as a fact one thing which they knew to be untrue. Under these circumstances, he felt that it was only an act of justice to the third party to say, that the papers on the table did not afford a shadow of proof that Sir Michael Seymour was aware of those shameful untruths. It was as clear to him (Mr. Henley) as the sun at noon-day that Sir John Bowring and Mr. Consul Parkes had asserted in formal documents to the Chinese a thing to be lawful which they had said in other documents under their own hands was not lawful. Sir John Bowring said to the Chinese that a vessel was entitled to British protection which under his own hand he had declared was not entitled to that protection. He (Mr. Henley) therefore thought that, when an officer of great standing like Sir Michael Seymour appeared by the evidence not to have had any knowledge of such a state of things, it was but common justice to hold him acquitted of the falsehood. He rejoiced that no Member of the Government had attempted to deny that falsehood; it was one of the redeeming features of the debate that they had not attempted to do so. Much had been said of the effect of passing a Resolution of this kind on officials in foreign ports. He was entitled to say that Members on that (the Opposition) side of the House, had always shown a disposition to support the Government in its dealings with foreign States. He held that opinion

as strongly as any man ; but he did not think that the doctrine should be carried so far as to compel men to justify what they believed no circumstances could justify. What were matters that formed an exception to the rule ? Downright, deliberate, and wilful untruth, which could only be designated by the name of falsehood, was what, in his opinion, could not be justified. He said also that the bringing of the horrors of war within a crowded city, on non-combatant defenceless women and children, was one of those things which it was almost impossible to justify. He would, if on his oath in a jury box, feel bound to declare that on the most strict and accurate reading that he was able to give to the official papers, he could not therein find any justification for what had lately been done in China. As he had before observed, for falsehood there could be no justification. He believed that if the things which had been done in China had, under similar circumstances, been done in London, the man guilty of them could not show his face in that House. There was another circumstance which proved to him that the Admiral was not very closely informed of what was doing by other parties. In one of his despatches to Consul Parkes, Sir John Bowring directed that if Governor Yeh proposed a reference to the Emperor, the reference should be refused. Now he (Mr. Henley) did not think that a very creditable order, seeing that one of the principal matters in dispute had been in abeyance since 1849, and that, consequently, the Government might well feel it necessary to refer to the Emperor in respect to that matter. What was the conduct of the Admiral, Sir Michael Seymour, after the letter of Sir John Bowring ? The Admiral proceeded to take a second time some forts which the Chinese had again occupied ; but before doing so, he wrote a letter to the Chinese commander, saying, that if he gave up the forts without fighting, he (the Admiral) would hold them in pledge, in the same condition as they then were, till—when ?—till the matter could be referred to the Emperor. That fact showed that the Admiral was not guided by the same sentiments as those which seemed to actuate Sir John Bowring and Mr. Consul Parkes. To his mind distrust was thrown over every line of these gentlemen's communications, when he saw them deliberately and solemnly asserting a thing which they themselves had before written they knew to be

untrue. Upon men who did that, no reliance could be placed for one moment. It was absolutely impossible that faith could be reposed in any of their representations. Moreover, their conduct was not attempted to be explained away in any part of the correspondence. It was not one loose assertion only, but had been asserted twice ; and there was not a tittle of evidence in the blue-books to show that they thought they had formed their opinions wrongfully. True, they qualified their assertion by the statement that the Chinese did not know it. That, however, only made the matter worse, and themselves ten thousand times more guilty ; and the fact still remained that they unblushingly assured the Chinese, in the name of their country, of what they knew to be untrue. He had looked through the papers before the House with every disposition to see if he could find anything that would relieve him from the necessity of voting with the hon. Member for the West Riding. He felt all the inconvenience which might result from the adoption of the Motion, but he thought it had been very much exaggerated, inasmuch as every fresh day's arrival from China showed that all the evils which could possibly ensue from a knowledge in that country two months hence of what had taken place in this House had already occurred. We had begun hostilities. We had drawn the sword without any of these warnings which civilized nations usually give. No war had been declared. We had murdered untold numbers of people, according to the translation of one of those Chinese papers, which carried upon the face of it evidence of its truth, and by the last accounts the Chinese were in their turn beginning to murder us. We complained that they had resorted to poison and assassination ; but had they no right to complain also of our having thrown shells among non-combatants and unoffending people ? We had no reliable information as yet with regard to what was doing at the other four ports ; but he thought it was the duty of her Majesty's Government to give the House some information as to the measures they had adopted for the security and protection of British interests at those ports. It was quite clear, however, that the Chinese had taken what we had done as a declaration of war. It was as clear as the sun at noonday that they would be justified in doing all they could against us in the way of seizing our property, sinking and burning our

ships, and killing our people. War had fairly begun without a declaration. We had burnt their warjunks, taken all their forts, destroyed all their guns, shelled their non-combatant people, and burnt the suburbs of their city. They in retaliation had burnt our factories. How were we to know what security the English people enjoyed at Ningpo, Shanghai, and the other ports, where the Chinese would be equally justified in burning our ships and seizing our property. For his part, he saw no earthly reason why they should not: and if they were actuated by the common feelings of men, seeing their country treated as it was, they would inevitably do so. Looking at the Correspondence, he could come to no other conclusion than that Sir John Bowring would never have adopted the policy he had pursued unless he had received a pretty sure intimation that it was a line of conduct that would be considered just and politic by the Government at home. When he observed the great increase that had taken place in our naval force in the China seas, and saw by the last accounts that gun-boats were expected out, it appeared to him as if there were a kind of foreknowledge on the part of the Government that hostilities were likely to take place; and if they had that foreknowledge, surely the mercantile community had a right to expect adequate protection at the other ports. He (Mr. Henley) hoped they had that protection. It is stated in one of the papers that British interests appear to be safe at those places; and one of the Governors is reported to have used the expression that "every man should sweep his own floor." But though a subordinate Governor may use such language, it is very possible he may receive from the central authority orders not only to look after his own floor, but to take charge of those of his neighbours: and if so, British interests may suffer very materially in those quarters. He thought, also, that this House had some right to hear from the Government an explanation of what was so pertinently asked for by the noble Lord the Member for London, at an early period of the debate, namely, their future intentions with regard to China. As yet, however, not a single Member of the Government had given the least intimation of what the future line of policy was to be. Of course, it was not to be expected that, with Chinese exactness, they would state what were the precise terms which they

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mean to exact; but he thought the House had a right to be informed, as the matter was one of great gravity and not likely to pass away like a summer cloud, what was the probable course the Government meant to pursue. He could not sit down without referring to the great pain which it had given him to be obliged to express an opinion adverse to men who were serving their country in a distant part of the earth. Nothing could have induced him to do so but circumstances so strong as those which he had stated to the House. He felt that no choice was left to him, for the Government having, by the approbation they had given to the acts of our authorities in China, identified themselves with every thing that had taken place there, it was impossible that they could consider the fitness and propriety of that approbation, without discussing the acts to which it was extended. No man could be more fully aware than he was of the consequences which might come from the adoption of the Resolution. He thought, however, that those consequences were the less to be apprehended, because all the evils which could possibly happen had already taken place. He did not hesitate for a moment, therefore, to take the responsibility upon himself of voting for the Motion of the hon. Member for the West Riding; for he could not consent to share the responsibility of a downright public falsehood, or the unnecessary shedding of innocent blood.

MR. E. C. EGERTON said that it was with much pain that he had arrived at a conclusion how to give his vote on the Motion before the House, because by that vote he should separate himself on the present occasion from many of those hon. Members with whom it was his pleasure to live in habits of the closest political intimacy and friendship. He could not share in the feelings which influenced the hon. Member for Cornwall (Mr. Kendall) in giving his vote; neither could he enter into any of the reasons which that hon. Gentleman had assigned for the course which he should adopt that night. It was equally his desire to avoid touching upon the legal merits of the question. They had been discussed until the House must be thoroughly weary of the subject. Whether the *Arrow* was a British registered vessel or not; whether Sir John Bowring had exercised the amount of moderation and discretion which it was natural to look for in a high public character, the representa-

tive of important British interests abroad; whether the amount of reparation exacted at the hands of the Chinese was more than sufficient for the injuries they had inflicted—all these were questions which he should forbear inquiring into. They had been discussed with so much ability and at such length that it would be superfluous and impertinent in him to offer any remarks respecting them. The simple question he had to ask himself was, what would be the practical effect of the Resolution if it were adopted by the House? And he confessed that he could not shut his ears or his eyes to what had been stated by practical men in that House. They heard last night from an hon. Gentleman (Mr. Robertson), whose long acquaintance with China made him a good judge of those matters, that the state of things was dangerous in the extreme, and that if it went forth to the people of China, and to the British Admirals and forces now employed in checking the hostile proceedings of the Chinese, that this House sympathised in any way with the acts of the Chinese authorities at Canton, he did believe that the right hon. Gentleman the Home Secretary had not used the language of exaggeration when he said that neither British life nor property would be safe in that country. It was that consideration, and that alone, which made him give his vote most unhesitatingly to the Government on the present occasion. There were large interests at stake—large mercantile interests—which were every day being developed into greater and greater importance between China and this country. He had hoped, however, that they would have heard from the noble Lord at the head of the Government that it was his intention to satisfy public opinion by recalling Sir John Bowring, and sending out some Plenipotentiary whose known character and great weight might bring the question to a fair settlement—for a settlement the country must have, sooner or later. We were now involved in a war, which he feared might be a disastrous war for some time. It was impossible for us to stay our hand at the present moment, and however averse we might be to the horrors of war, he did believe that severity in the first instance was very often mercy in the end. The hon. mover of the Resolution had, he believed, most conscientious objections to war of all kinds. He was the only Member of this House who had stood up in his place and opposed the prosecution of a war which to the whole of

this House, with the exception of the hon. Member himself and two or three others, and to the whole of the people out of doors, appeared to be a most just and necessary war. If, because Sir John Bowring had committed very great indiscretion, and there had been some severities exercised in the first instance, we now stayed our hands, he felt sure that the trade of the country would suffer to a most serious extent. In the first portion of his Resolution the hon. Member for the West Riding asked the House to decline expressing an opinion on the conduct of the Chinese Government as regarded the non-fulfilment of the treaty of 1842; but then he went on to say that he thought the papers which had been laid before the House failed to establish satisfactory grounds for the course we had adopted in the matter of the *Arrow*. Now he (Mr. Egerton) was of opinion that what had been stated in this House, and what they had read elsewhere, was sufficient to show that the Chinese had no character for honesty or fair dealing, and that the whole course of their conduct since 1840 had been marked by bad faith and duplicity towards this country. And it was in the full belief that the Resolution, if carried, would fetter the hands of those who in distant countries had a difficult and dangerous task to perform; that he should content himself, in sitting down, with expressing his firm opposition to the Motion of the hon. Member, and his intention to vote with her Majesty's Government.

MR. J. G. PHILLIMORE said, that he regretted the vote he was about to give; but he protested that it was not to be attributed to any other motives than such as should influence a person who endeavoured conscientiously and to the best of his ability to come to a just decision on the papers laid before Parliament. He, therefore, assured the House that the vote he was about to give would not be given in pursuance of party bias or political feeling. He was oppressed by the weight of responsibility which must attach to every one, however humble, who lent his support to manifest injustice, and though no one thought more highly than he did of party ties, there were questions of such transcendent magnitude as to be beyond their reach. But before stating his reasons for his vote, he wished to make a few comments on the singular and audacious speech of the hon. Member for Middlesex (Mr. B. Osborne). The hon. Member told them that the House ought to consider itself a jury,

and he certainly proceeded to address them as if they were a jury of the most ordinary description, for his speech did not contain one word which bore on the grave subject submitted to their decision; but jokes (as to the good taste of which there might be difference of opinion), and misrepresentations of the most obvious facts, and allusions to the character of the Chinese, constituted the whole argument by which he endeavoured to divert the House from the consideration of a question which all must be anxious properly to understand. Nobody admired more than he the play and corruscation of wit in its proper place, but he much regretted that any wit, bordering very closely on buffoonery, should be introduced on such an occasion to bias the decision of the House; neither did he think that the learned Judge of the Admiralty Court would be much flattered, when he saw that the hon. Member had imputed to him the speech of one of the most virulent Tories, and most uncompromising supporters of a corrupt and incapable Government, uttered in defence of one of the most flagitious actions that ever brought disgrace upon the name of England, the seizure of the Danish fleet. He would not dwell on the legal question, but should content himself with stating his conviction that in point of law the Chinese were completely right. The licence was mere waste paper from first to last; and even if it had been valid from first to last, it could not make the ship a British ship. One topic was sufficient to prove that position. They were told there was a nominal owner; if the vessel was entitled to the privileges of a British ship, where was the necessity for a nominal owner? The Attorney General, in his able speech, said Sir John Bowring might be excused for not knowing the law when Lord Lyndhurst and Lord Wensleydale had differed on it; but Sir John's own letters showed he knew the law, but acted in direct opposition to it. A noble Lord had advanced the proposition that no matter what the vessel was, if she carried the British flag, she was entitled to protection in the name of the law of nature and of nations. He denied such a monstrous doctrine. If there had been an error of judgment, he could have sympathised with it; and unless he had traced a deliberate intention on the part of Sir John Bowring to provoke a quarrel, he would not give the vote he was about to give. From the beginning to the end of the papers there was evidence of a ludicrous anxiety on the

part of Sir John Bowring to procure admission for himself into Canton. For what were they at war? They were at war because the offended dignity of Sir John Bowring had not been sufficiently appeased by the manner in which his demand for the return of the men had been substantially complied with. First of all they said none of the men would be returned—all but two were returned: then they said all must be returned—all were returned; but the mandarin who brought them back was not of sufficient rank, so that in fact they were at war because the mandarin who returned the men was not a mandarin of sufficient rank. Was it possible to justify a war based on such frivolous grounds? One of the arguments of the Lord Advocate struck him as being very singular. It was this,—that as the injury which had been done to us by the Chinese authorities was very trifling that was precisely the reason why we should punish them severely, for that was the only way to deal with Orientals. That argument reminded him (Mr. J. Phillimore) of the Duke of Buckingham's impromptu reply to a foolish verse:—

"My wound is great because it is so small."—

"Then t'would be greater were it none at all."

The House had been warned that the passing a vote of censure upon the Government would lead to results in China exceedingly prejudicial to British interests there; but would the adoption of the Motion prevent the noble Lord at the head of the Government from doing what was requisite for the protection of those interests? The hon. Member for Middlesex denied that Canton had been bombarded at all. Had he read the address of the inhabitants of the city? He would read one passage from it:—

"You do not remember that our authorities are subject to promotion, translation, and similar changes of office, which may remove them from Kwang-tung; in the twinkling of an eye its whole establishment may be changed. But the native trader has been here, generation after generation, from father to son, from grandsire to grandson, for hundreds and thousands of years, without interruption of the line. You do not reflect upon the distant future, that to inflict injury on the Canton people is to make enemies of thousands and millions of men; that the longer the feud endures the deeper rooted it will be; that the more protracted the struggle, the more impetuous will be the zeal for it. Is it in your power to go the extreme length of injury that can be inflicted?"

Could it be said that a conciliatory vote would inflame and exasperate? It was

said, right or wrong Sir John Bowring must be supported; then what was the use of putting the blue-books into their hands, unless they were to pronounce a judgment on the facts contained in them. But it seems all this is done to conciliate the Chinese, the yells and shrieks of the miserable artisans flying from their blazing houses, the gnashings of the teeth—to use the emphatic language of Commissioner Yeh—of a population exasperated to frenzy—these are to be the harbingers of a closer intercourse, to inspire a taste for our manners, and to create a demand for our manufactures—civilization, nay, according to some, Christianity herself is to force her way over the levelled breach and the crumbling rampart, amid the clash of bayonets and the thunder of artillery. Why, since the days of Pharaoh, whose understanding was darkened as his foolish heart was hardened, had there ever been an instance of such infatuation? Are we so pedantic as to suppose because the Chinese differ from us in some of the forms of social intercourse, because personal vanity and the appetite for frivolous distinction is gratified among them by a peacock's feather instead of a baronetcy, or by a double button instead of a blue riband, that the feelings which the great Creator of European and Asiatic has implanted in the hearts of all to whom he has vouchsafed the form of man as securities against oppression, do not glow in their bosoms as well as in our own? Do we suppose that Chinese mothers do not weep their sons?—that the Chinese bride will look with kindness on him who has slain the husband of her youth? Or that the Chinese father, when he sees the ruins of his home, and the mutilated limbs of his children, will not cherish an inextinguishable hatred against the author of his wrongs? The feeling engendered by such wrong would rankle and fester long after the occasion had passed away. The Vice President of the Board of Trade had asked the House whether they would be insensible to the dishonour done to the English flag? There was no man in the House or country so abject as not to be tenacious of the honour of their flag. To couple the word dishonour with our flag was to impose on their judgment, and excite a tumult of feelings, and must prevent them from coming dispassionately to the consideration of any subject. The English flag had, indeed, been dishonoured, but by whom? It had

been dishonoured when it was made a shelter for banditti, for smugglers, and for pirates, the enemies of human intercourse: it was dishonoured when it carried terror to the helpless, and destruction to the innocent. It was because he would not be an accomplice in that dishonour, and because he wished, as far as in him lay, to show that the act of an upstart and arrogant Minister would not be approved of by a generous, moral, and high spirited people, that he had determined (he confessed with some reluctance) to support the Resolutions of the hon. Member for the West Riding.

MR. BAILLIE COCHRANE said, he was anxious to remove a misapprehension which had been created by the speech of the right hon. Gentleman the Home Secretary. Whilst listening to that speech he was almost led to believe that we had declared war in the name of the civilization, and bombarded cities in the name of humanity. The right hon. Gentleman stated that no injury had been done to the city of Canton by the proceedings of Her Majesty's forces. Now he (Mr. Cochrane) happened to have in his possession information derived from those who had visited the city of Canton in person on two or three different occasions, and he might, therefore, take the liberty of informing the House what was the position of the city of Canton; the House would then be able to judge for itself how much damage must have been done to the city by the proceedings of our forces there. Canton contained about a million and a half of inhabitants, who were confined in a space of about one fourth that the same number of inhabitants occupied in this metropolis. The streets were so narrow that in most of them there was scarcely room for two persons to pass each other, and the city itself was in the same relative position to its suburbs that London was to Westminster and other districts. The papers which had been laid before the House showed that Canton had been bombarded at intervals for a period of six weeks. He would put it to the House, then, whether it was reasonable to imagine that a bombardment could be carried on against a city so circumstanced without causing enormous destruction to the life and property of the inhabitants. But he owned that he was perfectly astonished tonight when he heard from the hon. Member for Middlesex (Mr. Bernal Osborne) that there had been no bombardment of Canton. He at once looked to the despatch

of Consul Parkes of November 5th, and in that despatch he found it stated that the bombardment had then lasted three days. But the fact was that, off and on, the bombardment must have lasted for six weeks. It commenced on the 29th of October. On the 5th of November, Mr. Parkes wrote that it had lasted three days; and on the 15th of December, Sir Michael Seymour wrote thus:—"We are beginning to shell the city from the Dutch Folly." He (Mr. Cochrane) did not, of course, suppose that the siege operations were carried on all that time; but during a period of six weeks it was evident that the inhabitants of Canton were, off and on, subject to the bombardment. Yet, in the face of that fact, the right hon. Gentleman at the head of the Home Office told the House that in the proceedings of Her Majesty's forces every precaution had been taken to protect the lives and properties of the inhabitants. The right hon. Member for Wiltshire (Mr. Sydney Herbert) had quoted a passage from that admirable biography, *The Life of Sir Charles Napier*—and the hon. Member for Middlesex had attempted to cast ridicule upon that quotation; but there was another passage in that work which he (Mr. Baillie Cochrane) would quote; it was that where the gallant General said that war could not be carried on with rose-water any more than revolutions, but the great thing is to be sure that you are right and justified by circumstances. It was a terrible thing, said he, to carry on an unjust war. And the gallant General in another passage said:—"We have taken Beyrout. It is sad work, for it is a cruel thing to batter down a town full of men and women, bedridden old persons, and sick; there is a terrible responsibility in firing upon any except troops." Every Member of that House must concur abstractedly with that expression of opinion of Sir C. Napier; and, however they might view the question because of reasons connected with party, or because of an apprehended dissolution of Parliament, or other causes which should not find a place in the discussion of such a subject, he was sure that there was not one hon. Member in the House whose feelings of humanity did not cause him to tremble at the terrible responsibility of firing upon any but troops. There was another argument which he (Mr. Baillie Cochrane) had also heard with astonishment—although it was the only one which could really be brought forward in support of the course taken in China—he meant that repeated

Mr. Baillie Cochrane

by the hon. Member for Middlesex, that the people of China were not to be treated as a civilized people. A speech of the Emperor of the French to the French Legislature on a recent occasion stated that civilization marched on like an army demanding their victims and its sacrifices. He (Mr. Baillie Cochrane) would lament it were so. It was the only argument, however, that could at all be adduced on the other side, and it was a terrible argument; but he denied its principle. The Government were, however, shut out from that argument, for this country, in fact, had had treaties with the Chinese, the same as with any civilized people; and under other Ministers than the present a far different policy towards that nation had been adopted. As regarded Sir John Bowring's conduct in the case, he had known Sir John Bowring when he was a Member of that House, and he was impressed with the conviction that he was actuated almost entirely by a feeling of vanity. Chateaubriand had said of a man that while he wore the cap of liberty in Mexico, he wore the turban in Constantinople; and the same might with equal justice be said of Sir John Bowring in this case, for his acts were the acts of a tyrant at Canton, whatever his doctrines might have been in this country. The question at issue, however, did not depend on the personal character or conduct of Sir John Bowring or Sir Michael Seymour or Consul Parkes. The House was called on to decide if the policy pursued in China was a just, a truthful, and a truly national policy. He (Mr. Baillie Cochrane) thought that the conduct of her Majesty's Government in the East was one which was consistent neither with truth nor humanity, but was on the contrary, such as ought to call forth feelings of indignation; and he, therefore, should support the Motion.

MR. T. CHAMBERS said, he would briefly explain the grounds on which he meant to vote against the Motion before the House. Hon. Gentlemen who had lately addressed the House had dwelt with particular emphasis upon the indiscriminate nature of the bombardment of Canton, and the horrors to which it gave rise. Now, he was anxious to draw the attention of hon. Members to two extracts from the blue-books before them, which went to show the truth of what had already been asserted on the part of Government, namely, that the bombardment was not an indiscriminate bombardment of an innocent and defence-

less city, but that it was confined to the public buildings and places of that description.

"It is a subject of congratulation that no conflagration has attended the bombardment of the last three days, and, though it is impossible to estimate at this distance the extent of the destruction caused by our guns, there is reason to believe that this has been mainly limited to the public buildings at which attack has been aimed."

"Her Majesty's ship *Barracouta* had previously moved up to a position abreast of the heights at the back of the city, where, to judge from the number of the tents, a considerable force had encamped. She threw shell at these, and at the foot of the heights, but with limited effect."

He would now pass to the general question before the House, and in doing so he must express his entire concurrence with the right hon. Baronet the Member for Droitwich and other hon. Gentlemen who had described the act the Legislature was about to perform as strictly of a judicial character. The Motion of the hon. Gentleman the Member for the West Riding could not, he thought, be regarded otherwise than as a vote and motion of censure first upon the Government, who had done nothing of the acts which were the grounds of complaint, and then upon our representatives abroad, who had really done these things. They were called upon to declare that Sir John Bowring had, without a shadow of justification, and as the result of his own personal feelings, been guilty of the greatest atrocities known in modern times. The act which the House had to perform being a judicial one, and involving a censure upon a gentleman who had sat there for many years as a representative of the people, and whose present appointment was the reward of a long public career, it was incumbent upon hon. Members, before pronouncing judgment, to place themselves individually in the circumstances in which Sir John Bowring was placed, to study all the bearings of the subject, to make themselves acquainted with the position in which he stood with regard to the Chinese authorities, to inform themselves of the character of the Chinese people, and to take into consideration all those attendant circumstances which rendered Sir John Bowring's position one of so peculiar and difficult a nature. It has been said that to Sir John Bowring's personal arrogance was due much of the recent rupture with the Chinese. That assertion was, in his opinion, very strong; and he thought that the hon. Member who had censured his

conduct had excluded from his consideration—had absolutely ignored all those circumstances which had the most important bearings on the case. While no term of reproach and ignominy had been spared Sir John Bowring, and the merchants of Canton had had their share of censure, the Chinese in general and Commissioner Yeh in particular had been held up as models of simple purity and innocence. They thus started wrong on what ought to be a judicial investigation, and he could not but express his conviction that such a mode of proceeding would certainly lead the House to a wrong conclusion. Since that House had existed as a branch of the Legislature such a motion of censure had never been submitted to its consideration. It was monstrously unjust in its terms, and unjust, from what the hon. Member (Mr. Cobden) would perhaps call its moderation. The hon. Gentleman asked the House that, without expressing any opinion how far the Chinese had given cause of complaint by their non-fulfilment of the treaty of 1842, they should declare that the papers before the House did not furnish satisfactory grounds for the measures taken in the case of the *Arrow*—the hon. Gentleman should have added to the Motion as it stood upon the paper, "carefully excluding from their consideration every fact and circumstance which ought to govern their judgment." There could be no other interpretation of the malicious moderation of the Motion than that. The hon. Baronet the Member for Herts (Sir Bulwer Lytton) had said, "Let British commerce approach simple nations not only with justice, but with justice arrayed in her mildest attributes." That was no doubt a beautiful sentiment, beautifully expressed; but he could furnish the hon. Baronet with a much better lay-figure whereon to hang his rhetorical drapery. Need he remind the House that under the treaty of 1842 we had a right to enter the city of Canton, and that from that hour to the present there was not a moment at which we had not sufficient strength at our command to enforce that right? Nevertheless, from that time until now, we, in common with every other European nation, had been patiently knocking at the gates of Canton, when all had the right and the power to enforce the claim to admission. Did not, he would ask, those fifteen years of endurance afford a signal proof of the forbearance of Great Britain? It was said respecting the *Arrow* that, in point of law, we were in the wrong; but, after listening to all the arguments on both

sides, he (Mr. T. Chambers) had come to the conclusion that we were in the right, and that the *Arrow* was entitled to British protection. Under any circumstances, it was perfectly clear that Yeh did not know but that the *Arrow* was entitled to that protection. (Hear.) He understood those cheers; but did hon. Gentlemen mean to say that no argument was to be founded on that circumstance? He (Mr. T. Chambers) contended that the importance of the question lay, not in the thing done, but in the moral and political significance attaching to it. It was not that twelve men were taken away, but that a public offence was studiously given to the British Government, and a wrong offered to the British flag, in the face of a people who would be, and were intended to be, greatly influenced by it. It was, therefore, asked that the reparation should be of such a character as exactly to meet and avenge the moral affront, and it was exactly that which had been refused. Yeh was willing to do everything to replace matters *in statu quo*, but he would not, by restoring the twelve men in the same public manner in which he had taken them away, offer reparation to the British flag, and do away the mischievous moral effect of his unjustifiable proceedings. Who, he would ask, were the witnesses we should call if we desired to come to a correct verdict on this point? The British merchants, of all human beings, must be interested in this question. An hon. Member actually stated that they had an interest in getting up the war because they would have an opportunity of supplying the army engaged in it; but that was too absurd an argument to address to a rational assembly. The British merchants supplied 50,000,000 of customers with that necessary of life, tea; and the war with China would almost put an end to that trade. Did that give them an interest in keeping up these hostilities? He should have thought that if any single man had an interest in maintaining peace with China it was the British merchant, whose trade in this important article would not only be suspended, but destroyed. Why, also, had they not called the English residents in China, who, whatever was their shade of politics, or their opinions on other matters, unanimously approved of all that had taken place? Why had they omitted to call those who had recently left China, and knew the state of things there, and the character of the people? Because, although they were all interested by way of trade in

keeping peace with China, their testimony would have been against the Motion of the hon. Member for the West Riding. Those who supported the Government thought that the evidence of these persons ought to have been taken. He next asked, what was the policy which should be pursued when these hostilities had once broken out? It was impossible to say that the *lorcha* was the cause of what had happened. Nobody ever contended that it was. It was, no doubt, the occasion of hostilities, as the last drop put into a cup of water made it run over; but the storm had been collecting ever since the treaty was made—ever since 1842. For a long time the Chinese Government—not the Chinese people—had shown a determined hostility towards the British Government, and this made it material that these proceedings should be taken even in the case of the *lorcha*—[Mr. COBDEN: Mention one case in which the Government have been insulted]. He had promised not to read the blue-books; and would not be induced to break his promise, even on the appeal of the hon. Gentleman; but he would ask hon. Members whether any person could read the papers without feeling perfectly satisfied that it was the policy of the Chinese Commissioner Yeh to stir up the fanaticism of the Chinese people against the British? The testimony of all the English residents, and of all those who had at any time had dealings at Canton, was to the same effect; and these persons unanimously approved all that had been done by our officials in this affair, although a state of war was the worst thing that could happen for the interests of their trade. The House had already been told of the edicts against the life of the British which had been posted up on the city walls. The hon. Member for the West Riding had treated the question before the House on a narrow basis, but the people of England would judge of it on broad principles; they were overwhelmingly against the hon. Member, and he trusted the House would also be so. If the views and opinions expressed by the hon. Member were correct, his Resolution was miserably inadequate for the occasion; for no language could be too strong to describe the proceedings at Canton, viewed in the light in which he had spoken of them. If the conduct of Sir John Bowring admitted of no justification, no palliation, no excuse, no explanation, then he (Mr. T. Chambers) should have been prepared, if he agreed with the hon. Member, to propose a Motion, every word

of which would have been a superlative, for the purpose of condemning what had taken place. It was quite as gross a misrepresentation to use an intentional inadequate expression as to enunciate an opinion of erroneous opinion. When it was intended, after a long debate, to pass the stern judicial censure of the House upon the Government; a Motion of this kind, simply stating that the papers failed to disclose a satisfactory ground for commencing hostilities, was a false Motion, and miserably inadequate to the occasion. As a vote of censure nothing could be weaker than this Motion. On these grounds, he entertained not the slightest doubt that it was his duty to support the Government. He believed that the hon. Member for the West Riding had brought forward the Motion honestly and candidly; but then that hon. Member was an opponent of war under all circumstances, and he ought no more to be heard as a witness in the present case than a man who entertained strong views against capital punishment ought to be placed upon a jury which had to try a man for his life—

MR. COBDEN: I beg the hon. Member's pardon—he is making assertions as to my views, which are totally unfounded in truth. I believe I hold precisely the same opinions as the hon. and learned Member himself professes to hold with regard to the subject he has mentioned.

MR. T. CHAMBERS said he had no wish to misrepresent the views of the hon. Member, and would retract what he had said upon the matter. That did not, however, diminish his objections to his Motion. There was a most extraordinary union of parties in support of the hon. Member's Motion. Sir John Bowring had been censured in the strongest terms by men who were responsible for his appointment and the position he held. But he thought the Motion was not either broad enough or hard enough to hammer the new coalition upon. It seemed almost to have been framed for that purpose; but he would not say so, for he could scarcely believe that such a course would be taken upon a question of this kind, which was admitted to be a judicial one. He hoped the right hon. Gentleman the Member for the University of Oxford would tell them what he thought about these proceedings, seeing that he was virtually responsible for the appointment of Sir John Bowring. He must have had a good opinion of him or he would not have appointed him to the post which he held;

and he (Mr. Chambers) could not believe that he would concur in the sentiments which had been uttered with regard to that gentleman by hon. Members who supported the Motion. He should himself give his vote with great pleasure for the Government, thinking that Sir John Bowring had, under very painful and difficult circumstances, acted as became the representative of England.

MR. ROEBUCK: Sir, at this period of the debate, and at this time of the night, I assure the House that I am neither going to trouble them with a long speech nor with any remarks upon the legal aspect of the case. We have been told that we ought to approach this subject in a judicial state of mind. We have just had, Sir, a specimen of the judicial spirit in which it is discussed by a Judge himself. It appears to me that this Motion is really one of censure, and in that light I at once accept it. I mean by my vote boldly to express that censure, and not simply to censure the persons who have been acting at Canton, but the noble Lord and his colleagues who sit upon the Ministerial bench. I will tell the House why I do so. The blue-books that have been laid upon the table detail the acts committed at Canton. We have been told in this House that the responsibility of all those acts is accepted by Her Majesty's Government, and that they mean to defend them. I say, then, that we are now called upon to pass over the subordinates, and to fix the responsibility where it ought to rest—namely, upon the shoulders of the Administration. It has been said that there is a wonderful coalition, and those who take the course I intend to pursue are accused of party motives. I thought, Sir, that my conduct through life would have freed me from the imputation of supporting any party. I have, unfortunately, as I thought, been compelled to oppose all parties, and I never formed a coalition with anybody. On this occasion, therefore, I may be considered to act according to my wont, and that it will be believed I am now coming forward to blame the noble Lord (Viscount Palmerston) and his colleagues because I think them deserving of censure. It is to me a matter of utter insignificance whether the noble Lord sits on the opposite benches or on those which he and his supporters now occupy. I have only to inquire whether the acts of the Government redound to the honour of England, and upon that issue I am determined to vote. Now, Sir,

England holds a very peculiar position among the nations. In Europe we are the only great people who have what is called constitutional Government, and every act of ours that is condemned by mankind is brought forward as an evidence against liberal institutions. Thus are we judged in Europe; but in Asia the case is different. We are the only great people in the western world who possess large Eastern dominions. All our acts in those dominions are judged by a different standard, and if they are found fault with it is said, "This is significant of western civilization and of Christianity." So that our acts in Europe are cited against liberal institutions, and our acts in the East against western civilization and Christianity. I say, then, that it behoves us as Englishmen seriously to consider what we do. We are acting not merely before one part of the world, but before the whole world. There is this additional circumstance to be considered:—If we were under a despotism it might be said, "The people are not to blame; the fault is with their governors;" but the liberal institutions of England enable us to blame our governors, and therefore if we do not blame them we take upon ourselves the responsibility of their acts. In such a case the dishonour—if there be dishonour—of their acts reverts from the noble Lord and his colleagues upon the people of England, and it is in their name that I raise my voice against the transactions in China. I will not treat this question upon the narrow ground on which it has been placed. I listened to the observations of the hon. and learned Attorney General, and it struck me that he did indeed speak as a lawyer. He spoke as if he had a retaining fee and a brief. He holds a brief for the defendants in a "running down" case. That, Sir, is not the way in which this question ought to be treated. It ought to be treated upon the great principles of humanity; and supposing everything urged in support of these transactions to be true—supposing the law to be as it has been stated—I ask, are the people of England prepared to take upon themselves the responsibility of these acts of revenge for the infraction of the law? The issue is a simple one. I at once acknowledge, if hon. Gentlemen on this side of the House desire it, that the police force at Canton were wrong in boarding a vessel bearing the English flag; but it should be borne in mind that

if they were wrong, great luminaries of the law in this country were wrong also. And will you punish the unfortunate people of Canton for an action which has been considered right by some of the greatest lawyers in England? I wish hon. Gentlemen would suppose that these transactions took place in the city of Liverpool and the Mersey, for I have found that Englishmen, and western people generally, have one rule of morality for the west and another for the east. Indeed, that principle has been put boldly forward in this House; but, in my opinion, the rule of morality extends over the globe, and what is just and unjust in the Mersey, is equally just or unjust in the river before Canton. The Attorney General has acknowledged that by the law of civilized nations, if a merchant vessel appear in the waters of a foreign country, and it is supposed that a crime has taken place on board that vessel, the police of the State in whose waters she may be, have a right previous to any treaty, to board such vessel and to make inquiries. But the Attorney General said, "The Chinese have divested themselves of that right by a treaty with us, and therefore they cannot board ships upon which the British flag is flying." Suppose the scene of action to be Liverpool, and not Canton, and the foreign nation to be France. A vessel is lying off Liverpool manned by Englishmen, two of whom are known to be pirates. In the present state of the law the police of Liverpool could and would board that vessel. But we will suppose that the fortune of war had gone against us, and that we had entered into a treaty with France which prevented the police from boarding a French vessel. The police, seeing the flag of France flying, would say, "The mere hoisting of the flag does not give a character to the vessel. We believe she has no right to hoist the flag." They board the vessel; they ask for the captain; he is not there. Who are the crew? All Englishmen. The police ask, "Where are your papers?" The reply is, "We have none." I say the police would be justified in boarding that vessel. That is a clear and simple statement, and I should like to hear it answered. But in a case as to which lawyers differ—in which you have Lyndhurst on one side and Wensleydale on the other—you bring to bear upon a million and a half of people cooped up in a small town the whole power of the civilized English nation. Now, let me say a word

or two about the maligned Chinese. They have been called barbarians, but it must not be forgotten that they call us barbarians. They are civilized, but their civilization is of a peculiar kind. [*Laughter.*] I understand the shallow minds who laugh at that expression. It is a peculiar civilization, and it is peculiar in this respect and no other, that they have not applied their intelligence to the art of war. Europe has done so; and if we were to judge of civilization by a knowledge of the art of war Russia would stand very high among civilized nations. I say China is a civilized nation after a peculiar fashion. It is not ours; but they are a civilized people; and I would ask any man who doubts it to judge of them by the papers in that blue-book. Compare the truculent manner in which the English papers are written with the papers of the Chinese. Mark the courtesy and intelligence that distinguish the latter, and let any impartial person—if such is to be found on the face of the earth—say which is the civilized man and which the barbarian. I would go still further, and say which is the man that professes the most humane and generous doctrines? We call ourselves a civilized people. We profess to be Christians and to be the friends of peace; and we sent out to China the Secretary of the Peace Society. The result you have before you. I hope that this is no indication of what we may expect from those Gentlemen who advocate peace in the abstract. That man has been sent to represent the people of this country. In his hands have been placed the honour of England. It was not the bunting flying over the mast of that vessel that was the symbol and the type of the honour of England, but it was our representative there. You talk about that flag being tarnished. I congratulate the right hon. Gentleman the Vice President of the Board of Trade on having turned to my hon. Friend the Member for the West Riding and said, “If that flag has been tarnished, I dare say the constituents of the hon. Gentleman can turn out a new one.” “Turn out” is rather an ominous phrase in this debate. I cannot envy the state of mind that can so contemplate the conduct of our representative in that country. If that flag has been tarnished it has not been tarnished by the police of Canton pulling it down. That flag has been tarnished because it has been flying over the heads of men who have been engaged in that cruel mission, and

who have been hurling shot and shell among defenceless people. The citizens of Canton have seen their dwellings cut up and destroyed; they have seen their relatives butchered by the wondrous civilization of England; their blood has flowed; and for what? All because it is said the flag of England has been tarnished by the police officers of Canton. This we have been told; but the hon. Gentleman, who has set us a judicial example, says, “No such thing; we did not go to war because of the conduct of these men on board the vessel—we went to war because of the long series of injuries we have suffered from the Chinese.” Sir, that is what we say. We say that it was a foregone conclusion. You were determined to go to war whatever happened. You seized an opportunity when it presented itself. That you put forth as the cause of the war, and when driven from it by the force of argument you fall back upon a foregone conclusion, and say you went to war because the treaty was broken. I ask is this to support the honour of England? Having first maintained one thing you leave it when it is assailed, and take to another; and what is that? Why, we are told that the Chinese have broken the treaty. I want to know whether we have not broken our treaty? The people of China are said to be very barbarous because they will not admit us to their cities. Mark what is the reason. I said the civilization of China was a peculiar civilization. The Government of that country interferes much more with private life than ours. They call themselves the conservators of public morality, and in that character they say the use of opium among their people is contrary to their ideas of morality. They see an outside people very shrewd, and possessed of great powers, doing all they can to introduce into their country by smuggling what they call this most deleterious drug. That is contrary to their ideas of morality, and, therefore, they endeavour to prevent us entering into their cities. I have read the account of the expedition of Burns up the river Indus, and I shall give an incident that he has related. He says that some old men on the banks looked at his vessel as it passed upwards, and in a mournful voice they said, “our country is lost, for these men are going up the river.” How true was that prophecy! Their country was lost, and has been annexed to our eastern dominions. The Chinese, looking on our

progress in India, say we are an aggressive people—that where we plant our foot we extend our administration ; they are afraid of us, and, therefore, they will not let us enter their cities. That is not my idea. The desire to enter China may be just and right, but the fact that they will not let us enter into their cities ought to be viewed by us with tenderness and respect. Suppose we heard that a foreign vessel came up the Thames and laid itself alongside the building in which we now are, and because certain men in Downing Street did not do exactly as they desired, that the crew should begin to batter down this and other buildings, would you think it right or just ? If you transport yourselves to China and carry with you your ideas of morality, you would come to a different conclusion from that at which some of you have arrived. If I have not imagination enough to put myself in the position of the Chinese, I think I can understand what would be the feelings of the people of London, if London were so shelled by a people of superior civilization to ourselves. Why, London would be upturned. We should have this House not only mourned over, but revenged. Every man would be ready to sacrifice himself to destroy the barbarians, as we might call them, who had battered the city about our ears ; and we should say of them that such conduct is indefensible, such conduct is ungenerous, such conduct is un-Christian, and deserving of the reprobation of this House.

MR. GLADSTONE : Sir, I rise, in the first place, to answer the appeal made to me by the hon. and learned Member for Hertford (Mr. T. Chambers) with regard to the appointment of Sir John Bowring. That appeal, so far as the hon. and learned Member is concerned, was naturally and justly made, because he was misled by the higher authority of the speech of the right hon. Gentleman the Secretary of State for the Home Department. I complain of that speech in respect, not of sincerity only, but of justice, in so far as the appointment of Sir John Bowring is concerned ; and I presume to complain on behalf of the noble Lord the Member for the City of London ; for to make him responsible for the appointment of Sir John Bowring to high political and diplomatic position it was requisite to show more than the mere fact that he had considered him fit, from his commercial knowledge and his undoubted zeal and ability, to discharge

the subordinate duties of the consulate. But I complain, also, on behalf of my right hon. Friends near me and myself, that a misapprehension has been created by the Secretary of State, who, if he did not know better, might have known better, and ought to have known better. The simple fact is, that neither my right hon. Friends near me nor myself were in any manner parties to the appointment of Sir John Bowring, and that we learned it, like the rest of the world, through the ordinary channels of information. There is, no doubt, a sort of responsibility so far as we are concerned, of which I am sure the candour of the hon. and learned Member for Hertford will lead him to see the just extent. That appointment was made, I am far from saying blameably, without the knowledge or consent of the Cabinet. It is not the usage or custom to require the consent of the Cabinet in such cases. It was made known to the head of the Government (the Earl of Aberdeen), and it was by the head of the Government allowed to pass, with a declaration that the consular services of Sir John Bowring would have given him a knowledge of China which might be useful—that he (Lord Aberdeen) was not intimate with Sir John Bowring nor conversant with his career—but that he knew Lord Clarendon to be conversant with both, and therefore he consented.

Now, Sir, as the name of Sir John Bowring must, unfortunately, recur from time to time through the whole course of these discussions, let me state that, as far as I am concerned, I entirely disclaim and repudiate the description which has been given by the hon. and learned Member of the issue we are now trying. He says that it is a judicial issue, that the case we are now trying is the individual case of Sir John Bowring, and that if a single doubt hangs upon that case it is our duty to acquit our representative in China. I protest, Sir, against thus making Sir John Bowring a stalking-horse to divert our attention from the real matters that are in issue. No doubt, the conduct of Sir John Bowring is involved in these discussions, but we are not trying Sir John Bowring judicially. It is our duty to be fair, just, and equitable towards him, but our prime and paramount duty is to consider the interests of humanity and the honour of England. I regret that, from motives which I do not doubt were nothing more than an excess of zeal for the public service, Sir John Bowring has been led into

proceedings in themselves unwarrantable. But I am bound to express my candid conviction that the policy which Sir John Bowring has clumsily chosen his opportunity for carrying into effect was a policy not unknown to Her Majesty's Government, nor by them disapproved. I found myself in that statement upon matter palpable to us all—I found myself upon what was quoted by my right hon. Friend the Member for Carlisle—a letter from Lord Clarendon—from which it appeared to me to be distinctly established, that that which had in former years been expressly prohibited by successive Secretaries of State has now come in principle to be permitted, and that it was understood between Sir John Bowring and his official superiors, that although he was bound to use the best of his judgment in making choice of his occasion, yet he was to regard himself at liberty to prosecute his design of obtaining entry into Canton, and that in case of need the force of the British fleet was to be available for supporting him in that design. Therefore, Sir, it is not the case of Sir John Bowring that we are here trying; and far less, Sir, is it the case of Sir Michael Seymour. I am sorry to say that this is not a pleasant part of the question, and therefore I shall not dwell upon it; but I must remind the House that there has been no answer to the statement made last night by my right hon. Friend the Member for South Wilts (Mr. Sydney Herbert) who gave you a letter from Sir John Bowring to Sir Michael Seymour, in which, undoubtedly, the instruction of Ministers at home were communicated to Sir Michael Seymour, but—although I do not say they were intentionally garbled, because I have no right or disposition to believe it—they were made known to Sir Michael Seymour in such a form and in a manner so incomplete that they must have misled his judgment and have communicated to him an erroneous impression as to the views and intentions of the British Government. Sir, my right hon. Friend the Secretary of State for the Home Department said it was sad to see upon these occasions—and it is sad to see—that the memory of long and confidential official intercourse and of arduous labours conjointly performed in the public service is not sufficient to restrain men from acrimonious and personal attacks. Sir, I am quite sure that the words which I am now going to quote fell unintentionally from my right hon. Friend, but, at the same time, as those words have been spoken, they

ought to be noticed. I make no general charge of personalities against the Secretary of State for the Home Department; I do not hesitate to state my conviction that the words in question were used hurriedly and in the heat of debate; but my right hon. Friend did say when referring to the noble Lord the Member for the City of London:—

“I give him credit for that honesty of purpose and that depth of conviction which I know influence every action of his life. I wish that I could say as much—and I would gladly if I could—for the right hon. Gentleman the Member for Carlisle.”

Sir, I submit to Her Majesty's Government—if it be necessary for me to submit it—that these were words which could hardly have represented the true feelings of the Secretary of State; but if they did represent his true feelings, they were words incompatible with the relations that ought to subsist between one Member of this House and another. But I pass, Sir, from these points to express the satisfaction with which I heard, towards the close of the speech of my right hon. Friend, his manly declaration that this was a question in which every man was bound to give his vote irrespective of party or political considerations. My right hon. Friend spoke out those words with warmth and sincerity, and I think it the duty of every one who follows him in debate to respond to his appeal. Sir, I have had the means of knowing the mind of many Members of this House with respect to the question before it, and I can truly say, that there is not one of them, at least within my knowledge, who is about to support the Motion of the hon. Member for the West Riding through the influence of party or political motives. It was the more creditable, Sir, on the part of my right hon. Friend to call upon us to apply this criterion, because, not presuming to judge the secret motives of men, but looking solely at their overt acts and plain declarations, I do not hesitate to say, that the negative of the Resolution will not stand the application of that test so well. We have heard the remarks of the hon. Members for West Norfolk (Mr. Bentinck), and Cornwall (Mr. Kendall); and here let me say, that with regard to the charges of anti-Protestantism and democratism, of starving armies, and of everything base and vile, which it seems to be the pleasure of the hon. Member for Norfolk to hurl forth, I am far too sensible of the vast importance of the issues that are before us to

claim the right which perhaps the indulgence of the House might concede of defending myself against those most dishonouring imputations. All these I pass by in silence; but on the votes of the hon. Members for West Norfolk and Cornwall I must comment as a Member of Parliament. They know what is going on; they know what is doing in China. They know that no inconsiderable portion of Canton has been in flames. They know that the troops which had been posted to defend the country against the rebels have, through stern necessity, been concentrated in that great capital. They know the consequences of that concentration—they know—for, without doubt, as was their duty, they have read the papers—that

"The removal of a military presence, such as it was, from the districts overrun last year by the Hak-ka men has exposed these to a repetition of a calamity in more aggravated form, and a very considerable tract of country is believed to be swept clean by the Hak-kas. One district has been seized, and its magistrate killed, and in several towns, small and great, that have been sacked, the inhabitants have been massacred wholesale, without distinction of sex or age."

These things are known to the hon. Members for West Norfolk and Cornwall, and they think that they discharge their duty as Members of the British House of Commons when they frankly avow that the votes they are about to give upon this great question of humanity and justice are to be influenced not even by a desire to keep a Government in office—for that I could understand—but by a fear lest three insignificant Gentlemen who sit on this Bench should, through some fancied combination, find their way into power. Sir, I have the consolation of reflecting that, though the votes which the hon. Members thus tender cannot indeed be rejected by the Secretary of State for the Home Department—for it is not in his power to refuse them—yet the high nature of my right hon. Friend has prevented him from availing himself, even in a critical moment, of those votes without laying down a principle that utterly condemns them.

Now, Sir, there are some points that have been raised in these discussions which I pray the House to take note have been substantially abandoned or disposed of. It is very well to talk of the opinions of British merchants; but it has never been the practice of Parliament, when it has been dealing with questions in which a particular part of the community had a special

and personal interest, even though that interest should be accompanied with the advantage of superior knowledge, to abdicate its own functions and to register its judgments according to the opinions of that class. I certainly, like the Secretary of State for the Colonies, am one of the last men in this House who either ought to feel or could by possibility feel a disposition to throw discredit upon the class from which I am sprung; but I utterly disclaim the notion that we are to bow to this species of authority, and say it is not according to the practice of Parliament. If it had been the practice of Parliament to govern its proceedings in cases where particular classes were greatly interested by the opinions of those classes, its deliberations would have taken a very different colour from that which they now wear. We certainly, when we were considering the Factory Bills, did not take as our paramount authority the opinions of the manufacturers. When we were considering the Corn Laws, we did not take as our paramount authority the opinion of the landed gentlemen. When we were considering the abolition of the slave trade we did not take as our paramount authority the voices of the Members for Liverpool; and if in 1833 the sentiments of the West India planters, with what they called their knowledge of the negro character, had been predominant, would emancipation have been given to the black population? Sir, the judgment of the merchants is an element in the case, but it does not discharge us of our responsibility to become ourselves the judges of that judgment, and to give sentence accordingly.

There is another charge which is sometimes made against these unfortunate Chinese, and which seems to exist in the minds of some persons—that they have a practice, when there is a competition for official situations, of preferring those who are supposed to be unfavourable to foreigners, and of dismissing others because they suspect them of an excess of friendly feeling towards foreigners. But China is not the only country in which I have heard of circumstances which appear to me very correctly to answer that description. I find it stated that Muhchangah, Wang, and a number of other high ministers had been dismissed because they were favourable to foreigners, while others who were distinguished for their violence and dislike to foreigners had been promoted to posts

of dignity and honour. Well, about two years ago a Prime Minister in this country, not very unlike this Muhechangah, was dismissed, because he was deemed too favourable to foreigners, and another Mandarin, who undoubtedly has always reaped his principal credit with the people of England on account of his determined antipathy to the barbarian element, was appointed in his place. Then, do not let us visit this preference so severely on the Chinese; because I really do not believe that there is much room for discussion founded upon that cabalistic phrase *Insults in China*. The Secretary of State for the Home Department cleared up a misapprehension on this subject, and showed us that the title of that book, which undoubtedly is delusive, had naturally its origin in the nature of things, although the book does not consist of a string of insults inflicted upon the British by the Chinese. Seventeen years ago, when we frequently discussed Chinese matters, there was frequently mentioned the name of Mr. Jardine, who was so well known for his connection with China—so well known, indeed, that the Natives used to describe him under a sort of name the English interpretation of which certainly conveyed a compliment to his Scotch sagacity, being that of the “iron-headed old rat.” Now, Mr. Jardine took the opportunity of a meeting of his countrymen connected with China to record, as an old resident in that country, his strong conviction that, although the Chinese were an unsocial—in fact, an anti-social, a peculiar, and an exclusive people—yet that the general rule of their treatment of the English community was one of kindness and justice; and I believe that that is the impression which this blue-book will leave upon the minds of those who have perused it. How stands the case? I believe that in the last seven years of the period to which this record refers you have but six cases of insult, either from Chinamen to Englishmen, or from Englishmen to Chinese; and I ask whether that is a state of things which, measuring it only by the number, would at all tend to support the proposition that you had festering wrongs of old standing in China which only waited the moment to break forth, and that though this lorcha business was not the cause of the war, yet that there were legitimate causes already in existence; or whether it does not show that you have made by the good judgment of successive Ministers

considerable progress in conciliating the Chinese, in establishing a footing in that country, and in reducing almost to nothing those petty quarrels which of course must occasionally occur? I will not go into the nature of those six cases which I admit to exist; but in two of them, if I remember rightly, the aggressors were Englishmen. In all the others the Chinese authorities exerted themselves to the full satisfaction of the British authorities in order to punish the offenders. And now let us look at the last of these cases. On the 6th of October—two days before the affair of the lorcha—they brought to an end a case in which a British missionary, as it appears to me in a most culpable manner, wilfully and deliberately violated the treaty, and gave the Chinese authorities the right to demand that he should be punished. They demanded, however, no such thing. The Native merchants became pecuniary security for him to a considerable amount, and Mr. Parkes, writing to Sir John Bowring on the 6th of October, states that the Imperial Commissioner, in managing the matter, had shown a commendable moderation in not calling on him to take more stringent notice of that infraction of the treaty.

Then, Sir, the hon. Member for the West Riding is complained of for technicalities; and yet not always for technicalities; sometimes for that, sometimes for generalities. If you show that there is no ground for these proceedings you are accused of entangling yourself in technicalities; and if you speak of the general rules of amity and peace which should bind nations, you are accused of flying off into generalities; and so, alternating between technicalities and generalities, the defence of what is indefensible is carried on. Let the House remember how this case of the technicalities stands. If you fail in your proof of the technicalities you fail altogether; if you succeed in your proof of the technicalities you do not succeed in the main issue, but you only lay the first step of a long process which you must demonstrate. If you are about to hang a man, and, although you find a technical flaw in the proceedings, yet persist in hanging him, is that a technical offence only, or is it not also an offence against the first principles of justice, tending to undermine the essential safeguards of society? It is just so here. You have got together with most elaborate skill a parcel of pleas to impart a British character to that which was Chinese, and if you fail in your argument

you have not an inch of ground to stand upon. But if you succeed in your argument, what follows? Not that you were justified in going to war, or in commencing hostilities without;—for to do that you must not only show that there has been some denial of a right which you are entitled to claim, but you must show clearly upon evidence that the magnitude of the injury inflicted was sufficient to justify a recourse to arms; and unless you prove these things and establish the substantial justice as well as the dry technicality of your demands, you might as well never have begun your process of reasoning.

That is the case of the technicalities. But we are approaching the close of the debate, and it is as well to register some of the results. Let me remind the House, therefore, that no notice has been taken of the argument of the learned civilian the Member for Tavistock (Mr. R. Phillimore) who states, upon the authority of your own Queen's Advocate, and of your own Foreign Office, that, if there were a wrong here committed, the proper remedy was distinctly pointed out by the principle of the law of nations,—that it was to be sought in reprisals, and nothing beyond that. Let it be remembered that that challenge has not been answered. My hon. and learned friend the Attorney General did indeed answer a good many challenges. I take it that this case is arguable on three grounds—as a matter of municipal law, as a matter of international law; or you may argue it, and far strongest of all, as a question of natural justice. What was the process of the learned Attorney General? I never heard a gentleman, learned or unlearned, do so much execution in the course of a single sentence as was done by my hon. and learned Friend. In endeavouring to quote that sentence I am sure that I shall spoil it, so far as the beauty of the language goes, but I shall give the substance of it. He said, "Don't expect me to answer specifically that which has been advanced in this House. What I will do is to answer that which has been advanced elsewhere, and you will find that in doing that I shall answer everything that has been said in this House." By that statement it appears to me that my learned Friend did great execution; for he contrived thereby—I will not say to affront—but certainly to chastise the vanity of the whole House of Commons and of one-half of the House of Lords. It is good for us to have our vanity chastised,

Mr. Gladstone

and, as far as I am concerned, I tender my thanks to my learned Friend. There can be no question that he chastised the House of Commons, because he said, "After two nights' debate until I the Attorney General rose it is ridiculous to suppose that anything could have been said in this House which was not said in the other House." But, now, look at the bearing of this upon half the House of Lords. Half the House of Lords argued in favour of a Motion analogous to that of the hon. Member for the West Riding; the other half, including his own legal chief, the Lord Chancellor, argued against it. My hon. and learned Friend said that he would answer the arguments of those who supported the views of the Member for the West Riding, and in so doing he pretty clearly implied that they had not been answered before. He made that more direct afterwards; for when the Lord Chancellor and others his noble Friends had, with infinite labour, constructed their little bulwarks and fortifications about them as they best could, from materials such as the statute law and the colonial ordinance afforded, he swept them all away into the sea, as we are told in the story of the siege of Troy that Neptune swept away the bulwarks of the Greeks—he made completely clear decks, and began upon his own account, stating everything upon his own single argument, and declaring that all that had been advanced before, drawn from the statute law and the ordinance, was either worthless or immaterial. That is not, so far as I am concerned, either an unimportant or unsatisfactory result of the debate to record. We now start fresh and clear with the hon. and learned Gentleman the Attorney General. We have nothing to do with those I am almost afraid to name, but who will be well understood; we have nothing to do with their argument; but have only to look to the argument as presented by the Attorney General. Well, the Attorney General declined altogether to deal with any argument of title which we could derive from municipal law, Imperial or colonial. The hon. and learned Gentleman said that the only document to look to is the treaty; and it is under that treaty, if at all, we must make good our case. Now, I do not know whether I shall be unduly taxing the patience of the House, if I observe, in passing, how curiously, as occasion serves and interest prompts, nations and Governments can accept in one year, or discover in one

year, arguments which in the mouth of adverse Powers they have repelled the year before. Last year we had a question with America about recruiting. America charged us with having violated the rules of international law. We declined to admit the appeal to that authority, and never would consent to be tried on any other issue but whether we had broken the municipal law of the United States. So we said, in effect, that where a country has dealt by its municipal law with part of the matter of international law, that country is bound by the definitions of its municipal law, and is not entitled in the face of another country to go beyond those definitions. That was the argument last year. It served its turn, and now we have a different argument. We are now in the condition of America, with limited conditions established by municipal law. It could not have escaped the acuteness of my hon. and learned Friend that the provisions of the Merchant Shipping Act were fatal to his argument. He saw that it was impossible to adopt the definitions of the Merchant Shipping Act, and therefore now says—exactly reversing the whole doctrine of the controversy with America last year—we have nothing to do with the narrow definitions of our municipal law, but we must resort to the plain common-sense view of the treaty. But my hon. and learned Friend, it appears to me, was curiously inconsistent, not only with the argument of last year, but with his own argument on the present occasion, for he said the treaty is the only document in the case, and the municipal law has nothing to do with it; the question is altogether one of international law. And how did he make good his argument? Why, he made the question turn on the meaning of the words “British subject;” and did the hon. and learned Gentleman derive his interpretation from the international law? No; he resorted to a *dictum* of a municipal tribunal dealing with a civil question at home—a question thoroughly British—and, after denying that the municipal law could supply materials to assist us in coming to a right view of the case, he fetched out a judgment of that tribunal and presented it as an instrument which was authoritatively to decide the question. But the last and greatest wonder of all is, that this instrument which he made use of was, as has been shown by the hon. and learned Member for Tavistock, by the hon. and learned Gentleman opposite

(Sir F. Thesiger), and lastly and most clearly by the hon. and learned Member for Plymouth (Mr. R. Palmer), utterly worthless for his purpose, and had nothing whatever to do with the matter in dispute. What the hon. and learned Attorney General showed was this, that there was a judgment, or, perhaps, judgments of British courts, under which the claim of a natural-born English subject, who had become an American subject, had been domiciled, registered, had planted all the roots of his social life in America, to the rights and privileges of an American subject, under a particular treaty describing him as an American subject, was conceded. What is the use of stating such a case and applying it to the case of the Chinese, who do not claim under the definitions of a particular treaty, who had never been domiciled in any legal sense in British dominions, who had never been naturalized at all, who had taken no oath of allegiance, who had not even, according to my learned Friend’s argument, leased a handful of land at Hong Kong, but were mere residents there for a short or long time? The whole question, according to the Attorney General’s argument, turns on the construction of the 17th Article of the treaty; and what by the term “British subject” is meant at Hong Kong? It includes every Chinese resident within the British allegiance according to the Attorney General, whether he had resided there a long time or only for the moment when he took out his register. If that were really the law—which I am firmly convinced, on the authority of the hon. and learned Gentlemen around me, that it is not—it would be time to call law to the tribunal of common sense and justice; because then, instead of being the guardian of the institutions of the State and the regulator of the relations between man and man, it would be a mass of cabalistic art, got up by sophistical minds, not to assist the infirm reason of mankind, but to prevent that reason, through its infirmity, ever coming to a right conclusion.

Having, Sir, adverted to the arguments founded on the municipal and international law, I now ask, how does this question stand on the higher ground of natural justice? I say higher ground, because it is the highest ground of all. My right hon. Friend was forbidden to appeal to the principles of Christianity. I grant that it is painful to have them brought into discussions of this kind; but at the same time any man, feel-

ing the application of Christian principles to the position in which he is placed, might find it difficult under the circumstances altogether to refrain from giving expression to his deepest convictions. However, as it seems to give offence, I will make no appeal to those principles; but I will appeal to that which is older than Christianity, because it was in the world before Christianity—to that which is broader than Christianity, because it extends in the world beyond Christianity,—and to that which underlays Christianity, for Christianity itself appeals to it,—I appeal to that justice which binds man to man. I ask the House to take with me a short survey of the position in which we stand in China. We have spoken of the treaty obligations of China towards ourselves; but let not our treaty obligations to China be forgotten. For what purpose did we acquire Hong Kong? Have you looked to the terms of the treaty on that point? The purpose for which you acquired it is stated in the following passage:—

“His Majesty the Emperor of China cedes to the Queen of Great Britain the island of Hong Kong, it being obviously necessary and desirable that British subjects should have some port wherewith they might careen and refit their ships when required.”

That was the purpose of the cession of Hong Kong, and to that purpose, if we were to act in conformity with the spirit of the treaty, it should be applied. I confess I heard with astonishment the statement of my right hon. Friend the Vice President of the Board of Trade the other evening upon this subject. He rose from his seat and said that he would introduce to the House something not mentioned before. It certainly had not been mentioned before, and it has not been mentioned since, and I very much doubt whether it will ever be mentioned again. He told us that Hong Kong had been handed over to Her Majesty by the Emperor of China, and that at the period of the cession the Emperor himself had virtually clothed and invested the population of the island with British rights. I certainly never heard what I should consider a more ingenious argument, if it had only the slightest foundation in fact. But of the 60,000 Chinese at the present moment in Hong Kong, how many were there at the time when it first became a British possession? My right hon. Friend stated the number the other night at 1,000, but if I am rightly informed it did not in reality

amount to more than 500; and that is the largest number of Chinese who could have been included in the cession of the island made by the Emperor of China. But there is no ground whatever for the claim put forward by the right hon. Gentleman in this case. The purpose for which Hong Kong was ceded is clearly indicated in the treaty itself; it was that it might afford a port for careening and refitting our ships. But that is not your only treaty obligation towards China. There is another. It is the 12th Article of the Supplementary Treaty:—

“A fair and regular tariff of duties and other dues having now been established, it is to be hoped that the system of smuggling which has heretofore been carried on between English and Chinese merchants—in many cases with the open connivance and collusion of the Chinese Custom House officers—will entirely cease; and the most peremptory proclamation to all English merchants has been already issued on this subject by the British Plenipotentiary, who will also instruct the different Consuls to strictly watch over and carefully scrutinize the conduct of all persons being British subjects trading under his superintendence.”

By that article you have contracted, under the most solemn obligations to put down smuggling to the very best of your power. Is there anything peculiar in your smuggling trade on the coast of China? It is the worst, the most pernicious, demoralizing, and destructive of all the contraband trades that are carried on upon the surface of the globe. It is partly a trade in salt. That, of course, can be open to no objection beyond the fact that it is contraband. But it is also partly a trade in opium. Have you struggled to put down that trade? I ask the Prime Minister who will, no doubt, address the House to-night, have the British Government struggled to put down that trade? They may say that they did struggle to put it down, but they found that it was too strong for them. Then, I will ask another question—whether they have done anything to encourage that trade? Yes, Sir, they have done the very thing that is now in issue. They have created this fleet of *lorchas*. What has been its purpose? What has been its effect? I refer you to the very words of your own authority, page 7 of the correspondence, where it is said that the granting of the registers to these colonial vessels has been eminently beneficial to Hong Kong. That passage was quoted by the Lord Advocate. He is a gentleman of so much intelligence that, as he appeared not to have gathered the sense of it, I infer that he cannot have read these papers.

It was beneficial to the colony? And why was it beneficial? Because it increased this coasting trade. It has already added to and still tends to increase the coasting trade in goods the manufacture of Great Britain or in the produce of India, such as cotton, opium, &c. It is quite plain that this coasting trade mainly has reference to smuggling purposes. There can be no doubt about it. Unfortunately, the quantity of British goods which you send to China is still extremely small. Your greatest and most valuable trade with China is this trade in opium. It is a smuggling trade. You promised to put it down; you bound yourselves by the terms of the treaty as far as possible to suppress it. You received Hong Kong for the purpose of careening and refitting your vessels; and instead of that you have located those 60,000 Chinese within it, and from them you find the means of sustaining and organizing a fleet of coasters whose business it is to enlarge, who have enlarged, and who are enlarging, that smuggling traffic that you are bound by treaty to put down. So stands the case so far as the treaty is concerned. And, now, having taken Hong Kong for purposes that you have not fulfilled, having applied it to different purposes, having failed entirely, or rather not having *bonâ fide* endeavoured to put down this smuggling trade, which on the contrary has grown largely since the treaty, having organized this coasting trade for purposes which included an enlargement of that smuggling trade, you accumulate all these acts of injustice by trumping up a claim built upon technicalities to cover this coasting fleet with the British flag; and when we are told that such proceedings ought not to be endured, then you reproach us with indifference to the honour of the ensign of our country. Was there ever such a series of mockeries? But you have confessed that the case of the *Arrow* is satisfied. I will not weary the House by quoting the words of Consul Parkes on that subject. There is no doubt about their meaning. They have been cited over and over again in this debate. He undoubtedly confesses in these documents that the case of the *Arrow* is satisfied; and you are now, in point of fact, engaged, as I will show, in bombarding and burning a city in order that your envoy may enter within it. My right hon. Friend the Secretary of State for the Colonies made a complaint on the part of Her Majesty's Government that

gentlemen were irreverently in the habit of speaking of the war with China. He said there is no war with China. I agree with him; there is not war with China. [Mr. LABOUCHÈRE: *With China.*] I thank my right hon. Friend for that correction. There is not war *with* China. No, Sir, there is not war with China, but what is there? There is hostility. There is bloodshed. There is a trampling down of the weak by the strong. There is the terrible and abominable retaliation of the weak upon the strong. You are now occupied in this House by revolting and harrowing details about a Chinese baker who has poisoned bread, by proclamations for the capture of British heads, and the way-laying of a postal steamer. And these things you think strengthen your case. Why, they deepen your guilt. They place you more completely in the wrong. War taken at the best is a frightful scourge to the human race; but because it is so the wisdom of ages has surrounded it with strict laws and usages, and has required formalities to be observed which shall act as a curb upon the wild passions of man, to prevent that scourge from being let loose unless under circumstances of full deliberation and from absolute necessity. You have dispensed with all these precautions. You have turned a consul into a diplomatist, and that metamorphosed consul is forsooth to be at liberty to direct the whole might of England against the lives of a defenceless people. While war is a scourge and curse to man it is yet attended with certain compensations. It is attended with acts of heroic self-sacrifice and of unbounded daring. It is ennobled by a consciousness that you are meeting equals in the field, and that while you challenge the issue of life or death you at least enter into a fair encounter. But you go to China and make war upon those who stand before you as women or children. They try to resist you; they call together their troops; they load their guns; they kill one man and wound another in action, but while they are doing so you perhaps slay thousands. They are unable to meet you in the field. You have no equality of ground on which to meet them. You can earn no glory in such warfare. And it is those who put the British flag to such uses that stain it. It is not from them that we are to hear rhetorical exaggerations on the subject of the allegiance that we owe to the national standard. Such is the case of the war in China. And what do those

people—who have no means of offering you open resistance—who are women and children before you—what do they do when you make war with them? They resort to those miserable and detestable contrivances for the destruction of their enemies which their weakness teaches them. It is not the first time in the history of the world. Have you never read of those rebellions of the slaves which have risen to the dignity of being called wars, and which stand recorded in history as the servile wars? Is it not notorious that among all the wars upon record those have been the most terrible, ferocious, and destructive? And why? Because those who have been trampled upon have observed no limit in the gratification of their feeling of revenge against their oppressors; and however wrong may have been their excesses in the abstract, those excesses could not become a just subject of complaint on the part of those who had provoked them. Every account that reaches us of the cruelties and the atrocities to which this war gives rise only deepens the pain and the shame with which I look back, and with which I trust the majority of this House will look back, on the origin of this deplorable contest. Something has been said by the hon. and learned Member for Hertford (Mr. T. Chambers) on the subject of what he considered the limited nature of the destruction and the havoc that have taken place in this case, and the hon. and learned Gentleman read a document dated the 10th of November, for the purpose of sustaining his views upon that point. But documents of the 10th of November have by this time become obsolete and superannuated. We have much later intelligence; and I remember that the hon. Member for Cornwall (Mr. Kendall) eulogised for its humanity a later account which has reached us to the effect that our fleet had been firing cannon balls into Canton at “moderate intervals.” But your agents do not appear now to confine themselves to those “moderate intervals.” I have received a letter, dated the 14th of January, which has not been published in the journals, and, therefore, I trust the House will attend to it, as it is written by one of our officers and shows the real character of our operations against China. He says—

“On Monday morning, at daylight, fire parties were told off from the *Encounter*, *Barracouta*, *Niger*, the 59th, and, last not least, the Dutch Folly. The orders were to advance as near as possible to the city wall, and all the suburbs from

Shamen Fort down to the Dutch Folly were to be burnt. This was well accomplished, and by nine o'clock there was a tremendous conflagration, having been fired in so many places. The naval, I am glad to say, had no casualties. Not so the 59th; they had what I consider a severe loss—two killed, eleven seriously and two slightly wounded; — had a narrow escape, as also one of our fire party. They were surprised and nearly cut off by a hundred and more men, but the revolvers and cutlasses told well, and they rushed clear. We then commenced ‘carcasses’ and fire-balls from the Folly into the city, and got up a tremendous fire, which was much aided by a very strong breeze, which blew all day, and they only got the fire under in the city about noon on Tuesday. It must have done great damage. The entire suburbs from Shamen Fort to 400 yards beyond this fort in the French Folly direction is now a mass of ruins.”

Sir, that is the state of things that existed on the 14th of January. That is the state of things to which, as early as circumstances permit, but, unhappily, I fear, too late, the wisdom and firmness of Parliament have been called upon to apply a remedy. And, now, when this matter has been discussed, when the cause has been sustained by learning, eloquence, zeal, and feeling, worthy as relates to the other House of Parliament, and worthy as relates to some portion of the debate in this House, of the best days of Parliamentary history, that which calls itself wordly wisdom steps in and warns us against the exercise of the authority of Parliament, which seeks to put an effectual check upon these deplorable proceedings. We are told to take care what we are about. We are told to support our representatives. But we have swept away the rubbish which has been talked with respect to Sir John Bowring. We have got so far in the consideration of this question that we are not dealing judicially with Sir John Bowring. As far as we are dealing with persons at all, it is with the Government by whom these proceedings have been approved that we are now dealing; but we are dealing much more with the vast interests of humanity which are at stake, and with respect to which we are told that they, and they alone, ought to guide us. But we are told to beware of an adverse vote of the House of Commons. We are told to consider the effect of such a vote upon the Chinese. We are told to consider the ruinous consequences to our trade. We are asked if we wish to extend the ruinous conflagration which has broken out, and to injure those interests of humanity which it is our duty to assert. That is the argument, and I will make this concession to those who use

it. Our last accounts from China are up to the middle of January, and we are now debating this question on the 3rd of March. No human wisdom can tell, and I, for one, am not bold enough to conjecture what has happened since, or what may happen within the three months that have elapsed from the date of the last advices, and before the decision of Parliament can reach China. But, Sir, I must say, that if I look to the continuation of the influences that have been at work there can be nothing darker than the prospect before us, and I, for one, should have not the smallest hope. You amused us with the story that the population of Canton were rising against the authorities. On the contrary, we are now assured by contrary accounts that the populace are arming to a man to do their best—I will not say to fight, for they are unequal to that great operation—but to expose themselves, and to die in the quarrel which you have forced upon them. But of all the cases in which warlike operations were ever begun I do not know of any in which the political problem to be solved was so simple. What do we want from the Chinese? They are not making war on us. If the vote of Parliament had induced the Chinese to make war upon us that would be a different matter. With a good heart and a clear conscience, we could then apply the full strength of the British Empire. But there is nothing so improbable as that they should make war on us. They have never shown that skill or daring necessary for undertaking aggressive operations. Sir, it is we who are making war upon them; and for what are we making war? What are we asking from the Chinese? Sir John Bowring has proposed our entrance into Canton. But the Government have never told us that this is an adequate cause for the war. They have never told us even that they consider our entrance into Canton desirable. It is impossible for me to say whether it is desirable; but I own I lean to the opinion of Yeh, the Chinese Commissioner, and that I am inclined to believe that our entrance into Canton, if it were conceded, would be more mischievous than beneficial. I, for one, therefore, see no reason why we should make war for the purpose of obtaining a thing which, so far from being desirable, is likely to be mischievous. Sir, I repeat, there never was a case in which the solution of the political problem was so simple; for the actual state of war has never been constituted. This is a happy

thing. I might almost say it is a providential circumstance, if we consider it in regard to the solution of the difficulty. The state of war has not been regularly and legally constituted, and that freedom which we now possess for correcting the proposals of our agents would have been lost if war had been regularly and formally declared. But, Sir, I am not content with that mode of dealing with such an argument. I find an appeal has been made to this House which appears to me to be a false and illegitimate appeal. It appears to me the basest that could be made under existing circumstances. It is an appeal to fear, which is seldom a rightful and noble sentiment, and it is to that fear which is the basis of the worst kind of fear—the fear of being thought afraid. The Government are afraid of the mischievous impression that will be produced upon the Chinese if the acts of our officials are disavowed. Sir, let us consider fairly, impartially, and at large the moral impressions that must now be produced, and that cannot be avoided. Let us weigh the evil and the good upon one side and the other, and I have no fear of the result. Hereafter we shall be told by the noble Lord of the wise caution that we ought to display, of the solemn predicament in which we are placed, of the political mischief which may ensue. The noble Lord will, no doubt, draw some shadowy pictures of the dangers, the confusion, the weakness, and the paralysis of British power in the East. But what is the foundation of British power in the East—what is the foundation of the promise to be permanent and useful of that British power? It is not now a question as if the Chinese are alone concerned, for the debate has been prolonged night after night, and your words have gone throughout the whole earth. The confessions and avowals of the supporters of the Government have been, it appears to me, perfectly fatal either to the continuance of that policy or else to the character and fame of England. When you talk of the consequences, and talk of injustice, and then say that we must go on with that injustice; when you speak of the necessity of appealing to the law of force in respect of the Chinese; when you say that it is by force only that your influence can be supported, I am bound to remind you that that has not been the general tone of the language used in this debate. The opponents of the Resolution of my hon. Friend have not generally ascended to that height of boldness, although a few

amongst them have attempted to justify the proceedings that have taken place. I heard the speech of the hon. and learned Member for Hertford in support of the Government, but I did not understand that he approved them. I heard the able and vigorous speech of my hon. and learned Friend the Attorney General, but I thought he eschewed that portion of the case. I doubt whether my right hon. Friend the Secretary of State for the Home Department justified the proceedings. Many of those who intend to support the Government have openly condemned the proceedings that have taken place. The hon. Gentleman the Member for Cornwall condemns them. The hon. Member for Norfolk condemns them. Members more than I could name have condemned the proceedings. I will ask what the effect will be throughout the world if it goes forth that in the debates held in the two Houses of Parliament the majority of speakers condemned the proceedings, and that even among those who sustained the Government with their vote there was a large number who condemned these proceedings? Why, Sir, the opinion will be that England is a Power which, while it is higher and more daring in its pretensions to Christianity than any other Power on the face of the globe, yet that in a case where her own worldly interests were concerned, and where she was acting in the remote and distant East, when fairly put to it and asked whether she would do right or wrong, she was ready to adopt for fear of political inconvenience the principle,—“I will make the law of wrong the law of my Eastern policy, and will lay the foundation of that empire which is my proudest boast in nothing more nor less than huge injustice.” Sir, this is not my opinion. I will not believe that England will lay the foundations of its Eastern empire on such unstable ground as this. I believe, on the contrary, that if you have the courage to assert your prerogative as the British House of Commons, you will pursue a course more consistent with sound policy as well as the eternal principles of justice.

Sir, how stands the case at present? I have just now supposed that the House are going to negative the Resolution. That will go forth as the seal of our disgrace. But let me reverse the picture and suppose that the House will adopt the Resolution, and then what will the House do, and what will be the history of this case? Its history will read well for England and for the

nineteenth century. Its history will, then, be this,—The subordinate officers of England, in a remote quarter of the globe, misconstrued the intentions of their country; they acted in violation of the principles of right; the Executive Government failed to check them. The appeal was next made to the House of Lords, and made as such an appeal ought to be made, for the cause was worthy of the eloquence, and the eloquence was worthy of the cause. It was made to nobles and it was made to bishops, and it failed. But it does not rest with subordinate functionaries abroad, it does not rest with the Executive Government, it does not rest with the House of Lords, finally, and in the last resort, to say what shall be the policy of England and to what purpose shall her power be directed. Sir, that function lies within these walls. Every Member of the House of Commons is proudly conscious that he belongs to an assembly which in its collective capacity is the paramount power of the State. But if it is the paramount power of the State it can never separate from that paramount power a similar and paramount responsibility. The vote of the House of Lords will not acquit us; the sentence of the Government will not acquit us. It is with us that it lies to determine whether this wrong shall remain unchecked and uncorrected. And at a time when sentiments are so much divided, every man I trust, will give his vote with the recollection and the consciousness that it may depend upon his single vote whether the miseries, the crimes, the atrocities that I fear are now proceeding in China are to be discountenanced or not. We have now come to the crisis of the case. England is not yet committed. But if an adverse vote be given—if an adverse division reject the Motion of my hon. Friend, to-morrow morning, England will have been committed. With you then, with us, with every one of us, it rests to show that this House, which is the first, the most ancient, and the noblest temple of freedom in the world, is also the temple of that everlasting justice without which freedom itself would be only a name or only a curse to mankind. And I cherish the trust and belief that when you, Sir, rise in your place to-night to declare the numbers of the division from the chair which you adorn, the words which you speak will go forth from the walls of the House of Commons, not only as a message of mercy and peace, but also as a message of British

justice and British wisdom, to the farthest corners of the world.

MR. BENTINCK: I rise to explain. I will not detain the House a moment. The right hon. Gentleman who has just addressed us, in adverting to some remarks I made in this debate, stated that I had preferred against him charges of a vile and a base character. So I understood the right hon. Gentleman. Sir, what I did say was this—I stated that the right hon. Gentleman and his friends have been for some years past associated with all the anti-Protestant measures—[“Question!”] Will the House permit me to repeat what I said? What I did say was this—that the right hon. Gentleman and his friends have been for some years past associated with all the anti-Protestant measures that had passed this House.—I limited myself to the expression of that opinion.

VISCOUNT PALMERSTON: I confess, Mr. Speaker, that from a Gentleman possessing the talents and experience of the hon. Member for the West Riding of Yorkshire—from a Gentleman whose private and personal character stands so high in the estimation of those who know him—I should not have expected such a Motion as he has made, or such a speech as that with which he has introduced it. The Motion has been properly explained by my right hon. Friend the Secretary of State for the Colonies as a Motion contradictory in itself; as a Motion falling short of the object—for it is no use to conceal a fact so well understood—to which it is directed; as a Motion calling on the House to abstain from inquiring into the grounds on which the Chinese have afforded cause of complaint, and yet following it up with a Resolution that condemns the measures taken to redress the wrongs of which they have been guilty. The hon. Gentleman talked of the logic of the Chinese before the days of Aristotle. If he had studied either the logic of the Chinese or the days of Aristotle, I think he would never have penned such a Resolution as that he has submitted to us. He has commented also on the morals of the Chinese. I think it would have been better for his morals if he had abstained from those comments. He drew a contrast between Sir John Bowring on the one hand, and Commissioner Yeh on the other. Now, Sir John Bowring, he stated, was an intimate friend of his of twenty years' standing. We know, Sir, that Sir John Bowring was the associate

of the hon. Gentleman in that career of public usefulness for which the name of the hon. Gentleman will go down to posterity, in which he laboured to introduce the most valuable reforms into our commercial system. What has happened since the hon. Gentleman and Sir John Bowring parted? Why did the hon. Gentleman disclaim any vindictive feeling against Sir John Bowring? What injury has Sir John Bowring done to the hon. Gentleman that he should forget the ties which formerly bound them? My notion of a friend of twenty years' standing is to view his faults with indulgence, to make excuse, if excuse can be made, for any error that he has committed; and that he should never be the man to expose the first false step, which it may be his opinion he has taken. There was a bitterness in the attack which seems to me very inconsistent with the friendship of twenty years' duration, and which only a private enemy can be supposed to feel. Who is Sir John Bowring, and how came he in the situation which he holds? Does he owe his situation to aristocratic influence, which we are told is so often the cause of promotion in the public service? Was he a Member of that aristocracy which some people wish to banish from public employment? Sir John Bowring is essentially a man of the people. He has raised himself to the situation which he holds by his own talents, by his own attainments, by his own industry, by his public service. He was selected for the first appointment which he received as Consul at Canton when I was Secretary of State for the Foreign Department. I was led to make that choice because I had watched Sir John Bowring in his former career. He had been employed in commercial negotiations in Paris. He had distinguished himself by his eminent knowledge of commercial matters. He was a man of great talents, of varied attainments, and eminently fitted for the situation. Then came a vacancy in the office of Plenipotentiary and Superintendent of Trade at Hong Kong. My noble Friend Lord Clarendon promoted him from the office of Consul at Canton to that appointment simply on his own authority. My noble Friend, undoubtedly, consulted me, as having more knowledge of Sir John Bowring, although he had been associated with my noble Friend in commercial negotiations at Paris, and he had had experience of his talents. But he did

consult, also, the head of the Government; and, although the right hon. Gentleman who spoke last may endeavour to throw off from Lord Aberdeen any responsibility, if any there be in that selection, yet I hold in my hand a letter, which I am authorized to read, which shows that Lord Aberdeen assented to and approved Sir John Bowring's appointment. This is the letter. It is dated September 9—I do not know the year:—

“I am not very well acquainted with Dr. Bowring, and I think I have never had anything to do with him officially. But he is evidently a clever man, and has acquired such a knowledge of China as must give him great advantages, so that you cannot probably find a better man.”

Then I say, Sir, that it is in vain for the right hon. Gentleman the Member for the University of Oxford, and for his right hon. Friend the Member for Carlisle, to say that the Government of which they were both members had no share in the responsibility of the appointment of Sir John Bowring. I am not disposed to think that that appointment requires defence. I think that Sir John Bowring was a fit person for the situation, and that Lord Aberdeen and Lord Clarendon showed both their discrimination and their sense of justice in transferring him to a post which his previous experience at Canton had peculiarly fitted him to hold. What is this other man who has been made the subject of panegyric, and whose productions have been praised at the expense of those of our own officers? What is the character of this Yeh? He is one of the most savage barbarians that ever disgraced a nation. He has been guilty of every crime which can degrade and debase human nature. In the contest between these two men, it is most extraordinary that partiality should turn rather towards this barbarian than towards the British representative. We have heard much of the meddling spirit of Sir John Bowring, which, it has been said, has made him reckless of the consequences of his actions. Why, Sir John Bowring was, as we know, a member of the Peace Society. He was distinguished for his amiable qualities and for the mildness of his disposition; and I should say that if there be one man less likely than another to engage the country which he represents in hostilities, that man is Sir John Bowring. I know that I have on former occasions said that no men are so pugnacious

as the members of the Peace Society, and, no doubt, if some other members of that society had been in Sir John Bowring's place they would long ere this have involved us in serious difficulties. I noticed, I must confess, with great pain the tenor and tone of the speech of the hon. Member for the West Riding, because there pervaded the whole of it an anti-English feeling, an abnegation of all those ties which bind men to their country and to their fellow-countrymen, which I should hardly have expected from the lips of any Member of this House. Everything that was English was wrong, and everything that was hostile to England was right. The hon. Gentleman said that the British merchants were a set of haughty, overbearing, unruly, selfish, grasping, money-getting men, who, for their own selfish objects, were perpetually engaging this country in disputes in the places in which they resided. Where has the hon. Member acquired this knowledge of English merchants? Was it in the course of that continental tour which he made that he learned that English merchants were men so unworthy of their country? The hon. Gentleman has said that he should not like to have written over his counting-house the motto, “*Civis Romanus sum* ;” if he write up instead, “I am a British subject,” that inscription would be held by those who knew him to be untrue in spirit and at heart. The hon. Gentleman said that the Government of England are bullies to the weak and cowards to the strong; and that was said at the close of a war with Russia, one of the greatest Powers of the civilized world,—a war undertaken in obedience to every principle of justice and right, and carried on, in spite of all difficulties, with an energy and a courage which would have done honour to any nation on the face of the earth. But the hon. Gentleman pointed the object of his remark. He said, “Would you have done this to the United States?” He meant that we acted as cowards in the dispute with the United States. And this was a member of the Peace Society, who taunts us with having made a friendly arrangement with a kindred people, by which a war was avoided; an arrangement which was honourable to us, and was accepted with cordiality by them. The hon. Member, forsooth, taunts us for not having made the events to which he alluded the cause of a breach and of a war with the United States. He says that you are

cowards because you maintain friendly relations with the people of the United States, with whom, as men of spirit and men of courage, you ought to have gone to war. So much for the reasoning of this member of the Peace Society. The illustration which he used was a singularly unfortunate one for his argument. He said, "How different was your conduct towards the United States upon a question which might have led to a difference between you from that which you have pursued in China. There was a law passed in South Carolina, according to which your coloured subjects were, if they came into the port of Charleston, put into prison and kept there until the vessel in which they had arrived was ready to depart. This," said the hon. Gentleman, "was a gross outrage which would naturally hurt the susceptibilities of the English nation; and what did you do? Your Consul at Charleston made an application to your Minister at Washington; your Minister went to the Secretary of State for Foreign Affairs, and the matter was arranged. Redress could not be given, but reasons were assigned why it was not in the power of the Federal Government to give such redress, and the matter was settled without an appeal to arms." Why, Sir, if we had had a minister at Pekin who could have addressed himself to the servants of the Emperor, no doubt a similar result would have followed; and this and other local difficulties would have been surmounted and accommodated without difficulty; and that shows the value of the demand which has been made by the Admiral for personal intercourse, at least, with the authorities of Canton. It is manifest that if your officials had the right of communicating directly with the local authorities—still more if there was diplomatic communication with the central Government—the difficulties which otherwise swell into quarrels would soon be arranged, and mutual interests would bring about a mutual and amicable accommodation.

Let us, Sir, inquire what was the event which has given rise to these unfortunate occurrences. I will not go into the legal question. I think that much of the legal argument as to whether the lorcha was or was not a British vessel would have been very proper if this case had been before the Court of Admiralty or the Judicial Committee of the Privy Council upon a question whether this ship, having been captured by an enemy of England or of

China, was or was not a legal prize and liable to be condemned; but I hold that that dissertation, however interesting it may have been, and however valuable and important may be the legal knowledge which has been brought to bear upon this question in both Houses of Parliament, does not touch the bottom of this matter. We have a treaty with China, and that treaty says that British vessels shall not be boarded, and men taken out of them without a previous application to the British Consul. The whole question is, what did the Chinese know and believe this vessel to be? Did they or did they not consider her to be a British vessel? I say that they did. The whole question turns upon that; and when it is said that it was a falsehood on the part of Sir John Bowring when he said that the Chinese Government did not know that the licence had expired, I say, on the contrary, that that is a correct statement of the real principle at issue between the British and the Chinese authorities, and, in fact, contains the gist of the whole transaction; and I say that, instead of this being a flagitious attempt at imposition, it was a statement of the principle upon which the question between the British and Chinese authorities was to be adjusted. If the Chinese, knowing and believing—whether rightly or wrongly believing—that this was a British vessel, nevertheless in violation of the treaty boarded her, carried off her crew, and hauled down her colours, I say that it is immaterial to the question whether by the technicalities of the law you can or cannot show that at that moment she had not a right to be protected. The *animus* of an insult, the *animus* of violation of the treaty was in the Chinese, and you had a right to demand not only an apology for the wrong that was done, but an assurance that it should not be repeated. But, I think, it has been shown that, in point of fact, this vessel was, to all intents and purposes, entitled to protection as a British vessel. Although the licence had expired five days, yet the register was good until the return of the lorcha to her port. Why, Sir, I never before heard such a quibble as that by which it is maintained that the lorcha was not at sea because she was in the river at Canton. Sir, I was ashamed, in a serious argument in this House, to see a distinction of that kind taken. The provision that the register should continue good while the vessel was at sea means of course that it should be in force as long as the

voyage in which she was engaged kept her out of her port, and the miserable distinction between her being at sea and being in a river—I certainly did not expect to hear taken in this House. What, then, is the history of the *Arrow*? Why, that she had obtained a register; that she went to Macao, where she took in a cargo; and that she conveyed part of that cargo to Canton. What does she there, and what must she have done according to established regulation? She must have deposited, and did deposit, her register with the British Consul, who thereupon communicated with the Hoppo, to obtain permission for the landing of her cargo. That permission was given, and the cargo was landed. It consisted of rice. There was no pretence that it was contraband; and it must have been landed with the cognizance of the customhouse officers of Canton. The vessel lay five or six days opposite that town; and I say that the Chinese authorities must have known that she was a British vessel engaged in a legal trade—that she had not violated any Chinese law, and was therefore entitled to the protection which the 9th Article of the treaty afforded her. Nevertheless, they choose, in contravention of that treaty, at the moment when she was about to sail, to board her and carry off her crew. The question has been raised whether the British ensign was flying. What evidence have we, may I ask, upon that point? We have the evidence of Kennedy, the master of the *Arrow*, and also of Leach, the master of the *Dart*, who being both within fifty yards of the lorchia at the time, state that they saw the flag hauled down from the mizen peak by a mandarin soldier, and likewise—an important point that has not been sufficiently dwelt upon—that they saw the ‘blue-peter’ hauled down. I say this is important, because it is an answer to one of the main arguments of Yeh, who states that the lorchia could not have had the British ensign flying, inasmuch as no vessel is allowed to hoist British colours from the moment she casts anchor until the moment she is about to get under way. Why, she was about to get under way. Everybody knows that the ‘blue-peter’ is a sign of immediate departure. It is perfectly clear, therefore, that the vessel was about to get underweigh, and the argument of Commissioner Yeh is thus at once disposed of. The master was preparing to go on board, and the *Arrow* would probably have been under-

weigh within a few minutes afterwards had not the Chinese officers come and boarded her. Then another excuse is that there was no foreigner on board, and therefore they did not believe she was a British vessel, but concluded that she must be Chinese. True, there was no foreigner on board at the time when the Chinese officials entered her, but then the master went on board with two other British subjects before they left the ship, and he was actually on board while they were still alongside. Could there have been any doubt in their minds that he was on board? Why, Kennedy, knowing enough Chinese to communicate with them in their own language, represented to them the injury they would do him if they took away the whole crew; and he asked them to leave him two of the men, and they did leave him two, in consequence of his own special application. I say, then, away with the excuse—the falsehood—the “flagitious falsehood” of the Chinese authorities—that there was no British ensign flying and no foreigner on board the lorchia at the time when the men were taken away. Well, what was the allegation urged by them in defence of the course they were pursuing? It was quite different from the allegation subsequently put forward by Yeh when he had got evidence better suited for his purpose. The allegation made by the officer commanding the party was, that there was on board the *Arrow* an old man who was supposed to be the father of a pirate. On that ground they seized him, on the Chinese principle that relatives are made to answer for relatives; and no doubt if they could not have found the pirate himself they would have cut off this old man’s head. But why did they take the rest of the crew? They wanted them, they said, as witnesses, to give information on the matter in question. Well, was that statement made only to the master of the lorchia? It was repeated afterwards to Consul Parkes when he applied to the proper authorities for the release of the men. They said that it was done on account of the old man whose son was supposed, somewhere or other, to have been engaged in piracy. Subsequently, however, Yeh—with that ability, which I do not deny that he possesses—Commissioner Yeh, I repeat, whose forbearance we have heard so much praised—though the chief forbearance which I think he exhibits is a forbearance to tell the truth—Yeh, however, with that conciliatory spirit which is said to animate him, shifts

his ground, sends in a new and a different story. And what is that story? Why, that a certain man, a sailor, having been some months before attacked in his own vessel by a band of pirates, and plundered, was able to recognize one of the pirates by two circumstances—the one was that he wore a red turban, the other that he had lost a front tooth. As for the red turban, I do not know whether that is a distinguishing mark sufficient to enable one to say whenever he meets a person wearing it that he is a pirate, and ought to be seized. The tale, however, is that while sailing up the Canton river the accuser passed the *lorcha*, the *Arrow*, and identified on board of her the very pirate by whom his ship had been plundered—a man, be it observed, whom he could only recognise by observing that he had lost a front tooth. They say that eyesight is keener and quicker in warm climates than in these colder regions; but this, I think, cannot be denied, that a man who could distinguish in rapidly passing another vessel in a river whether one man of the crew had or had not lost a front tooth would be a valuable addition to one of our sharp-shooting regiments, where I am sure he would make an admirable and most successful rifleman. If a gross outrage could only be justified by such an absurd story as that, it only shows how hardly put to it Commissioner Yeh must have been to invent a ground for its commission. But it having been committed, what was our demand? An apology and an assurance that such a violation of the treaty should not be repeated. And it was not until forbearance had been shown by our commander for some days, and a refusal on the part of the Chinese authorities to grant any satisfaction, that measured hostilities were resorted to, first in the shape of reprisals by the seizure of a junk, and afterwards by an attack on some of their forts. The hon. Member for the West Riding is very fond of referring us to the United States, as a model to be imitated in all respects, both in our institutions and our conduct. What, then was the conduct of the American Commodore when an outrage was offered about the same time to his flag? An American boat rowing along the river, after the dispute with us had begun, was fired into by one of the Chinese forts. She hoisted the American flag, and that was fired upon. That was an insult which undoubtedly required reparation. But, at the same time, it was not an outrage of

the same kind as the deliberate violation of a treaty. It might have been caused by an accidental mistake of a single gunner stationed in the fort, or the use of the American flag might have been deemed the stratagem of an English boat wishing to pass by in security by pretending to belong to the United States. The United States' commander, however, very properly thought that it required atonement; and what was the course he pursued. Some people are fond of a word and a blow. The United States' commander preferred a blow and a word. He judged that it was better to punish first and ask for explanations afterwards—that it was better in the first place to knock down the offending fort, and after that to demand from Yeh an apology and a guarantee for the future. He inverted our course of proceeding. His demand, when made, was precisely the same as ours, only his attack went first, and the demand followed after it. But was that all? He destroyed the fort—he demanded reparation from the Chinese; and twenty-four hours were given them to make their apology. Before that interval had elapsed the American captain, with a shrewd eye, saw that something was going on in the fort near which he lay that indicated that at the end of the twenty-four hours, if the answer was unfavourable, his position might not be so good as it was at the beginning of that time, and he accordingly renewed his hostile operations without waiting for the expiration of the period allowed to the Chinese to deliberate whether they would give an explanation and make an apology. The hon. Member for the West Riding, who is so fond of making the conduct of the Americans a model for our imitation, must admit, then, that our proceedings evinced extreme forbearance compared with the proceedings of those whom he would have us to copy. Well, Sir, we demanded reparation. And for what? Was it a matter of little consequence? You may say, what did it signify if a few men were taken out of a small vessel?—you might have overlooked it and have said, if it happens again we will make it a serious matter. But, Sir, this was only one out of many acts of deliberate violation of our treaty rights. We had by the treaty of Nankin a right for all British subjects to enter and reside in, without molestation, certain five cities of China, of which Canton is one. In the case of Canton that right has been pertinaciously refused. We had a right by the

treaty to a certain quantity of land to be given, either in the city or immediately adjoining the city, for the purposes of commercial business; and it was distinctly stated that, as the wants of the British community could not be defined beforehand, so no particular limit should be placed as to the quantity of land to be devoted to their uses. Well, Sir, the fulfilment of that stipulation has been determinately refused to us at Canton. We have had a small area of ground allotted in which all foreign merchants are confined; and, as I know from official information, direct communications have been made to the Chinese authorities on this subject; we have stated that we wished land to be assigned to us, we care not in what particular direction, for the purpose of warehousing British property; but our applications have been in vain. In vain are cited our treaty rights to have this land: the demand has never been complied with. And the consequence has been that a great quantity of British merchandise has been stored in Chinese warehouses instead of where it ought to have been, in British warehouses under the custody of the British merchants themselves. There was a systematic determination on the part of the Canton authorities to refuse to us all our treaty rights as far as it was possible to deny them. Well, what were the grounds of that refusal? It was that the people of Canton were so barbarous, so unruly, so savage, so hostile to foreigners, that it would not be safe for British or any foreign subjects to attempt to enter the city. Now, Sir, the hon. Member for the West Riding himself gave us a complete refutation of that excuse of Yeh and his predecessors. He read us a statement showing that British officers and subjects had walked through the suburbs of Canton and had been treated with the utmost civility and kindness—that there was curiosity to ascertain the quality of the clothes worn by the foreign visitors—some inclination to examine their dress—but there was not the slightest indication of insult or molestation during the course of a long promenade. Well, Sir, does the wall of Canton mark such a division between barbarism and civilization, between brutality and good humour, that those living in the suburbs will receive strangers in this way, while those who happen to reside within the walls will act in the way Yeh suggests? I think we may very fairly assume that the people within the walls would be as

courteous as the people outside the walls; and that if foreigners were permitted to enter the city, the people there would take the same interest in them as those outside have practically shown they do. And, Sir, what is the character of the Chinese people in general? What happens in the other towns? If Canton were the only Chinese town with which we had intercourse, we might, from want of knowing better, give credit to Yeh, and suppose that he knew his countrymen better than we did. But there is Shanghai—fully as important a city as Canton, and proving more and more important every day—a populous city itself, and adjoining a populous district. No difficulty is there made; British subjects are admitted within the town; social intercourse exists between the Chinese and British subjects; and everything proceeds in the most ample harmony and good nature. So far from any difficulty arising, even now, from the accounts that have of course been received from Canton, no interruption of good feeling has occurred between the Chinese and foreigners in Shanghai, or, indeed, in any of the other Chinese ports. I say then, Sir, this is a falsehood—another of those Chinese falsehoods—“flagitious falsehoods”—by which Yeh and his predecessors have endeavoured to find excuses for violating the treaty which the Emperor entered into with this country. I say, Sir, this violation of our treaty in regard to the lorcha is not the first or only one that occurred, but a part of a deliberate system to strip us step by step of our treaty rights, to set the population of the city against us for purposes of their own, and to give an undue advantage to others against British subjects. The most important right was violated—a right of the utmost importance to us. How could any commerce between Canton and Hong Kong be carried on in British vessels under British licence if those vessels are to be liable to all the caprices of Chinese police or Chinese authorities, and to have their whole crews carried off at the moment of sailing. It so happened that at the time of the occurrence the subject of this discussion, this lorcha did not happen to have any cargo on board; but it might have happened that she had a valuable cargo, and thus she would have been stripped of all hands and left exposed to all the risks of damage from want of a proper crew, to say nothing of the loss which all merchants know to arise from the detention of a ves-

sel which is ready to sail. Then I say the right which was violated was a most important right—a right most important to the whole British commerce between Hong Kong and Canton, a commerce which is continually growing, and which is carried on almost entirely by vessels of this description. It is said this vessel had been a pirate. That has been disproved, and at the particular time she was certainly engaged in lawful commerce. Had there been any doubt about her character, application ought to have been made to the Consul. There was not even a pretence on which an application could have been made to the Consul, for the old man who was seized was not accused of being concerned in any crime, but was a relation of a man who was suspected.

Well, Sir, was the Chinese Governor of Canton a man of that mildness of character, of that justice and forbearance, that our authorities might have been satisfied with a mere remonstrance and an assurance that no such thing would occur again? Why, all the equivocations of Yeh in replying to our communications, and in escaping from that assurance, show that in his mind there was a reservation, and that he would commit the same offence when the opportunity again occurred. His answer was, no Chinese vessel in future shall take men out of any British lorchas "without reason." Well, who is to judge of that reason? Why, the Chinese themselves. The very object of the treaty was to prevent the Chinese from setting up their own reason as a sufficient ground for interfering with the just rights and privileges of British vessels. Again, he says that it belongs to Chinese officials to arrest Chinese criminals on board British vessels. But that is entirely setting aside the right which we by treaty have acquired for our Consul to intervene, and is an arrogation to the Chinese authorities of privileges which by the treaty do not belong to them—that is, a right to judge of the criminality of persons aboard these vessels. I do not think, throughout the course of this debate, however extreme may have been the opinions of hon. Gentlemen, that any one has ventured to defend this inhuman monster. I do not think any one has asserted that these men were legally seized because they were Chinese subjects. The hon. Member for the West Riding has asked what would happen if a British vessel went into a Spanish port and Spanish

criminals were taken out of that ship? He also says, "You refuse to permit the authorities of another country to board your vessels to take criminals; yet do you not yourselves, in your own ports, subject foreigners coming in foreign vessels to your own municipal regulations and laws?" Undoubtedly, Sir, we do. But those who thus argue have omitted the circumstance of the treaty, which overrides all international obligations, and which was specially constructed for the very purpose of overriding those obligations. It is well known that in all our treaties with nations less civilized than those in Europe, engagements of this sort are necessarily entered into. In Turkey, for instance, British subjects are not to be taken without the presence of the British Consul; in Persia the same; and in China the stipulation is still more necessary. Why, if the Canton authorities had really been the mild, the gentle, the humane, the forbearing people which they have been so assiduously represented to be, one might have trusted to them, and have said, "We believe in future you will have recourse to the British Consul or other British authorities." But look at the ferocious system of administration which has prevailed in China, and especially in Canton—though I confess that what we have been told in the course of this debate exceeded any notion I had on the subject. We have been told that in the course of a few months 70,000 heads—Chinese heads—have been struck off by the axe of the executioner of the barbarous Yeh. We have further been told that the remains of 5,000 or 6,000 people were left reeking in the place of public execution; that the authorities had not even taken the trouble of removing those mutilated remains from the view of the new victims coming to execution. Sir, I am almost afraid to believe that 70,000 executions took place within less than a year; but I am afraid it is too true. And what must we say of the barbarity of the Government under which those executions had taken place? There is another circumstance, Sir, which I have been several times assured of, though when I first heard it I thought it must be a joke. But I have heard from more than one person locally connected with China, that persons condemned to death may for about 200 dollars get a substitute to represent them at the place of execution. I believe it is too true. The argument used to

these substitutes is, "Your life is very precarious; you have no certainty that you may not be beheaded in a few months by the caprice of some official without getting anything for it. How much better, therefore, is it that you should take what will enable you to maintain yourself in luxury for a fortnight, and to leave something behind for your family." What a picture does that give of the state of society among these much be-praised and be-lauded people! These barbarities are committed by the ruling authorities. Undoubtedly it is by them that all those cruelties to Europeans of which we have recently read have been instigated. The first act of Yeh upon the breaking out of the dispute was to issue a reward for the heads of Englishmen, and he next put out a proclamation declaring that he had taken secret means of extirpating that hated race. We have seen by the latest accounts from Hong Kong how these secret methods are carried into effect—by the atrocious murder of eleven Europeans in the *Thistle*, and by the poisoning of the food of the European community of Hong Kong. Yet, to my utter astonishment, the right hon. Gentleman, the Member for the University of Oxford, instead of displaying that generous zeal and those honourable sentiments which he has so much at command on subjects much less deserving of them, repeated, though not in the same words yet in the same spirit, the justification which he put forth in the discussion on Chinese affairs some fifteen years ago. It was alleged then that the Chinese had poisoned their wells—"Of course they poisoned their wells," said the right hon. Gentleman. Now, the right hon. Gentleman has undertaken to defend ("No! no!")—yes, Sir, I say he has undertaken to defend these atrocities. ("No! no!") He says it is the natural and necessary recourse of the weak against the strong; and if, therefore, a nation should be too weak to resist its enemies in open fight, that, according to the right hon. Gentleman's view, is a sufficient justification for the perpetration of the basest and most atrocious acts which disgrace mankind. ("No! no!") I was the more sorry to hear that formal, elaborate, and studied defence—"No! no!")—because I had framed an excuse which I believed in my own mind to be the true one for the words which escaped the right hon. Gentleman in the former debate. I did not believe that he meant

to justify the poisoning of the wells. What I believe he meant was, that the Chinese were such a barbarous nation, that they were capable of such enormities; that they combined such cruelty with treachery, that it was only natural they should have resorted to this flagrant atrocity. But I grieve to say that upon the present occasion the language of the right hon. Gentleman, and the manner in which he dealt with the subject, indicate to my mind that he was framing a sort of excuse for these terrible crimes—"No! no!")—that he was arguing that the weakness of the Chinese justified their recourse to means of defence which even savage nations—which even nations far less civilized than they—which even the Caffres and the Indians would shrink from with horror. ("No! no!")

It was essential, then, I maintain, that we should require the fulfilment of treaty obligations, because the Government with which we had to do was not only forgetful of engagements, but given to encroaching step by step, and habitually accustomed to stimulate among its people feelings of hatred and antipathy which would have endangered the lives and property of our residents. Hon. Gentlemen tell us that we ought to have begun by reprisals. So we did. The Admiral commenced by seizing a junk. The result was that Yeh said, "We are perfectly easy about that; you think you have got an Imperial junk, but it is only a merchantman—much good may it do you!" Was the Admiral to remain content with that? Obviously not. It became necessary to have recourse to further measures. But then it is said, "It is true that you went step by step, you destroyed fort after fort, allowing between each an interval for reflection; but when you had done that you had got all the reparation necessary, you had obtained satisfaction, you should have been content, and ought to have discontinued your operations." Suppose we had done so, in what condition would our affairs at Canton have been? We should have destroyed a few forts and spiked a few guns; but Yeh would have said, "These barbarians demanded from me an apology for what has been done, and an assurance for the future that such things should not occur again. I have given neither the apology nor the assurance for the future. Let the fort go; it was erected by the inhabitants of Canton; they shall pay for its reconstruction. I have gained a political victory over these

barbarians. I am satisfied; and if they are, so much the worse for them." It was said that all these measures of coercion were attended with great slaughter. But have hon. Gentlemen read the account given by a naval officer of the capture of the strongest of these forts? There was but a feeble resistance, which caused some little loss to our men; but when they got into the fort, they found that the Mandarins had provided boats for their own escape, and the garrison, when deserted by their commanders, rushed into the water to escape after them. Did our people leave them to drown, or fire on them in the water? No, they rescued them from the risk of drowning, and sent them to their own friends in their boats. Was that a measure of cruelty—was that a measure in which there was no principle manifested of humanity and forbearance? The measures of coercion were adopted by Admiral Seymour in concert, no doubt, with Sir John Bowring; but it is sufficient to read these papers to see that, Sir John Bowring being at Hong Kong and Admiral Seymour at Canton, the detailed execution of them rested principally with the Admiral; and if the Admiral had said, "I dislike going any further; we have done enough; we ought to be satisfied;" of course Sir John Bowring would have bowed to his decision, as he had no power to compel him to act. These papers show, I think, that, instead of arrogance, insult, and presumption, being on the side of our people, and moderation and praiseworthy concession on the side of the Chinese, the moderation and gentlemanlike feeling was all on our side, and that the proceedings of the Chinese were marked with evasion, equivocation, and false statement. When our Admiral found that the Chinese Commissioner was determined to push matters to extremities, and would not make either reparation or apology, he assented to the suggestion of the Plenipotentiary, and said he must now insist upon the concession of personal official communication with the Commissioner. That is the natural course of all hostilities. If demands which are in themselves moderate are refused in the first instance, and no accommodation is arrived at, further and increased demands are put forward as hostilities go on. Yeh cannot complain if he has subjected himself to additional demands.

Well, then, it is said the demands were entirely at variance with the letters which I wrote, and with the instructions which

my successors at the Foreign Office gave to the Superintendents and Plenipotentiaries at Hong Kong. I confess I am astonished that men of clear intellects, having a regard to truth, and who profess a desire to act judicially in this matter, should confound things so entirely distinct. The demand which I said ought not to be pressed to hostilities was a demand for the full enjoyment of conditions and privileges according to treaty—a demand for the general and unrestrained admission of all British subjects into the city of Canton, to live there, to have their houses of business there, and there to communicate generally with the Chinese people. Was that the demand which was made by Sir Michael Seymour? Quite the contrary. His demand was one of a much more limited character. It was simply, and first of all, for personal communication between the Commissioner and himself, and no doubt by implication for eventually a more permanent and official access for British officials to the city of Canton. Is that a demand which was unreasonable or inexpedient to make, or which it would not be advantageous to obtain? Even on the arguments used by the hon. Member for the West Riding, I call on him to support me in saying that that would be a valuable concession—valuable, not only for the purpose of our promoting our present interest, but for the purpose of avoiding causes of future disturbance and collision. Therefore, I say they were right in adding that to the demands which had been previously made.

Now, Sir, it is said we are at war with China. I contend that we are not at war with China. Up to the last accounts the quarrel was purely local, and arising simply from the barbarous character of a man unfortunately placed in high authority at Canton. The last accounts we had from the other ports showed no probability of any disturbance in the friendly relations of the people of the two countries. We are asked what our future policy with regard to China is to be. That, of course, will depend very much on the turn which our present relations with the Chinese may take. Our first duty must be to care for the protection of those British subjects there who have gone out on the faith of our protection, who have accumulated a large amount of property in different parts of China; and also to care for the interests of those enterprising merchants in this country who have extensive property situated locally in China, and liable to all

the accidents which a state of hostilities may tend to produce. I say our ardent wish is that these disputes should speedily and satisfactorily terminate. We have no wish to make China a British kingdom. The Chinese are certainly not entitled to infer from the conduct of Great Britain in other foreign States that their independence would be invaded if free commercial intercourse were established between us. I would ask, are the Brazils in any danger because British subjects have free intercourse with the Brazilians, or the free States of America because our industrious countrymen are carrying on an extensive commerce with them? Have we exhibited any desire for conquest in those other countries in which our merchants have established themselves? I contend, therefore, that those who say that the Chinese have any right to keep us out for fear of the inroads and encroachments which we might make upon them are persons who are misapplying the facts and circumstances of the case. It would be, on the contrary, to the great and manifest advantage of the people of China if a larger commercial intercourse were established between them and other countries. And if these unfortunate events had not happened we should have been in communication with the Government of France—and I think the United States would have joined us—with the view of sending a friendly diplomatic mission to Peking for the purpose of making fresh arrangements with the Chinese for securing more extended commercial relations with them, or for placing our existing relations on a more satisfactory footing. What may now be done in that direction must depend on the course which present events may take. But when first the ports of China were opened in consequence of the Treaty of Nankin, the expectations of British manufacturers and merchants may be said to have been unbounded at the prospect of opening up a trade with 350,000,000 of people, or, as the right hon. Baronet the Member for Carlisle expressed it, a third of the whole human race. We have been greatly disappointed. Why? Because, by the internal regulations of China, and by the obstacles they have always opposed to British commerce in general, I believe the supply of British manufactures has been limited to a narrow strip of land not extending very widely from the coast. Our manufactures have not expanded under the treaties in any quantities, and if, acting in

conjunction with France and the United States—for the French and Americans are entitled to be put upon the same footing as ourselves, the footing of “the most favoured nation”—if I say there were a good revision of those treaties, by which a larger access to the people of China were afforded to Europeans, I am sure there would be an immense augmentation of European commerce with China—an extension which would be equally advantageous both to the European producer and the Chinese consumer. The existing restrictions on our commerce are one cause of that trade in opium to which the right hon. Gentleman the Member for South Wilts (Mr. Sidney Herbert) so dexterously alluded last night for the purpose of catching some stray votes. At present the nature of our commerce with the Chinese is such that we can pay for our purchases only partly in goods, the rest we must pay in opium and in silver. The small quantity of English manufactures taken is not equivalent to the Chinese produce yearly purchased by us. From 1842 to the present time our imports in the article of tea alone have risen from 42,000,000 lbs. to 80,000,000 odd lbs.; the increase in the imports in silk have been still larger, and we cannot have the slightest doubt, if, by amicable relations with China, the Governments of England, France, and the United States were to succeed in obtaining a larger opening for their commerce, that the benefits to those three countries would be immense, and that the advantages to the Chinese themselves would be almost incalculable. Well, then, the question is what are we to do in this state of things. The hon. Gentleman the Member for the West Riding, not choosing to allow things to develop themselves, rushes to a conclusion and calls on the House to affirm a Resolution which I defy the ingenuity of man to determine whether it is a censure on the British officers in China or on Her Majesty's Government at home. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), in the few words he said the other night speaking on the question of the adjournment, adopted the last construction, and stated distinctly that he considered it a censure on Her Majesty's Government. Much of the argument used in the debate points to that conclusion, because we are told that the conduct of our officials in China has been cruel and imprudent, and therefore that we ought at once to have censured them, and not

having done that, but having, on the contrary, supported them, and approved their conduct, believing, as we did, that they had done their best to the utmost of their ability, the responsibility, as the right hon. Gentleman the Member for the University of Oxford says, falls, of course, upon us, and therefore it is to us that the vote of this evening applies.

Sir, there are some things that I own have struck me very painfully in the course of this debate. Nothing can be more respectable or can more excite the sympathies of men than appeals to high considerations when they are made on adequate grounds. I cannot say the same of the parodies of Lord Chatham and Mr. Burke which we have heard during this debate. When an appeal is made to the great principles of truth, of justice, of humanity, of the Christian religion, I say that such an appeal is a profanation when those sacred principles are invoked in defence of flagitious falsehood, of base perfidy, of cruel inhumanity, and atrocious crime. Sir, I say that this is what has been done on the present occasion. I heard, Sir, with great regret, appeals like those which have been made by hon. and right hon. Gentlemen, because I feel confident that the eloquence with which Providence has invested them was designed for nobler and better objects; whereas they have employed it to break down all the moral principles of truth—have employed it to justify crime—have employed it to induce the House to confound right and wrong. What I say, then, is the true object of this Motion? The hon. Member who moved it appears to aim, in a great degree, at his old and bosom friend, Sir John Bowring. Now, I have always understood that the way in which friends ought to deal with each other is that indicated by the poet,—

“Be to their faults a little blind,
Be to their virtues very kind,
And fix a padlock on the mind.”

But whether the hon. Member for the West Riding has acted upon these principles with regard to his dear, his bosom, his ancient friend Sir John Bowring, I leave to the House to determine. At all events, I venture to say that there is no man whose heart will be more grieved at the enmity and bitterness, undeserved and unexpected, of an old friend, than Sir John Bowring will be when he reads the hon. Member's speech in proposing this Motion to the House. But, Sir, what is it, then, that we are wanted to do? Are we to send out

to China and say, “Tell Yeh that he is right. Tell him that subtle lawyers in this House have discovered by a great variety of legal technicalities that the lorch *Arrow* was really not a British ship according to the Imperial law; that therefore he was right in what he did; and that he may do the same again with any vessel under British colours which he may think, with what he calls ‘reason,’ is liable to the same insult.” What would be the consequences of that? I tell the House, that if this Motion be agreed to, our trade at Hong Kong and Canton would be as insecure as if pirates had gained possession of the latter city. There would be no security for any British property at Canton or upon the river, or at any other of the five ports. But would that be all? Why Yeh, raising a song of triumph, would say, “These cowardly Englishmen are afraid of me. I have driven away all the barbarians that were here. They tell me that England is a great Power and has a great navy and army; but Englishmen are afraid of me. I, Commissioner Yeh, will do what I like with them in future, and whether it pleases me to adorn the palisades of Canton with English rather than with Chinese heads, I will do what I please; and their property shall be plundered by whoever chooses to take it.” Would that state of things be confined to Canton? We have great and extensive interests at other ports as well as there. Shanghai, for example, is almost a European community. What man will answer for the security of our people at Shanghai one fortnight after the news of the adoption of such a Motion as this? It would be a virtual casting off of these British communities; it would be committing them to the mercy of these barbarians; it would be a public manifestation to the whole world that you are not prepared to defend by your power those whom you have induced to place themselves and their property in a foreign land. Such a policy would, I say, be disgraceful to the country as well as dangerous to those whom we are bound to defend. The right hon. Gentleman (Mr. Gladstone), at the conclusion of his speech, described in very eloquent terms the opinion which, in his view, foreign nations would take of the possible decision of this House. Sir, I believe that if the House adopts this Motion, their view will be not far different from that which the right hon. Gentleman suggested. They will say, “Here is a Power that has been formerly great in

arms, whose armies have gained victories in remote regions, whose fleets have floated triumphantly over every ocean; the people of this country are governed by a deliberate assembly—powerful, as the right hon. Gentleman says, and responsible for its acts. At last a change has come over the spirit of their dream. This mighty, and hitherto undaunted nation, who have deemed it their duty to protect their fellow-subjects wherever they were authorized by their laws to go—this proud and hitherto mighty people have now laid aside their bold front, and have shrunk from encountering Commissioner Yeh. They who have braved the armies of Russia; they who maintained a long and not unsuccessful conflict with one of the greatest nations in the world,”—with whom, I trust, we are destined never again to come into conflict, except, as our French neighbours say, in a conflict of generosity,—“this people are now overcome by the love of gain. They fear the expenses and the efforts which may be necessary to protect their countrymen, and they abandon a large community of British subjects at the extreme end of the globe to a set of barbarians—a set of kidnapping, murdering poisoning barbarians.” I say foreign nations would feel that England has descended from that high station which hitherto she has occupied, at the beck of some of the basest, the meanest, and the most degraded beings in the civilized world. They would ask, What has brought about this change? Those who look below the surface, those who look not merely to results, but investigate causes, would say, “Do not believe that the British nation is a party to these proceedings. No,” they would say, “take care of yourselves; do not imagine that so bold, so brave, so generous a people are consenting parties to this cowardly arrangement, or that you may safely trust to meet with similar conduct for the future. It is an occasional event. It depends upon an accidental condition of things in the great council of the British nation. There have been combinations recently entered into among men who had for a long course of time been kept apart by the strongest differences of opinion, and by recollections of resentments even not now entirely forgotten.” They would say, “This combination, not daring to put forward their objects in the face of day—having concluded a secret treaty, not guaranteeing their present state of possession (that being

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the last thing they wish to do), but guaranteeing to each other the state of possession which they hope to obtain—have cautiously abstained in the Resolutions they have proposed from using words which would fully in the face of day have explained and clearly developed unto all the nations the object which they have in view. They have shrunk from moving an Address to the Queen to remove Ministers whose places they want to occupy. They knew that that Government, not so much perhaps for its own merits as for the demerits of those who might be its rivals, did possess the approval of the country, and that if the question were fairly put ‘Aye or No, will you have that Government or the Coalition Government which we are prepared to offer you?’ they knew perfectly well what the answer of the country would be. Knowing that, and therefore sheltering themselves under the mysterious veil of unintelligible phrases, and imposing upon the conscientious feelings of honourable and respectable men who, in supporting the Resolution, do not stop to inquire whether the war is just or necessary, or what the wrongs are which have produced it, but are prepared upon every occasion to assert that no recourse to force is ever legitimate or allowable”—foreign nations will say that this coalition, practising upon the good feelings of these persons, and uniting themselves with those from whom they have been hitherto long and widely separated, have—if the result should be so—succeeded in (I will use no uncivil term) extracting from the House a vote the effect of which is different from that which it would have been had they manfully and boldly stated their object—foreign nations will say, “Don’t trust the English Government. Look at the result of this debate and division. There are some Members of the Legislature who raise the nicest legal quibbles, who endeavour to excuse the most atrocious crimes, who take part with any foreigner against an Englishman, and who—like the hon. Member for the West Riding—almost repudiate their country. This result may have arisen from a combination of accidental circumstances; but beware how you imagine that you can venture to deal with the British Government upon the assumption that this result represents the feelings and intentions of the nation.”

I do not intend to follow the example of the right hon. Baronet the Member for Carlisle (Sir J. Graham), who went so far

as to say that every Member of this House would be accountable for the vote he may give not only to his own conscience, not only to his constituents, not only to his countrymen, but—if I did not misunderstand him—at that last day when all human actions will stand revealed. I do not go so far as that, but I do say that this House has now in its keeping not only the interests, the property, and the lives of many of our fellow-countrymen, but that it has also in its keeping the honour, the welfare, the reputation—expressions which my noble Friend the Member for the City of London justly preferred to the foreign term “*prestige*”—of this great empire. That is a sacred and a holy trust, and to many minds it will be a sacred duty, the way in which they discharge it. They may think that in giving their vote they are only expressing their disapprobation of the destruction of certain fortresses or of particular public buildings in Canton,—they may think they are only recording an opinion that less severe measures would have been sufficient to meet the case,—that the additional demand made was one that might have been foregone,—or that if they had been in the situation of Sir John Bowring they would have acted somewhat differently. These are considerations that will present themselves to most men—they are highly reasonable, and it is quite proper that they should have their due weight. But there are greater interests at stake in the vote to be given to-night. This House has now to determine a question of vast importance to British interests that now exist, and that may hereafter accrue. Not merely the property, but I will venture to say the lives of many of your countrymen depend upon your vote. Those who are most averse to the laws which inflict upon the greatest malefactors the penalty of death, may well pause before they come to a decision by which they may, it is to be feared, pass sentence of death upon many of their fellow-subjects abroad. I have trespassed longer than I had intended to do upon the attention of the House; but I do trust that hon. Gentlemen will not allow themselves to be carried away by the eloquent flourishes which we have heard in the course of the debate. I trust they will view this subject in its true light, as bearing upon the real interests of the country. Let them do this, and I am satisfied that impartial men, who are not wedded to party, who are not members of any coalition that has been formed—

and there are, and I hope always will be, in this House many men who act most independently, and who exercise their own judgment upon the questions brought before them—will give their votes to-night in such a manner as to maintain the honour, the dignity, and the interests of the country.

MR. GLADSTONE: I rise just to say one word in explanation. I understand that during my temporary absence from the House the noble Lord at the head of the Government stated that I had defended the acts of retaliation which have taken place in China. Now, in answer to that statement, I need only refer to some of the expressions which I used. I remember two of them. I described those acts of retaliation as “detestable acts,” and I spoke of them as “an abominable system of warfare.”

VISCOUNT PALMERSTON: What I said, I think, was, that the right hon. Gentleman had showed his sympathy with the Chinese by characterising the acts in question as the natural acts of the weak against the strong.

MR. DISRAELI: I wish, Sir, very briefly to recall the attention of the House to the real issue which we are about to decide. The noble Lord has entered into a great deal of detail, which I should have hoped, after the discussion which has taken place, had become obsolete. The noble Lord cast imputations upon the right hon. Gentleman the Member for the University of Oxford, and intruded into the debate charges which must have originated in a speech made many years ago, and not from anything that had been said that night. The noble Lord has also found fault with the Resolution upon which we are now about to decide, and has characterized it as being indefinite, and he has attributed to me the expression of an opinion that it is a vote of censure upon the Government. Now, I beg to inform the noble Lord that to me the Resolution appears both definite and moderate, and the implication that it is a vote of censure on the Government did not originate with me, but with the learned Lord Advocate. In fact, on the Motion for the adjournment of the debate I stated that as the Government considered the Motion to be a vote of censure I should not be willing to press it prematurely to a division. I am, however, unwilling to quarrel with the name the noble Lord has accepted, and I also accept this as a vote of censure upon the Government. I think it more for the honour of the House of

Commons that it should be so considered than that it should be regarded as a mere censure upon absent officials. I am not going to enter into any of the legal arguments which have been adduced, and I must admit my surprise that the debate has been so lengthened by the introduction of the legal element, because it appears to me that a few observations would dispose of the whole of that part of the subject. In the first place if the *Arrow* had been a British ship, built at Blackwall, owned by an Englishman, and manned by British seamen, I do not think that the Government would have been authorized in taking the course which they adopted: and in the second place, the representatives of England in China were unable to take their stand upon the case which they originally stated, and were driven to placing the whole matter on a very different issue. On both grounds our position is equally untenable, and therefore I think that the legal part of the question as regards the *Arrow* is not material. It has all along been a question not of law, but of policy, and it is to the question of policy that I shall briefly address myself—that is the question upon which we are called upon to decide, and I hope that the House will not be diverted from the real issue which is involved by the tone which the noble Lord so singularly adopted towards the close of his speech. The noble Lord adopted the regular *tu quoque* line. Some Gentlemen have found fault with what they have described as a disregard for truth on the part of Sir John Bowring; to that the noble Lord replies that Yeh is a liar. Some Gentlemen have spoken with more freedom than perhaps I should have allowed myself to use of the conduct of British merchants abroad; to that the noble Lord replies that we who are going to vote for this Resolution are influenced by a lust for lucre. Let us come to this question of policy. It appears to me that Sir John Bowring has been unjustly treated by the majority, indeed I may say by all the speakers who have addressed the House. If Sir John Bowring's conduct has been ratified, sanctioned, and approved by the Government, then, in my opinion, that conduct is no longer to be reviewed by the House of Commons. But the case is much stronger than that. I have only known Sir John Bowring as a public man, having sat with him in this House, as many of us have done; but I remember

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that three or four years ago he returned from his consulate, having revisited England in order to receive his instructions before he appeared in his new and superior station at Hong Kong. Sir John Bowring then called on several of the leading Members of both Houses of Parliament, and, among others, he did me the honour to call on me, though I had no social acquaintance with him. He talked very frankly of his ideas with respect to the position of China and the policy to be pursued there, and I am bound to say that the policy then recommended by Sir John Bowring was the policy which he has recently put in practice, and the history of which is to be found in the papers on the table. I have a right to assume that he spoke as frankly to Her Majesty's Ministers as he did to those Members of Parliament on whom he called. They were, therefore, cognizant of his views, and I think it is not going too far to assume that they approved of them. And when Sir John Bowring assumed the Government of Hong Kong, he proceeded to put into practice a policy, the spirit of which had been approved by Her Majesty's Government, and which he endeavoured to carry into effect. Now, if this be the case, I think that under all the circumstances the conduct of Sir John Bowring is not open to criticism, but that it is the policy of the Government we are called upon to discuss. It would, in such circumstances, be ungenerous on our part and unjust to make this an issue on the personal character and conduct of an absent public servant. Let us, however, look at this policy. It is an attempt by force to increase our commercial relations with the East. I agree with my hon. Friend the Member for Liverpool (Mr. Horsfall), and my hon. Friend the Member for Hastings (Mr. Robertson), that it is most desirable to have our commercial relations with China increased; and I should look forward with great interest to a new treaty for that object; but I cannot reconcile such a policy with the course that has recently been pursued by the Government. There is one idea too prevalent with regard to China,—namely, that all England has to do is to act with energy in order to produce the same results as have been achieved in India. Fifty years ago Lord Hastings offered to conquer China with 20,000 men. So great a captain as the Marquess of Hastings might have succeeded; but since

the time when our Clives and Hastings founded our Indian Empire the position of affairs in the East has greatly changed. Great Powers have been brought into contact with us in the East. We have the Russian Empire and the American Republic there, and a system of political compromise has developed itself like the balance of power in Europe; and, if you are not cautious and careful in your conduct now in dealing with China, you will find that you are likely not to extend commerce, but to excite the jealousy of powerful States, and to involve yourselves in hostilities with nations not inferior to yourselves. Look at the position in which you have placed yourselves within these few months with the two countries of Persia and China. I hope we may have peace with Persia, and that in a few days that peace will be announced, even by our having probably accepted the very terms we some months ago refused. But if you have peace with Persia you will probably have succeeded in establishing Russian ascendancy in that country by your violent conduct; while in China, where also you may soon have peace, you will very probably have established the ascendancy of the United States. If that is the true state of affairs, this country must dismiss from its mind the idea of dealing, as barbarous and uncivilized, with States with which Powers civilized like ourselves have sympathies, and we must habituate ourselves to the idea of extending to countries like China the same diplomatic intercourse that we adopt with other nations. You cannot do that in a moment—it must be a work of time; but I maintain that we had made great advances in our relations with China, and that the policy which the Government has adopted is one which will deprive my hon. Friends the Members for Liverpool and Hastings of those very results which they desire to obtain. You are dealing with a country of immense antiquity. You have been reminded in this debate that China enjoys a civilization of twenty-five centuries. In point of antiquity the civilization of Europe is nothing to that. But the result of those ancient habits and customs is an existence of profound ceremony and formal etiquette; and yet you expect that such a country will not be startled by the frank and occasionally, I am sorry to say, the brutal freedom of European manners. With a policy of combination with other powerful European States in attempting to

influence the conduct of the Chinese by negotiations and treaties, it is my belief that ultimately, slowly but surely, we may attain our end; but it is because the actual policy of the Government—the policy approved and vindicated by the noble Lord—seems to me inconsistent with the policy of combination with other European States, that I think the time has arrived for the House of Commons to express an opinion upon events so startling and upon behaviour so inconsistent with such a profession. How, then, has the House been called upon to express its opinion? We have been told to-night of factious combinations and concerted movements. Let us see whether the facts justify such broad accusations on the part of the noble Lord. Why, Sir, one thing is quite clear. Here is a Motion of which notice was given by a Gentleman who acts certainly in no political connection with hon. Members on this side of the House, and with not many on the other side. One fact is clear. It is evident that the Motion could not have been seen before it was placed in your hands, Sir, by any great number of the Members of this House, because—the objection was, I admit, almost a technical one—it was drawn up in such a manner, with what may be called the *annexe* of a proposed Committee, that many hon. Gentlemen on this side of the House at once declared that they could not join with those with whom they usually acted in supporting it in that form. We have been told, Sir, of party moves. I really think the time has come when both sides of the House should cease indulging in these platitudes. Why, Sir, everything is a party move in a House which ought to be ruled by party, and which, if not ruled by party, would soon lose all its significance. What is a party but a body of men who have a policy which they recommend, and who do not shrink from the responsibility of putting that policy into practice? But really there has been no party move on the present occasion. A Resolution has been brought forward by the hon. Member for the West Riding. On this side of the House it has received considerable, but not unanimous support. I have the misfortune to differ on this occasion from many Gentlemen with whom I act in political life, and among whom are some of my most intimate friends in private life. If I look to the benches opposite, I find there the noble Lord the Member for the City. He is also a party

to this unprincipled combination. I really think that the First Minister should settle his courteous description with his late much-cherished and honoured colleague, and not with me. There are also Gentlemen opposite who once did act in very intimate connection with the Conservative party, and the apprehension that that intimacy should be renewed has conjured up before the First Minister a combination at once the most horrible and the most heterogeneous. The First Minister is of all men the man who cannot bear a coalition. Why, Sir, he is the archetype of political combinations without avowed principles. See how his Government is formed. It was only last year that every Member of his Cabinet in this House supported a Bill introduced, I think, by a late colleague. It was opposed in the other House by a Member of the Government, who, to excuse his apparent inconsistency, declared that when he took office the First Minister required no pledge from him on any subject whatever. Yet the noble Lord is alarmed and shocked at this unprincipled combination! The noble Lord cannot bear coalitions! The noble Lord has acted only with those among whom he was born and bred in politics! That infant Hercules was taken out of a Whig cradle! And how consistent has been his political life! Looking back upon the last half century, during which he has professed almost every principle, and connected himself with almost every party, the noble Lord has raised a warning voice to-night against coalitions, because he fears that a majority of the House of Commons, ranking in its numbers some of the most eminent Members of the House—men who have been colleagues of the noble Lord—may not approve a policy with respect to China which has begun in outrage, and which, if pursued, will end in ruin. That, Sir, is the position of the noble Lord. And what defence of that policy have we had from the noble Lord? Has he laid down a single principle on which our relations with China ought to depend? Has he enunciated a solitary political maxim which should guide us in this moment of peril and perplexity? On the contrary, he has covered a weak and shambling case by saying—what?—that he is the victim of a conspiracy. It's the old story. How often does a prisoner at the bar, when he is in the unfortunate position of having no defence, declare that the whole thing is a conspiracy? The

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noble Lord was singularly inconsistent in the language which he addressed to the House. He carefully enumerated the various influential sections which are combined against him. He alluded to the different distinguished statesmen who, disagreeing on other subjects, agreed in their opinion of his policy. And what was his defence? He did not enter into any manly or statesmanlike defence of his conduct. He reproduced petty observations made in the course of the debate which I thought really had become exhausted and obsolete, and then he turned round and said that the whole was a conspiracy! Accustomed to majorities which have been obtained without the assertion of a single principle, which have, indeed, been the consequence of an occasional position, and which have, in fact, originated in the noble Lord's sitting on that bench without the necessity of expressing an opinion upon any subject, foreign or domestic, that can interest the heart of the country or influence the opinion of the nation, the noble Lord at last finds that the time has come when, if he be a statesman, he must have a policy; and that it will not do, the instant that the blundering of his Cabinet is detected, and every man accustomed to influence the opinion of the House unites in condemning it, to complain to the country that he is the victim of conspiracy. Let the noble Lord not only complain to the country, but let him appeal to the country. I hope my constituents will return me again; if they do not, I shall be most happy to meet him on the hustings at Tiverton. I should like to see the programme of the proud leader of the Liberal party—"No Reform! New Taxes! Canton Blazing! Persia Invaded!" That would be the programme of the statesman who appeals to a great nation as the worthy leader of the cause of progress and civilization. I hope that the House will not for a moment be influenced by the languid threat of the noble Lord. I hope that hon. Members will feel to-night that they have a duty to perform which will be remembered long after this Parliament shall have ceased to exist; and that, not frightened by the menace of a Minister, they will dare to vindicate the cause of justice, and to lay down a principle, without the observance of which the empire of which we are so proud may soon be questioned.

MR. COBDEN: As I have been personally referred to during the four nights

of the debate by many speakers, and as much has been erroneously attributed to me, I trust that I may claim the indulgence of the House for a few minutes while I reply to them. I have been accused of ungenerous language towards Sir John Bowring. Now, I stated that I had twenty years' acquaintance with Sir John Bowring, and that I would rather not refer revengefully or harshly to him, and the only epithet which I applied to his unfortunate despatches was that in which I described one of them as the most flagitious public document which had been ever published. I repeat those words, and I am sorry that a sense of duty compels me to do so. The noble Lord at the head of the Government remarked upon my conduct to foreigners and to my own countrymen, and characterized it as anti-English. [*Cries of "Hear, hear!" from behind the Treasury benches.*] Will that very small knot of Gentlemen up in that quarter cease to proclaim the nakedness of the land by interrupting me? because, though I know there will be a very large vote for the Government upon this occasion, those feeble cheers show that there is not very much heart in the business. If the House will give me its attention I promise to be very brief. The noble Lord characterized my conduct as anti-English. He described me as being very prone to take the part of foreigners; and in the same breath the noble Lord said that posterity would regard me with some degree of consideration for having rendered some service to my country. I thought there was some inconsistency in that statement, and I do not understand how posterity could regard with favour one who abandoned his own countrymen and sided with foreigners. There are some people who suppose that the noble Lord's motives of action are not always the best, and part of the press believe him to be actuated by almost treason in his public conduct. The noble Lord, therefore, should be himself disinclined to fix on men false motives and unworthy objects. My only motive of conduct in this House is to promote the just interests of my country, believing them to be in harmony with the interests of the whole world. The noble Lord has referred again to my remarks with respect to certain merchants, and with that dexterity he knows so well how to employ has attributed to me all sorts of aspersions on the character of British merchants. Now, I made no disparaging reference to British merchants

as a body. I spoke of certain merchants at Liverpool, represented by Mr. Charles Turner, chairman, who, in the name of the East India and China Association, sent a memorial to Government recommending the Government to insist on the opening to foreign trade of any port on the coast of China or on any navigable river, and on placing consuls at them, and, moreover, desired that our ships of war should have free navigation and access to all ports and rivers in China. I say that such a document applied to an independent and great empire was never before published to the world. With respect to the language I used, it was applied, not to the merchants of Liverpool generally, but to the persons who expressed such sentiments; and I say such language is worthy of reprobation. The noble Lord, in the course of his speech, has let fall a most important piece of information. He has stated that but for these unfortunate events at Canton the Government had made representations to the Government of France, and was about to make them to America, with a prospect of success, for a joint representation to Peking, in favour of greater commercial facilities with China. That is an important disclosure, but it is one which tends immensely to aggravate the misconduct which has led to those unfortunate events. The noble Lord tells us that France and America have also treaties with China; but that they are treaties terminable on notice, which ours is not, and that if they exercise their right of giving notice of the termination of these treaties England, as a favoured Power, might also have claimed from China the termination of her treaty, and all three Powers might then effectually have joined in such a representation to Peking as has been indicated. Is there now a prospect of such an arrangement being made? I speak advisedly when I say I believe that America will not be a party to any combined action with the Government of this country on the basis now taken up in China. The noble Lord may perhaps know more of the feelings of France on this point, but I believe it doubtful whether France will now join us in any such proceeding. What does the noble Lord want with another treaty with China? He tells us that he believes the reason why so few of our manufactures enter China is that there are internal duties and obstacles which prevent their circulation inland. Well, this may be true; but I think that he is mistaken. I think

that a country which shows such an almost unparalleled freedom at her ports, that puts no restriction on shipping, that gives such facilities for the carrying on of business, is not very likely to put obstacles in the way for the purpose of preventing the circulation of manufactured goods in her interior. But if that is the reason why we send no more goods to China now than before the war of 1840—namely, to the extent of only £1,250,000 per annum—does the noble Lord think that the bombardment of Canton will tend to remove those obstructions in the interior of China of which he complains? The great grievance in this affair is that you are carrying on hostilities now without any definite object, and no possible good can arise from them. The noble Lord has told us, with the view of alarming us, that if a vote adverse to the Government should be given to-night the results will be most disastrous all over the world, and particularly in China, where British lives may be destroyed out of revenge by the Chinese. But we have no residents at Canton, and by the latest information which I have received on this subject all the English residents in the south of China have taken refuge at Hong Kong, and the danger is that, as in that place scarcely anything is grown, they will be starved for want of provisions. I presume, however, that there is no danger of their being massacred by the Chinese, as you must have sent out reinforcements sufficient to protect them. Those reinforcements will be able to protect the British residents in the north as well as in the south of China. It seems to me that all the mischief that could be done has been already done, for have you not burned down the factories and all the mercantile residences at Canton? 8,000 or 10,000 houses have been destroyed—that is to say, the residences of about 30,000 or 40,000 inhabitants. All this mischief is done, and a vote of this House cannot make the matter worse. The noble Lord predicts that terrible dangers would result from a change of Ministry; but we all remember that in the midst of the last Chinese war, in 1840, Sir Robert Peel was carried into power,—and yet we do not find that British interests in China suffered by that change of Ministry, for the war was, in fact, carried on more fiercely than before. One word with regard to the terms of my Motion. The noble Lord has found fault with it, which he says were dictated by a combination of parties; but I beg to state distinctly that

no one in this House, with the exception of my right hon. Friend the Member for Manchester (Mr. M. Gibson), was consulted by me with regard to the terms of my Motion. Neither directly nor indirectly, was any intimation given of my Motion to any hon. Gentleman opposite, or in any other part of the House, with the exception of my right hon. Friend. I challenge contradiction of that assertion from any and every quarter. How, then, can the noble Lord charge me with entering into a conspiracy to drive him from office? He has talked about party combinations, but even he has not had the boldness to tell the House that I am likely to gain anything by a change of Ministry. I shall not take office in consequence of any change of Ministry, nor do I hope or expect that the division on my Motion will lead to that change of Ministry of which the noble Lord has so much dread. But even if that should be the result of my Motion, I do not think that a change of Ministry would be any great calamity. During the seventeen or eighteen years that I have had a seat in this House I know that, whenever a change of Ministry is expected, those who are interested in supporting the existing Ministry are all on the *qui vive*—they tell us that heaven and earth will come together if the dreaded change should happen. And I never knew a change of Government where the people did not gain something by it. And I will tell the House what will be the result of a change of Ministers. I take it for granted that either the right hon. Gentleman opposite (Mr. Disraeli) or my right hon. Friend near me (Mr. Gladstone) will be Chancellor of the Exchequer. Now what will be the effect? They will take the Budget and reconsider it, and we shall have a reduction of £2,000,000 in the expenditure. Now, the noble Lord (Viscount Palmerston) sometimes deals some hard blows at me, but there is so much polish in his thrusts that it is impossible for me to be angry with him. No person in this House has fewer enemies, and I am not among them. Yet I will tell the noble Lord candidly that I should make a most excellent bargain for the country if I disposed of him for that £2,000,000 of reduction. I have only one more remark to make, and it refers to the hon. and learned Member for Hertford (Mr. T. Chambers). I must confess his speech a little surprised me. He took me to task for the character I had given of British merchants engaged in the

China trade, and he argued in favour of calling those British merchants to give evidence in favour of the Government. Now, if any one happens to recollect, there was a little while ago a meeting at the Freemasons' Tavern at which Lord Shaftesbury ought to have presided; but he failing to appear, and being obliged to rig up a jury-mast and improvise a president, they called upon the hon. and learned Member for Hertford to take the chair. What was that meeting for? Why, every speaker denounced the British merchants in China for carrying on the opium trade. It was from those speeches, which I carefully read, and from which, as is my wont, I cut out certain passages, that I got so much information with regard to these Chinese merchants. I can never be angry with the hon. Member for Liverpool (Mr. Horsfall), who has certainly a feminine way of scolding, but if I had introduced a tithe of the facts which have been forced upon my notice as to the doings of this exceptional body of British merchants, the hon. Member, instead of scolding me, would have been obliged to find arguments to defend his friends. The hon. and learned Member for Hertford took us to task for not acting in a judicial way, and as a specimen of his judicial capacity he was first president of a meeting where the speakers excommunicated and outlawed the British merchants, and then he proposes to call upon these outlawed representatives of the British merchants as evidence to the character of the Government. I am obliged to the House for having heard me. In all sincerity I wish this Motion to be taken without reference to its consequences, and with the sole desire to do justice to the merits of the case. I think it hard that any hon. Gentleman should be debarred from giving an honest vote on a question of this importance. I will admit that Parliamentary government must be carried on by parties. If parties were more advanced and came up to my standard, I might join them; but as it is I am isolated, and am content to be a pioneer. But there are great occasions upon which all parties ought to give an honest and conscientious vote. We all of us have moments when we look back upon such a vote as this with more satisfaction than any vote given in the mere scramble of parties. I tell my hon. Friends near me (on the Ministerial benches), many of whom, I fear, are giving their votes with heavy hearts, that I wish they would look

at this question free from party bias, and give that vote which will be most for their own peace and happiness of mind.

MR. KINNAIRD (of whose speech only a few sentences could be heard amid cries for a division) said, he was present at the meeting referred to by the hon. Member for the West Riding, and he did not shrink from owning it. The right hon. Member for Wiltshire (Mr. Herbert) ask him how he could reconcile the vote he was about to give in favour of the Government with his objections to the opium traffic, and the right hon. Baronet the Member for Carlisle (Sir J. Graham) went so far as to say he washed his hands of the bloodguiltiness in the slaughter at Canton. For the hundreds of lives lost by recent proceedings at Canton, hundreds of thousands of lives were lost in consequence of the opium trade.

Question put.

The House divided:—Ayes 263; Noes 247: Majority 16.

List of the AYES.

Adderley, C. B.	Clive, hon. R. W.
Alcock, T.	Cobbold, J. C.
Annesley, Earl of	Cochrane, A. D. B.
Arbuthnot, hon. Gen.	Cocks, T. S.
Bagge, W.	Cole, hon. H. A.
Bailey, Sir J.	Coles, H. B.
Bailey, C.	Compton, H. C.
Baillie, H. J.	Conolly, T.
Baldock, E. H.	Corry, rt. hon. H. L.
Ball, E.	Cotton, hon. W. H. S.
Baring, rt. hon. Sir F. T.	Crook, J.
Baring, T.	Dalkeith, Earl of
Barrington, Visct.	Davies, D. A. S.
Barrow, W. H.	Davison, R.
Bective, Earl of	Deedes, W.
Bell, J.	Disraeli, rt. hon. B.
Bellew, T. A.	Dod, J. W.
Bennet, P.	Drax, J. S. W. S. E.
Bentinck, Lord H.	Duckworth, Sir J. T. B.
Bernard, hon. W.	Duncombe, hon. A.
Bignold, Sir S.	Duncombe, hon. Col.
Boldero, Col.	Duncombe, hon. W. E.
Bond, J. W. M'G.	Dundas, G.
Bowyer, G.	Dunlop, A. M.
Bramston, T. W.	Dunne, Col.
Bruce, Major C.	Du Pre, C. G.
Bruce, H. A.	East, Sir J. B.
Buck, Col.	Elmley, Visct.
Bunbury, W. B. M'C.	Evelyn, W. J.
Burghley, Lord	Farnham, E. B.
Burrowes, H. N.	Fellowes, E.
Butt, G. M.	Fergusson, Sir J.
Cabbell, B. B.	Fitzgerald, W. R. S.
Cairns, H. M'C.	Floyer, J.
Cardwell, rt. hon. E.	Follett, B. S.
Carnac, Sir J. R.	Fox, W. J.
Cecil, Lord R.	Franklyn, G. W.
Chandos, Marq.	Fuller, A. E.
Chelsea, Visct.	Gallwey, Sir W. P.
Child, S.	Galway, Visct.
Christy, S.	Gilpin, Col.
Clinton, Lord R.	Gladstone, rt. hon. W.

Gladstone, Capt.
Goderich, Visct.
Gordon, hon. A.
Graham, rt. hon. Sir J.
Graham, Lord M. W.
Greenall, G.
Greene, J.
Greene, T.
Grogan, E.
Grosvenor, Lord R.
Guernsey, Lord
Guinness, R. S.
Gwyn, H.
Haddo, Lord
Hadfield, G.
Hale, R. B.
Halford, Sir H.
Hall, Gen.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, rt. hn. R.C.N.
Hanbury, hon. C. S. B.
Handcock, hon. Capt. H.
Harcourt, Col.
Hardy, G.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Henniker, Lord
Herbert, rt. hon. S.
Herbert, Sir T.
Herbert, hon. P. E.
Hervey, Lord A.
Heyworth, L.
Hildyard, R. C.
Hill, Lord A. E.
Hogg, Sir J. W.
Holford, R. S.
Hotham, Lord
Hume, W. F.
Jermyn, Earl
Johnstone, J.
Johnstone, J. J. H.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Kelly, Sir F.
Kennedy, T.
Kerrison, Sir E. C.
King, hon. P. J. L.
Knatchbull, W. F.
Knight, F. W.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Laing, S.
Langton, W. G.
Laslett, W.
Layard, A. H.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col.
Lindsay, W. S.
Locke, J.
Lockhart, A. E.
Lovaine, Lord
Lowther, Capt.
Lytton, Sir G. E. L. B.
Macartney, G.
MacEvoy, E.
MacGregor, Jas.
M'Mahon, P.
Maddock, Sir H.
Malins, R.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. Col.
Meagher, T.
Meux, Sir H.
Miall, E.
Miles, W.
Morgan, O.
Mowbray, J. R.
Mundy, W.
Murrrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
Ossulston, Lord
Otway, A. J.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, Robert
Palmer, Roundell
Parker, R. T.
Paxton, Sir J.
Peacocke, G. M. W.
Peel, Gen.
Pellatt, A.
Pennant, hon. Col.
Perry, Sir T. E.
Phillimore, J. G.
Phillimore, R. J.
Pilkington, J.
Portal, M.
Pugh, D.
Repton, G. W. J.
Ricardo, J. L.
Roebuck, J. A.
Russell, Lord J.
Rust, J.
Sandars, G.
Scobell, Capt.
Scott, hon. F.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Maj.
Smith, J. B.
Smith, W. M.
Smith, A.
Somerset, Col.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Starkie, Le G. N.
Stirling, W.
Stracey, Sir H. J.
Stewart, Sir M. R. S.
Stuart, Capt.
Sturt, C. N.
Sturt, H. G.
Sullivan, M.

Sutton, J. H. M.	Warner, E.
Swift, R.	Warren, S.
Taylor, Col.	Welby, Sir G. E.
Thesiger, Sir F.	Whiteside, J.
Thompson, G.	Whitmore, H.
Tite, W.	Wigram, L. T.
Trollope, rt. hon. Sir J.	Williams, W.
Tyler, Sir G.	Willoughby, Sir H.
Vance, J.	Woodd, B. T.
Vane, Lord H.	Wyndham, Gen.
Vernon, G. E. H.	Wyndham, H.
Vernon, L. V.	Wynn, Lieut. Col.
Vyse, Col.	Wynn, Sir W. W.
Waddington, D.	Wynne, W. W. E.
Waddington, H. S.	Yorke, hon. E. T.
Walcott, Adm.	TELLERS.
Walpole, rt. hon. S. H.	Cobden, R.
Walsh, Sir J. B.	Gibson, rt. hon. T. M.

List of the NOES.

Acton, J.
 Adair, Col.
 Agnew, Sir A.
 Anderson, Sir J.
 Antrobus, E.
 Bagshaw, J.
 Bagwell, J.
 Baines, rt. hon. M. T.
 Ball, J.
 Bass, M. T.
 Baxter, W. E.
 Beaumont, W. B.
 Beckett, W.
 Bentinck, G. W. P.
 Berkeley, Sir M.
 Berkeley, hon. H. F.
 Berkeley, F. W. F.
 Bethell, Sir R.
 Biddulph, R. M.
 Biggs, J.
 Black, A.
 Blandford, Marq. of
 Bonham-Carter, J.
 Bouverie, rt. hn. E. P.
 Boyle, hon. W. G.
 Brand, hon. H.
 Brocklehurst, J.
 Brockman, E. D.
 Brown, H.
 Bruce, Lord E.
 Buckley, Gen.
 Butler, C. S.
 Butt, I.
 Byng, hon. G. H. C.
 Castlerosse, Visct.
 Cavendish, hon. C. C.
 Cavendish, hon. G.
 Cayley, E. S.
 Challis, Mr. Ald.
 Chambers, M.
 Chambers, T.
 Chaplin, W. J.
 Cholmondeley, Lord H.
 Clay, J.
 Clay, Sir W.
 Clifford, H. M.
 Clive, G.
 Cobbett, J. M.
 Codrington, Gen.
 Coffin, W.
 Coote, Sir C. H.
 Cowan, C.
 Cowper, rt. hon. W. F.
 Craufurd, E. H. J.
 Crossley, F.
 Currie, R.
 Dashwood, Sir G. H.
 Denison, E.
 Denison, J. E.
 Dent, J. D.
 Dillwyn, L. L.
 Divett, E.
 Drummond, H.
 Duff, G. S.
 Duke, Sir J.
 Duncan, Visct.
 Duncan, G.
 Duncombe, T.
 Dundas, F.
 Dunne, M.
 Egerton, E. C.
 Ellice, rt. hon. E.
 Ellice, E.
 Elliot, hon. J. E.
 Emlyn, Visct.
 Euston, Earl of
 Ewart, J. C.
 Fagan, W.
 Feilden, Major
 Fenwick, H.
 Fergus, J.
 Ferguson, Col.
 Ferguson, Sir R.
 Ferguson, J.
 FitzGerald, Sir J.
 FitzGerald, rt. hon. J. D.
 FitzRoy, rt. hon. H.
 Fitzwilliam, hn. C. W. W.
 Fitzwilliam, hon. G. W.
 Forster, C.
 Forster, J.
 Fortescue, C. S.
 Freestun, Col.
 Gifford, Earl of
 Glyn, G. C.
 Gower, hon. F. L.
 Grace, O. D. J.
 Gregson, S.
 Grenfell, C. W.
 Greville, Col. F.
 Grey, rt. hon. Sir G.
 Grey, R. W.
 Gurney, J. H.
 Hall, rt. hon. Sir B.

Hankey, T.
 Harcourt, G. G.
 Hastie, Alex.
 Hastie, Arch.
 Headlam, T. E.
 Heard, J. I.
 Heneage, G. F.
 Herbert, H. A.
 Higgins, Col.
 Holland, E.
 Horsfall, T. B.
 Horsman, rt. hon. E.
 Howard, hon. C. W. G.
 Howard, Lord E.
 Hughes, H. G.
 Hutt, W.
 Ingham, R.
 Ingram, H.
 Jackson, W.
 Keating, R.
 Kendall, N.
 Ker, R.
 Kingscote, R. N. F.
 Kinnaird, hon. A. F.
 Kirk, W.
 Labouchere, rt. hon. H.
 Laffan, R. M.
 Langston, J. H.
 Langton, H. G.
 Legh, G. C.
 Lewis, rt. hon. Sir G. C.
 Lowe, rt. hon. R.
 Luce, T.
 Mackie, J.
 Mackinnon, W. A.
 McTaggart, Sir J.
 Magan, W. H.
 Mangles, R. D.
 Marjoribanks, D. C.
 Marshall, W.
 Martin, J.
 Martin, P. W.
 Martin, C. W.
 Massey, W. N.
 Masterman, J.
 Matheson, Alex.
 Millighan, R.
 Mills, T.
 Milnes, R. M.
 Milton, Visct.
 Michell, W.
 Mitchell, T. A.
 Moffatt, G.
 Monck, Visct.
 Moncreiff, rt. hon. J.
 Monsell, rt. hon. W.
 Moody, C. A.
 Morris, D.
 Mostyn, hon. T. E. M. L.
 Mowatt, F.
 Muntz, G. F.
 Napier, Sir C.
 Norreys, Sir D. J.
 North, F.
 O'Brien, P.
 O'Brien, Sir T.
 O'Connell, Capt. D.
 O'Flaherty, A.
 Oliveira, B.
 Osborne, R.
 Owen, Sir J.
 Paget, C.
 Paget, Lord A.

Paget, Lord G.
 Palmerston, Visct.
 Pechell, Sir G. B.
 Peel, Sir R.
 Peel, F.
 Philipps, J. H.
 Pigott, F.
 Pinney, Col.
 Pollard-Urquhart, W.
 Ponsonby, hon. A. G. J.
 Portman, hon. W. H. B.
 Pritchard, J.
 Ramsden, Sir J. W.
 Raynham, Visct.
 Rebow, J. G.
 Reed, Maj. J. H.
 Ricardo, O.
 Ricardo, S.
 Rice, E. R.
 Ridley, G.
 Robertson, P. F.
 Russell, F. C. H.
 Russell, F. W.
 Sandon, Visct.
 Sawle, C. B. G.
 Scholefield, W.
 Scrope, G. P.
 Scully, F.
 Seymour, H. D.
 Seymour, W. D.
 Shafto, R. D.
 Shee, W.
 Shelley, Sir J. V.
 Sheridan, R. B.
 Smijth, Sir W.
 Smith, J. A.
 Smith, M. T.
 Smith, rt. hon. R. V.
 Smyth, Col.
 Stafford, Marq. of
 Stanley, hon. W. O.
 Steel, J.
 Strickland, Sir G.
 Tempest, Lord A. V.
 Thornely, T.
 Thornhill, W. P.
 Tollemache, J.
 Tomline, G.
 Traill, G.
 Tynte, Col. C. J. K.
 Tyrell, Sir J. T.
 Uxbridge, Earl of
 Villiers, rt. hon. C. P.
 Vivian, H. H.
 Walmsley, Sir J.
 Walter, J.
 Watkins, Col. L.
 Weguelin, T. M.
 Wells, W.
 Whatman, J.
 Whitbread, S.
 Wickham, H. W.
 Wilkinson, W. A.
 Willcox, B. M'G.
 Williams, Sir W. F.
 Wilson, J.
 Wood, rt. hon. Sir C.
 Wortley, rt. hon. J. S.
 Wrightson, W. B.
 Wyndham, W.
 TELLERS.
 Hayter, rt. hon. W. G.
 Mulgrave, Earl of

PAIRS.

FOR.	AGAINST.
Blackburne, P.	Tancred, H. W.
Vansittart, G. H.	Wyvill, M.
Freshfield, J. W.	Duff, J.
Buck, L. W.	Rumbold, C. E.
Booth, Sir G.	Matheson, Sir J.
Archdall, Capt. M.	Bland, L. H.
Percy, hon. J. W.	Henchy, D. O'C.
Goddard, A. L. [?]	Esmonde, J.
Forster, Sir G.	Deasy, R.
Baird, J.	Beamish, F. B.
Long, W.	Heathcoat, J.
Forester, rt. hon. Col.	Davie, Sir H. R. F.
Davies, J. L.	Atherton, W.
Lowther, hon. Col.	Colville, C. R.
Lushington, C. M.	Collier, R. P.
Baring, hon. F.	Baring, H.
Egerton, Sir P.	Grosvenor, Earl
Montgomery, H. L.	French, Col.
George, J.	O'Brien, Serj.
Verner, Sir W.	Acland, Sir T. D.
Williams, Col. T. P.	Bulkeley, Sir R.
Patten, Col. W.	Foley, J. H. H.
Burrowes, R.	De Vere, S. E.
Burrell, Sir C.	Heywood, J.
Robartes, T. J. A.	Hutchins, E. J.

The House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Wednesday, March 4, 1857.

MINUTE.] PUBLIC BILL.—2^o Court of Chancery (Ireland) (Titles of Purchasers).

INDUSTRIAL SCHOOLS BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. ALCOCK moved, as an Amendment, that the Bill be read a second time that day six months. In his opinion the Bill was a superfluous piece of legislation, because, as the law now stood, it was the duty and practice of the police to take and see properly provided for any destitute children wandering about without the means of subsistence. Within the last few years there had been established district schools, not only for maintaining and clothing children, but also for the purpose of teaching them some trade, by which they might earn a livelihood. Some of the children were trained up in agricultural pursuits. These schools were of a superior kind, many of them having cost £30,000 or £40,000; and they were well looked after by Government inspectors. Such care did the guardians bestow upon the

establishments in question that the average expense for the children per head per week was 8s. 8d.; and now the hon. Baronet (Sir Stafford Northcote) suggested by his Bill a cheaper method, and put, as the basis of his plan, the average cost per head per week at 3s. If schools were established under the present Bill, what would be the course pursued by the guardians of the district schools, now paying an average cost per week of 8s. 8d. for the children? Was it reasonable to suppose that they would continue to pay that sum when they would have the opportunity, if the present Bill passed, of sending their destitute children to these new schools for 3s. a week each? They would, of course, avail themselves of these inferior schools. It was assumed, he imagined, that some charitable contributions would be made to the schools, or otherwise they could not be supported at the rate he had mentioned. The second object of the Bill was to provide for vagrant children; but, as hon. Gentlemen were aware, there were reformatory prisons already in existence, and a Bill had also been proposed by the Home Secretary for facilitating the establishment of reformatory schools. The measure would be a superfluous piece of legislation, and on that account he should oppose it. But his chief objection to it was that it seemed to have the effect of raising ragged schools into a position of importance and permanence. The very term "ragged schools" was a disgrace to the country: nothing of the kind was to be found on the Continent. These schools had been first suggested by Dr. Guthrie; and when it was objected to that they would offer a premium to parents for neglecting their children, he admitted the force of the argument as regarded the existing generation: but said that under his system the people would be so much improved that they would scorn to be guilty of such conduct. He was ready to give full credit to Lord Shaftesbury and other benevolent persons who had established ragged schools. It was quite right to promote them some twenty years ago, when the subject of education in this country was in a transition state; but it was most unwise to attempt to place the ragged-school system on a permanent basis. He feared that the scheme embodied in the present Bill would be one of rivalry to the existing system of education, which he approved in the main, though he thought it required some modifications, and that a larger grant should be made from the pub-

lic funds. Could they expect that poor men would pay a penny a week at the old schools, when they could have their children educated gratis? It was said that a similar Bill had produced very good effects in Scotland; but things there must have been very bad indeed if they could be improved by such a measure. One fact was remarkable, that the poor rates in Scotland had doubled within the last ten years. He did not know whether it was the wish of the hon. Baronet the promoter of the Bill to compel every child throughout the country to be educated, with or without the consent of the parents; but that was a course which could not possibly be pursued in this free country. It was quite right to endeavour to induce parents to give to their children the blessings of education, but compulsion could not be adopted. The provision for reimbursement was a most important part of the Bill. The magistrates who ordered a child to be sent to one of these industrial schools was empowered to make an order on the guardians for the payment of 3s. per week; which was to be recovered from the parent. But did any one suppose that they could recover such a sum from a person who was perhaps unable to pay even one penny a week for each child educated at a superior school under the Privy Council system? The proposition was altogether preposterous, and reimbursement was utterly hopeless. If the measure should be acted on, the result would be that the working man might say he would leave this despotie country and go to the United States or Australia. In that case, if he left his children behind the State would be obliged to provide for them, without having an opportunity to demand reimbursement.

MR. HADFIELD seconded the Amendment. He did not like the constant liberty taken with property in this country. Tax was sought to be laid upon tax; it was a very cheap mode of being charitable at the expense of others. In Manchester, for example, the warmest advocates of a rate for the purposes of education were men who lived outside the borough. If these gentlemen would exercise their personal influence among the lower orders, there would be very little reason to complain of ignorance in this country. It was a great mistake to look to the House or to the Exchequer for the education of the people. Let them look to the result of compulsory education in Prussia. He was of opinion that the advocates of compulsory education

were producing evils of the most serious character ; while it was his conviction that great advantages were already secured in the matter of education by the voluntary efforts of benevolent people.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. BAINES expressed his regret that the hon. Member for East Surrey (Mr. Alcock) should have opposed the principle of the Bill. He admitted that the details and machinery it proposed to establish were in many points open to criticism ; but as to the principle he begged on his own account and on behalf of the Government to express the most cordial approbation. The arguments of the hon. Member for Sheffield (Mr. Hadfield) were far more applicable to the question involved in the second reading of the Bill of the right hon. Member for Droitwich (Sir J. Pakington), which was about soon to come before them, than to the Bill now under consideration. The 5th section of this Bill stated that it was to apply to children found begging and wandering in streets and highways, or sleeping therein, and not having any home, settled place of abode, proper guardian, or visible means of subsistence. Everybody knew that in our large towns there were many children wandering about the streets, unknown and uncared for. Three years ago he had the honour to be chairman of a Committee appointed to investigate the painful subject of these destitute children ; they had taken a large amount of most interesting evidence, which he would recommend to the attention of the hon. Member for East Surrey before he came to discuss the Bill in its other stages. It appeared in the evidence of Mr. Thompson, a magistrate of the county of Aberdeen, that a plan was adopted in Aberdeen in 1845, substantially the same as that contained in this Bill, and that it had produced the most beneficial results. The magistrates had availed themselves of the powers of a local police Act to send destitute and vagrant children to the school, and the evidence showed that the result had been of the happiest description. It also appeared that a similar result had attended the establishment of such schools in the large and populous city of Glasgow. Mr. Ingersoll, the then Minister of the United States in this country, had given

most intelligent and interesting evidence as to the effects of the system in America. Since then the Legislature had recognised the principle on a more extended scale by passing the Bill of the hon. Member for Greenock (Mr. Dunlop), 17 & 18 Vic., c. 74, and he had the authority of that hon. Member for stating that it had produced the happiest results. If this Bill proposed to make an untried experiment, he thought the evidence taken before the Committee would justify the House in assenting to it. But it was not untried. The principle had already been acted on with the most complete success. He had reason to believe that the hon. Baronet (Sir S. Northcote) would be glad to receive any suggestion as to the details which would tend to render the Bill worthy of its noble object, and he therefore hoped the House would give its unanimous sanction to the principle of it, by now reading it a second time.

MR. BAXTER said, that, having taken an active part in one of the largest schools of this description, he wished to make some observations on the objects of the Bill. At the present moment it was unnecessary to say anything in favour of ragged schools, and he was astonished to hear the hon. Member for East Surrey assail them. The safety of the country required that they should lay hold of those children before they became hardened in vice. There appeared in some quarters a tendency to overlook the great cause of the success of these schools, and substitute Government control for the voluntary efforts which had hitherto produced such beneficial effects ; but the Bill before them, he was glad to say, was not open to this objection. If they received children in these schools without discrimination, they would hold out a premium to parents to send their children and thus make the schools a curse instead of a blessing. Putting these schools entirely into the hands of Government would only make them an adjunct to our gaols and penitentiaries. In Scotland the schools had operated with great efficacy in checking juvenile delinquency, and the result showed that voluntary associations had adequately met the wants of the country. He could himself testify to the working of the industrial schools in Dundee and Arbroath. Dundee contained nearly 100,000 inhabitants. A few years ago it was impossible to walk along its streets without being importuned for alms by juvenile beggars of both sexes and all ages,

shivering in rags, degraded in appearance, bearing every feature of suffering and neglect. In the year 1846 no fewer than 212 children under fourteen years of age were apprehended by the police, having been guilty of crime; in 1847, following the example of Aberdeen, a few benevolent gentlemen in Dundee formed an industrial school; the following year 150 children assembled within its walls, and juvenile crime immediately began to decrease. At the end of 1851 the superintendent of police wrote to the secretary as follows—

“The return, as you will observe, shows a most gratifying result in the diminution of juvenile delinquency as compared with former years. It will be seen that the number of juvenile offenders during the past twelve months is only as one to four compared with the number in 1846, being the year in which the Industrial School in Dundee was instituted. On former occasions, when called upon to make a return of this kind, I invariably took an opportunity of stating my conviction of the great good that had been effected by the institution in saving many wretched children from beggary and crime, teaching them useful knowledge, and training them to habits of industry. I have much pleasure in repeating that my opinion remains unaltered on this subject.”

And how stood the case now? Why, at the close of 1855 the number of juvenile criminals had decreased from 212 to 72, and this in a town rapidly increasing in size; and, what was still more remarkable, the number of scholars in the institution had fallen off from 150 to 106, without there being the least perceptible increase in the number of vagrants on the streets, proving that this voluntary society had adequately met the wants of the population. Dale Street Industrial School, in Arbroath, a town about a fourth as large as Dundee, presented similar results. The only difficulty experienced in enabling the managers of these institutions to meet the wants of society was the absence of any power on the part of a magistrate to send vagrant children to the schools. This power was given by an Act carried by his hon. Friend the Member for Greenock. It had been found to work well; and they were now asked to extend its provisions to England. That he understood to be the object of the hon. Baronet's Bill. He (Mr. Baxter) wished to impress upon Gentlemen interested in these institutions the importance of economy. Parents or unions might be called upon by this Bill to pay 3s. a week for the maintenance of a child in the school. Some of the schools already established in England cost a great deal of money. The whole cost of the school

Mr. Baxter

in Arbroath, including food, wages, price of material for industrial department, and all other charges, was only 1s. 6½d. per week per child—the expense of their food alone being 9¾d. per child per week; and from personal observation he could testify that in no school in the country were the children healthier or better taught. Making every allowance for difference of situation and circumstances, he could not help thinking, therefore, that his southern friends might learn a lesson from the north in the matter of economy. He hoped that the Bill would be passed into a law, as it would extend a system which promised to render brighter the future of this country by stemming near its fountain-head the alarming stream of crime.

LORD STANLEY said, he doubted whether this Bill or any other had much chance of passing through all its stages during the present Session; but he considered the principle of the Bill to be thoroughly sound, and should support it accordingly. The hon. Member for Sheffield (Mr. Hadfield) had opposed it on the principle which actuated his opposition to most measures of a similar tendency; but he could not help thinking that part of his observations had been prematurely delivered, and had more reference to the general scheme of education about to be proposed by the right hon. Baronet (Sir J. Pakington) than to the special provisions now under discussion. He did not think that the defence of this Bill required comparisons between a voluntary and a state-supported system of education; the case for which it provided was one purely exceptional. The hon. Member for Sheffield had spoken of the hardship of throwing the cost of maintaining vagrant children on the public; but he seemed to forget that lesson which experience had taught us, that, with regard to persons likely to become criminals, whether old or young, it was cheaper to pay for prevention than for subsequent punishment. The hon. Member for Surrey had pointed to the danger of parents being induced by this Bill to abandon their children, with the view of having them maintained in industrial schools. That danger certainly required serious consideration; but how stood the case? If the parent had any fixed residence or occupation, part of the cost of maintaining his child could be recovered from him by a clause inserted for that express purpose. If the parent was a pauper, the public would have, in any case, to maintain the child. If the parent was a

vagrant, and chose to abandon his child, there was, unhappily, no difficulty in his doing so, whether this Bill passed or not. If the parent belonged to the criminal class he would be more disposed to prevent his child from entering an industrial school than to send it there, because it was unfortunately a matter of notoriety that the children of such parents were trained by them to plunder, and this became a source of profit instead of expense. "But," said one hon. Member, "this Bill will complicate the law with regard to reformatory schools." Now it was precisely because they had legislated on the subject of reformatory schools that a necessity arose for taking some further steps in the same direction. The great difficulty with regard to reformatory schools, and one which weighed much upon his mind, was this, that the Legislature at present seemed to give to criminal children advantages which it withheld from those who had not been convicted. This Bill, however, proposed to give to children still unconvicted, but who, from their circumstances, were liable to fall into criminal habits, the same advantages, with better hope of a satisfactory result, as were given to children who had already been placed at a bar of justice. As to the objection that this Bill might interfere with the operation of schools already established for the same purpose, he was sorry that as yet there were not many such schools in existence, only eight, he believed, in England and Wales. Nor need there be interference: for this Bill was permissive and not compulsory: intended to stimulate, not to supplant, the exertions of private benevolence. The total cost to be thrown on the public would be no more than 3s. a week per child, even if the guardians could recover no part of the sum from the parents. It was supposed that this sum would cover the expense of maintenance—the children must be fed, whether they were educated or not—and the cost of education would be defrayed from other funds. Thus the parish would only be required to pay in one shape what it must otherwise have paid in another. These were the principles of the Bill. There was one clause, the 13th, to which he entertained an objection. It was that clause which gave authority to send children who were suspected of being the associates of thieves to a reformatory, as an alternative to sending them to industrial schools. Considering that a certain stigma necessarily adhered to every person who in youth had

been sent to a reformatory school—a stigma similar in kind, though dissimilar in degree, to that which imprisonment affixed on the person sentenced to it—he thought that detention in such a school ought not to take place on mere suspicion, nor without the previous decision of a legal tribunal. With that single exception, and such modifications as might seem desirable in Committee, he should be prepared to give his most cordial support to the Bill.

MR. GORDON said, he should support the second reading of the Bill. He could testify to the beneficial influence of the Aberdeen Industrial School. In 1841, when the school was first established, the committals of juvenile criminals were sixty-one, and in the following year they decreased to thirty. In the next year, from a difference arising in reference to the working of the schools, and its operations being restricted, the committals increased to sixty-three. After the school was placed on its former footing, and its working extended, the committals again diminished, and in 1848 they had declined to fifteen, and in 1851 amounted only to about five, which was the present average number. These facts showed that there was a connection between these schools and the decrease of crime.

MR. NEWDEGATE expressed his grave doubts with respect to the principle of the Bill. He admitted the philanthropic and benevolent intentions of its supporters, but he questioned the policy of enabling magistrates to send children to these schools simply because they might be found in the streets, and of further enabling them to send children to reformatories. Reformatories had hitherto been held as alternatives for the prison, and he hoped the House would not agree to a Bill which confounded mere want of tuition with criminality. He did not say that it was not wise to establish industrial schools; but he utterly objected to depriving parents of that authority which they ought to exercise with regard to the custody and education of their children. He saw no reason why the workhouse schools could not be improved, and if the same power were given to magistrates to send children to these schools that were proposed to be given in respect of these industrial schools they would avoid the absurdity of enacting that children should be sent to schools which might perhaps never come into existence. Nevertheless, he thought the intentions of the promoters of this Bill

were purely benevolent, and he should be glad to see the existing schools for the reception of the poor improved.

Mr. BOWYER said, that he had no doubt that the object of the framers of this Bill was a useful and a laudable one; but there were so many objections both to the principle and to the details of this measure that he could not consent to its second reading. The police were to have power to take into custody all children wandering about the streets after nine o'clock at night; and although this was guarded by many restrictions, yet as these children would have no one to speak for them, their parents being poor and afraid to interfere with the police, no doubt many would be dealt with under this Bill whom its framers did not intend to subject to its operation. It was true that by the 11th clause it was provided that the parent might, under certain conditions, have the child sent to the school which he approved. This was important to Roman Catholic children; but as the parent must prove that the managers of some other school were willing to receive his child, and must give security for the payment of any expenses which might be caused by his objection to the school selected by the magistrates, this provision would, in nine cases out of ten, be inoperative. The practical effect of the Bill would be, that large numbers of Irish Roman Catholic children would be sent to industrial schools, where they would be educated in a religion different from that of their parents. The parents would be afraid to come forward, and they had no power of removing the child from want of means. This objection would apply with increased force to the sending of a child to a reformatory school, where it would have fixed upon it the indelible stain of having been classed by authority with the criminal and dangerous population. The objections were so serious in principle that they ought to be considered carefully and rationally; but certainly the present moment was not favourable to the consideration of such a measure. The Ministers had run their heads against the great wall of China, and had endorsed the bill of Dr. Bowring, which had on the previous night been dishonoured. As a result of this, the Members of that House had been told that they were to be sent to their constituents, and all the time spent in considering the Bill would consequently be lost. He thought that it would be better to leave this matter to be dealt with by the new Parliament.

Mr. Newdegate

For these reasons he should certainly divide the House against the Bill.

Mr. ADDERLEY said, that, so far from agreeing in these last observations, he thought it would be a consolatory reflection to an expiring Parliament that they had finished what they had so well begun for the care of these poor children. When the hon. Member went to his constituents it would not be the best thing for him to have to say that the last thing he did had been to divide the House against such a Bill as this. Hitherto he had considered that the opposition to the Bill had neutralized itself, from the conflicting motives alleged for it. But just now, the hon. Member for North Warwickshire (Mr. Newdegate) had objected to the Bill because it constituted vagrancy an offence, and sought to place children in industrial schools that did not exist. The Bill, however, did just the contrary of both these things. Vagrancy was already an offence by statute; and by this Bill it was for the first time proposed that vagrant children should not be treated as criminals. They had tried this method, and it had failed; and they were now trying to educate vagrant children instead of so treating them. The Bill did not send children to the reformatory schools; its principle was to send them to another class of schools. Again, industrial schools did exist, and the hon. Member ought to have known that in the principal town of the county which he represented there was perhaps the best of such schools in the kingdom. The principle of the Bill was to prevent vagrant children from running about the streets, and that the parents should be sought out, and if able to take care of the child should be compelled to do so. If not, the State would undertake the duty. The hon. Member for Sheffield advocated the voluntary system, but this was the voluntary system assisted by a State grant, the only kind of voluntary system in existence, and the mode now established in this country. As to the opposition of the hon. Member for East Surrey, he had said that the Bill was superfluous; which amounted to saying that he was satisfied with the existing state of things. The hon. Member walked through the streets, was constantly pestered by begging children, saw them sleeping under the doors, and yet was content. He (Mr. Adderley) was not content. At present there were neither funds, nor organization, nor power to

meet the case. The police could, in some cases, take up such children, and the best chance before them was the workhouse school. Was the hon. Member content with the workhouse school? [Mr. ALCOCK said he was content with the district school.] The exception proved the rule. The district schools were created to supply the defects of the workhouse schools. The hon. Member was content, not with the disease, but with the remedy. But unluckily the remedy failed in its supply. In thirteen years, since the Act passed, only five district schools had been established, and the reason was, that the Act would not work. A unanimous vote was to be got from every guardian throughout all the Unions of the district, and perhaps just as this was obtained the year would expire, and a new set of guardians would have to be dealt with. Where any district school had been established, it was by the same machinery as that adopted by the Bill. The very best district school in the kingdom had been established by Mr. Woolrych Whitmore, and the effect of this Bill would be to encourage the system which Mr. Whitmore had begun with so much success. The hon. Gentleman objected to ragged schools. He (Mr. Adderley) concurred in the objection—he objected to the term “ragged”—and thought it most undesirable that the poorer classes of children should be collected together separately from other classes. They should be mixed with others. But by the Bill ragged schools would be merged in the proposed schools, and this would put an end to this objection. If every class was to have separate schools provided, the expense would be enormous, but the Bill absorbed various experiments that had lately been made, and grouped several classes into one. This would be of great service to national education by simplifying it. He denied that their schools would be rivals to national schools. Why should not both be identified, as they had been in Scotland? The national school would thus get the advantage of an additional national grant, and that for taking charge of the class primarily intended for them, the neglected children of the poor. National schools, with lodging and industrial department, together with reformatories for those who had fallen into crime, might embrace the entire subject, and greatly reduce the present staff of masters and inspectors.

As to the objection of the hon. Member for East Surrey, that the Bill tended to pauperise education, he could not understand it. The Bill provided that parents should pay 3s. a week for the maintenance and education of their children, when the national school demanded only for their education a penny. How could the Bill act better than by inducing a parent to perform his proper functions by sending his child to a national school? He allowed that there were details of the Bill capable of improvement. Though his name was on the Bill, he was not bound to all its provisions, but this was matter for Committee. The hon. Member for Dundalk (Mr. Bowyer) said that the Bill would have a proselytising effect. Now, the greatest care was taken in the Bill to prevent this. Most of the children would have natural guardians in their parents who might choose the school to which they would be sent, or by their own care supersede altogether the action of the Bill. A clause in the Bill provided that children without a home should be taken care of. He would pay this compliment to the ministers of the religion of the hon. Member, that the priests of no religion looked so carefully after the destitute children of their communion as the Roman Catholic. He hoped that the hon. Gentleman would not rather have children in the street than allow them to enter this kind of school. He had no doubt that the wealthy members of his religion would take care of the bringing to such schools the children of their persuasion. [Mr. BOWYER: The priests have no power under the Bill.] Practically they have, as he knew from experience of the similar provisions in the last Reformatory Act, which enabled lately a procession of priests in solemn order to take away some children who had been placed in a reformatory with which he was connected, and who belonged to Roman Catholic parents. The Romish priests have more power in relation to these institutions than in any other in this kingdom. He trusted that the House would be of opinion that the existing state of things ought no longer to continue, and would read this Bill a second time; and though the House was threatened with a dissolution, there might yet be time to pass this Bill through a Parliament which ought, if possible, to be allowed so to complete the series of useful measures which it had begun on this subject.

MR. BLACK bore testimony to the value of these industrial schools, of which there were probably more in Edinburgh than in any other city or town in the United Kingdom. Before they were established the number of idle children in the streets was not only a serious annoyance to the inhabitants, but it was a disgrace to our civilization. When he was chief magistrate of Edinburgh he was distressed by the number of juvenile delinquents in the prisons, where they became trained criminals. After the establishment of the schools, year by year the evil had been lessened, and the number of juvenile criminals had been reduced to less than one-half, or even one-third of its former extent. A short time ago Dr. Guthrie, to whose benevolent exertions these schools owed their origin, proposed to give a *soirée* to those who had been brought up in them. There was a very large attendance. The persons present were all respectably dressed, and it was obvious that, from being pests, they had become useful members of society. He (Mr. Black) had no words to thank the hon. Baronet (Sir S. Northcote) sufficiently for introducing this Bill, and he should give it his most cordial support.

MR. SPOONER observed, that, after the long discussion which had taken place, he should not have felt inclined to trouble the House with any observations had it not been for the allusions made by the hon. Member for Dundalk (Mr. Bowyer). He could assure his hon. Friend that he had done him injustice if he supposed he would lend himself to making this a proselytising Bill. Had the Bill borne anything of that character it would have received his decided opposition; but he saw nothing of the kind in it. If, however, when the Bill got into Committee, his hon. Friend could point out anything having that tendency, he should command his support. He wished to say that in one observation of his hon. colleague (Mr. Newdegate) he entirely concurred—namely, they must take the greatest care not to mark destitution with the brand of criminality. What was the great object of the Bill? It was to give power to magistrates to send children whom they found wandering in idleness about the streets to school, where they would be removed out of the way of committing crime, and where they would become useful members of society instead of vagrants. That was a more practical

Mr. Adderley

way of dealing with those poor children than attempting to reform them after they had actually become criminals. The hon. Member for Staffordshire (Mr. Adderley) had gone so fully into the particulars of the question that it might be a waste of time for him to continue the discussion; but he could not avoid mentioning that his hon. colleague had not made himself acquainted with the school in Birmingham which had been established by the rector, the Rev. Grantham Yorke, which had received the cordial support of the ministers of religion in that town. Already that school had trained up over a thousand children, many of whom had been rescued from vice, and placed in a position to become useful members of society. He agreed with the right hon. Gentleman the Chancellor for the Duchy of Lancaster that the Bill would require modification; at the same time, he felt assured that it would come safe out of Committee from the support it would receive at the hands of the Government. If they wished really to amend society at large, they must commence with the young and destitute; take them out of the reach of temptation in which they were placed by the conduct of their parents, give them a home, and give them guardians. He believed that they would thus greatly lessen the expenses of criminal prosecutions and the support of the poor, besides bringing up a large mass of the population as useful members of society.

MR. PALK said, he was too fully aware of the destitution that existed in the public streets to offer any objection to the Bill now before them. He thought that that man was well worthy of the support of his countrymen who grappled with a difficulty which was at once a national disgrace and a national loss. So far, therefore, as the Bill applied to towns, he had neither cavil to make nor objection to offer to it. But with regard to the mere agricultural portions of the country, the Bill, notwithstanding its excellences, would inflict severe hardships upon many families. The preamble of the Bill stated that various industrial schools had been established in various parts of the kingdom by voluntary contributions. He was not sufficiently aware where those industrial schools were, but he believed they were to be found in the great towns only of the kingdom. But if, after so many years, the progress of those institutions had been so slow where charity was always at hand, and where the

exertions of philanthropy could always be commanded, how, he would ask, were they to find, with their limited resources, the means of establishing such institutions in agricultural counties? First and foremost, the Bill did not provide any means of building and endowing the schools; in the next place, the fund by which the children were to be supported came out of the town and county rates. Now, really, it was a matter for consideration, both for the House and the country, what further demands they would impose on the local rates. Already they were subject to the charge for lunatic asylums, gaols, and the police, and many others; so that the local rates very nearly equalled the Imperial taxation. There was this hardship in the Bill which he desired to notice—Clause 20 gave to justices of the peace a power of making orders upon families for the maintenance of children to an extent not exceeding 3s. per week. Let him suppose a case where a father and mother had brought up a family without any assistance from the parish; that they had struggled through hardships and sickness, but, confident in that Providence which had supported them in their trials, they had maintained their good name; nevertheless a child of theirs becomes a vagrant and the associate of thieves, and the justices of the county may, if they think fit, charge the family to the extent of 3s. per week for the maintenance of the child at an industrial school. Now, the rate of wages in agricultural districts, although it had increased of late years, did not, after all deductions for rent, &c., far exceed 8s. a week, so that if you take 1s. only a week from that amount, you deprive the working man of his every little comfort, and probably prevent him from subscribing to the medical club in his neighbourhood—perhaps, even you might drive him into all the temptations of want; and all that for the sake of an urchin of whom the laws of this country might otherwise have relieved him. He must, therefore, enter his protest against that portion of the Bill, and he hoped his hon. Friend would so modify it as not to press with such hardship upon agricultural counties. As far as the principle of the Bill went it was an honourable effort to overcome a great national difficulty; he knew it had been brought forward with the highest feelings of benevolence, and that no other feeling could have induced his hon. Friend to have assumed the lead in the establish-

ment of industrial and reformatory associations. He regretted, however, to say, that he did not consider Motions of the kind the right way of grappling with a great national difficulty: he would rather see the whole question of education taken up by men who had the confidence and support of the country; for, depend upon it, until the country was awakened by a great measure, they would never uproot the evils of the existing system of want of education and destitution.

SIR GEORGE STRICKLAND said, he was strongly in favour of industrial schools as long as they were supported by voluntary contributions; but there his zeal for them ended. The principle of a rate would swamp and destroy the whole of our voluntary efforts, and instead of advancing would really throw back the great cause of education. The establishment of industrial schools was not new; but the proposal to take children out of the streets, and send them to those schools to be maintained out of the poor rates, was entirely new; and he was surprised that any Member of the Government should sanction so dangerous a principle. It would actually hold out a premium to parents to abandon their children, while it would also pauperize education and render it odious in the eyes of the people. The offer of food to the children attending ragged schools was known in some instances to have had the effect of emptying neighbouring day schools, the scholars of which had previously paid for their instruction. This Bill would, in his opinion, produce results equally baneful, and he should therefore oppose its second reading.

SIR JOHN PAKINGTON: Sir, I wish to state in a very few words the course which I intend to follow with reference to this Bill. I desire, however, in the outset to say that I will not be led by what has just fallen from the hon. Baronet into a premature discussion on the general question of education. I will only state that that voluntary principle of which the hon. Baronet seems to me so much enamoured, has not prevented the fact that all our great towns are swarming with these destitute, miserable, and vagrant children, whose miserable position renders it necessary that some legislation, such as that aimed at by the hon. Member for Dudley (Sir Stafford Northcote), should take place. The hon. Baronet opposite (Sir George Strickland) seems to contend that those

evils should be left unchecked, and that we should allow this swarm of destitute children still to swell that criminal population by which our gaols are filled. I understand this Bill to be directed towards one of the most interesting portions of that great question—the present social condition of the humbler and labouring classes of the community—that greatest of social questions which is growing year by year, which must continue to force itself more and more upon the attention of the public, and which it must sooner or later be the duty of Parliament to deal with. I confess my opinion is, that if the Parliament of England had grappled with the question of education upon a large principle, the necessity for these partial measures would never have existed. But we must deal with the facts as they stand before us, and I agree with my hon. Friend the Member for Warwickshire, that this Bill is by no means free from objections; but that is no reason why we should not adopt its general principle and vote for its second reading, which I am prepared to do. One of my objections is very similar to that stated by my hon. Friend behind me (Mr. Adderley). I am afraid the Bill would have the tendency of directing the jurisdiction of the magistrate towards a class of children who ought to be inmates of national schools rather than reformatories, if any sound system of national schools existed. I doubt, therefore, the policy of what my hon. Friend seems to aim at—the establishment of three distinct classes of schools: first, national schools for untainted children; secondly, reformatory schools for our criminal children; and thirdly, industrial schools, to be intermediate between the national schools and reformatories. Now, I desire myself to see a system under which every school for the working classes shall be an industrial one. I think under a good system of national education every boy ought to be taught the elements of some trade, and every girl taught how to sew. I believe, therefore, it is an error on the part of my hon. Friend to endeavour to make this distinction in establishing what he terms industrial schools. Most heartily, too, am I inclined to join with my hon. Friend the Member for Warwickshire (Mr. Spooner) in saying that we ought to be most cautious how we make a confusion between poverty and crime. Certainly not; I will be no party to any such attempt to mix up poverty and crime; but,

Sir John Pakington

then again, I think the hon. Member for North Warwickshire falls into a mistake. We must remember that this Bill deals avowedly with a class of society that has already contravened the laws; they are vagrants; therefore, as regards a great portion of this Bill, there is no confusion between poverty and crime. My advice, however, to the hon. Member for Dudley would be, if he means to proceed with this Bill, to very much simplify its enactments. I think it not only encroaches too much upon a system of national education, but also upon what is properly the province of our poor law; but I go heartily with my hon. Friend in this, that we ought to adopt some means of dealing with that intermediate class, between the honest poor and the convicted criminal, a class which Miss Carpenter—one of the most distinguished women in this country—has well designated in her work under the title of “the perishing and dangerous classes.” We know that all our towns are filled with this class of children, which have not hitherto come under the grasp of the law, but which are upon the point of doing so. I believe the main principle of the Bill is directed towards this class in order to snatch them in time from the vortex of ruin, and therefore I heartily support its second reading, reserving, as I may fairly do, for Committee the consideration of those clauses to which I have adverted. Before I sit down I cannot refrain from saying, that we are here but following the example of our enlightened neighbours in Scotland, who, with a sagacity and benevolence that put us to the blush, have taken the lead on too many of these great social questions. They have set us an example with regard to national education which we are slow to follow; they also led the way to reformatories for the guilty; and now, under the Act of my hon. Friend the Member for Greenock (Mr. Dunlop), they have been pioneers to us in reclaiming this intermediate class, in whose behalf this Bill is introduced. Sir, their example I am anxious to follow, and, therefore, again I say I cordially support the second reading of this Bill, thanking my hon. Friend the Member for Dudley most heartily for the attention he has devoted to the subject.

MR. E. BALL said, he believed that the Bill, so far from increasing the rates in agricultural districts, would diminish them. The cost of our criminal population was as much as would indoctrinate their children

with sound principles, and it was certainly cheaper to prevent crime than to punish it. The hon. Member for Devon (Mr. Palk) had contended that poor parents would be fined for the fault of one black sheep in their families. On the contrary, this black sheep would be checked by the operation of the Bill at the outset. One reason why he should support the Bill was, that it was introduced by those who had given great attention to the subject, and who had greatly interested themselves in the question of the poorer children, and who were, therefore, the best authorities upon it. He felt bound, therefore, to vote for the second reading. If we only spent on our children half what was spent on dogs and horses, we should see multitudes of children, who were now trained in crime, educated to useful purposes.

MR. HENLEY: Sir, it gives me great pleasure that I am able to support the principle of this Bill. Let me state shortly to the House what I consider that principle to be. I think this Bill ought to be regarded, if I may use such a phrase, as a supplement to the Reformatory Bill. No doubt the reformatory system had certain defects which must be carefully watched and guarded against. The defects had been clearly alluded to by the noble Lord the Member for Lynn (Lord Stanley), when he warned us to take care lest we held out a temptation to parents to place their children in these different institutions, instead of looking after them themselves. It has been said that this Bill gives a sanction to the principle of an educational rate. I do not think it does anything of the kind. If it proceeded upon that principle, I need hardly say, no one could give it a more strenuous opposition than myself. What do we find in the Bill? It professes to deal with a class amenable already to the law—a class designated under the category of vagrants. When we get into Committee probably I, for one, shall be disposed to confine the operation of the Bill to that class; at all events, for the present. That, however, is a question of detail; it does not touch the principle of the Bill. With the exception of that one point, I know no other objection that can be urged against the Bill. My hon. Friend the Member for Devonshire has spoken to us of the effects of the Bill upon agricultural districts. I confess I do not share in his alarms in the least. I do not see how the hardship which he supposes can arise, for

the amount to be paid by a family is quite discretionary with the magistrate, after full consideration of the means of the parties. Every one of the great schemes of education which we have had before us has omitted to deal with what has been denominated our “Arab population!” None of them condescend to stoop so low as this unfortunate class of children, and I, for one, therefore, must thank the hon. Baronet for the introduction of this measure. I believe that this Bill goes so far as at all events to lay hold of some of those “Arabs” that are wandering about our streets. It would no doubt be most desirable to lessen by any degree that class of persons, at least the most difficult of them to deal with, and the others can then be more easily absorbed into our national schools, which are at present quite unable to receive them. I believe that the tendency of this Bill is to take hold of the worst description of those unfortunate children; and that it is the only attempt that has ever been made to deal with that class. The tendency hitherto of our educational measures has been rather upwards, and to leave uncared for the lowest and most miserable class. Now, I think that this Bill is a step in the right direction. Let us, then, go into Committee and honestly try whether we cannot remove any or all of the objections that may be urged against the details. At all events, we ought to endeavour to induce parents whose children wander about the streets to remove their children into those institutions. I do not see how this Bill can commit any man to any principle that has not already been sanctioned by the House. It is, in fact, only the extension of the reformatory system to that class of children who are not quite amenable to reformatory laws. If the parents cannot afford to pay for their children in those schools, I for one do not object to the mode provided by the Bill under such circumstances for the support and maintenance of the children; because if they were sent to prison, they would really be paid for out of the same fund. If these children, instead of being transferred to these institutions, were sent to prison for punishment, besides the danger to their morals generally, they would each cost for their support in gaol about 8s. or 9s. a week. If I thought that the measure had any injurious tendencies which could not be well guarded against, I would be the first to oppose it; but I do not think it has any such tendencies. I shall

support the second reading, believing that all the difficulties objected to can be remedied in Committee.

MR. BARROW said, he regretted to find himself differing from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) upon the principle of the present Bill. He felt as strongly as any one the moral duty of sweeping the streets of this class of juvenile vagabonds, who, under pretence of begging, were engaged in or in training for crime, but it ought to be carried out by voluntary efforts, and not by taxing men who had already enough to do to support their own families. His great objection to this Bill was that it was compulsory both as to the manner in which the funds were to be raised, and also as to the withdrawing of children from parental control. It was contrary to all precedent that a single magistrate, without any responsibility, should have the power of taxing the ratepayers for the maintenance and education of these children, and it was even more objectionable that a single magistrate should have the power of sending to one of these establishments for an unlimited period—for there was no limit in the Bill except the age of fifteen years—a child who had been guilty of no criminal offence whatever. It was said that society ought not to give these children a bad character, which would stick to them for life, by sending them to prison; but what difference was there between sending them to prison and to one of these places? They were to be committed, too, to the charge, not of responsible officials appointed by the State, but of any persons who might have established one of these schools. This was a breach of the constitution to which he could not give his assent. The Bill was a superfluous piece of legislation, for at present children who had committed any offence against the vagrant laws might be sent to the reformatory schools. He deprecated these interferences with the working of the voluntary system, which but for them would have been carried out to a much greater extent. For those reasons he should oppose the second reading of the Bill.

SIR STAFFORD NORTHCOTE rose to thank the House for the manner in which this measure had been discussed. His share of the merit of bringing it forward was exceedingly small. He had only endeavoured by it to call the attention of Parliament to the efforts of other persons

of much greater weight than himself, many of whose labours had already become part of the law of the land. He would refer the House to measures that had been applied to Scotland, and to one which Lord Shaftesbury had introduced relative to London. Committees had discussed the proposals, and a large number of societies in London, Birmingham, and elsewhere had rendered material assistance in framing the Bill. His object had been to present the subject in such a shape to the House as would be most convenient for raising all the various questions which were involved in it. Though there was no principle contained in the Bill which had not already received the assent of Parliament, he was by no means prepared to say that every provision of it was the best which could possibly be framed, and he should be very glad to receive and adopt, if possible, any suggestions which might be made in Committee for its improvement. The hon. Member for East Surrey (Mr. Alcock) maintained that legislation on this particular subject was unnecessary, because the police had at present power, and that it was their practice, to arrest all these young vagrants and send them to the workhouse. He doubted very much both the power and the practice; but, even if the hon. Member were right, it was impossible that the workhouse could accommodate them all; and the class of children for whom this Bill was intended were not fit for the national schools. The Bill introduced into the other House by Lord Shaftesbury in 1853 on this subject, which was confined to the metropolis, and which provided that vagrant juveniles should be sent to the workhouse, broke down on the ground that the workhouse could not receive them. The hon. Member's next objection was that the Bill was superfluous, because there were already reformatories for the reception of these children; but he lost sight entirely of the fact that it was intended to meet the case of an intermediate class of vagrants, for whom, in some way or other, an intermediate class of establishments between the reformatories and national schools must be provided. The national schools could not deal with them, as was abundantly shown in the reports of the school inspectors, and as for the reformatories, every child sent there cost the public purse 7*s.* a week, which was far more than the cost would be according to the calculations which had been made in these industrial schools. It might be

a very legitimate expenditure of public money to pay 7s. a week for the reformation of a child who had already broken the law ; but if a child who had not yet become a criminal could be prevented from falling into that class, and could be taught to earn his own living at a much less expense, the arrangement would be very much better for the country. This would be done in these schools. In many places these children were entirely passed over by the police, for they did not know what to do with them, and so they were left to go on from bad to worse until they became criminals. Some hon. Members seemed to be overcome by the number of the children who would have to be dealt with, but that was a baseless apprehension. The Scotch Act had been in operation about a year and a-half, and during that time, in the populous city of Glasgow, only 141 children had been brought under its operation. Not a vagrant child was now to be found in Glasgow, and the amount of juvenile crime was likewise very much diminished. Some Gentlemen complained of the expense, but whatever expense the measure entailed on the public purse it would save in diminished prosecution expenses and poor rates. As regarded education, or rather tuition, the Bill was founded on strictly voluntary principles. The expenses of teaching reading, writing, arithmetic, and so on, would be defrayed out of voluntary subscriptions; but these children needed more than that—they needed to be disciplined, to have their moral perceptions awakened, and to be taught habits of order and of labour ; and to do that it would be necessary to find them food and, in most cases, lodging. The expenses must be borne by the State, for it certainly would be a great temptation to parents to abandon their children if they knew that they would be immediately taken care of by private charity. The State would have the power of saddling the parents, in cases where they were able to pay, with what properly belonged to them—the maintenance of their own children, and, in cases where they could not pay, by the common law the child was entitled to a maintenance out of the poor rates ; so that, in fact, no additional expense would be caused to the public by these institutions. Complaints had been made that this Bill infringed on the liberty of the subject ; but this was not the first by very many cases in which the law infringed on the

liberty of the subject where there was reason to apprehend that harm would ensue without interference. He would not for a moment admit into the Bill one word which should tend to promote proselytism, and he would readily strike out in Committee anything that might be open to that objection. On the whole, he was very well satisfied with the discussion which had taken place, and he had every confidence that it would do much to advance the object which he had so much at heart.

MR. DUNLOP expressed his gratification at the manner in which his efforts in connection with the Industrial Schools Act had been spoken of. The share which he had taken in promoting the establishment of those schools in Scotland would be the act to which he should look back with most pleasure in his Parliamentary career. He rejoiced, therefore, that a similar Bill should be introduced for England. He approved cordially of the principle of this Bill, and would give it his hearty support. Every Member from Scotland would testify to the efficient working of the measure in Scotland, and he had no doubt it would work equally well in this country.

MR. LIDDELL observed, that the almost unanimous feeling of the House seemed to be in favour of the principle of the Bill, and he thought the objections to its details might be most conveniently considered in Committee. It was, in his opinion, most important that they should avoid affording any ground for the idea that the plan was proposed with the slightest view to proselytism ; but he thought the measure ought to be acceptable to Members of every sect for its broad principles of reclaiming a vast mass of young children from the influence of misery and crime.

MR. FORTESCUE said, he would support the second reading of the Bill, reserving to himself the right of proposing any alterations in Committee which he thought necessary to remove the slightest imputation of proselytising intentions.

MR. SERJEANT SHEE said, he would like the Bill a great deal better if it frankly proposed that the schools to be established should be Church of England schools. There could not be the least doubt that most of them would be Church of England schools, and so he thought they ought to be, because the majority of ratepayers in this country, or at all events those who paid the largest amount of rates, were members of that Church. If the children received into these schools were

not instructed in religion they would leave the schools in a worse state than when they entered them, and he would much rather that they should be taught the religion of the Church of England than that they should receive no religious instruction at all. If it was declared that the religion of the Church of England should be taught in the schools, arrangements might be made by other religious bodies for affording instruction to the children of persons professing their respective creeds.

MR. WARNER apprehended, under the provisions of the Bill, that it would be competent to persons of any religious denomination to establish schools of this description.

MR. ALCOCK said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read 2°, and *committed for Tomorrow*.

EDUCATION (CITIES AND BOROUGHES)

BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

MR. COBDEN asked whether at that late hour (four o'clock) the right hon. Member for Droitwich thought it advisable to press this Bill?

SIR JOHN PAKINGTON said, he had fully intended proceeding with the Bill that day, but, under all the circumstances of the present time, he thought it was not desirable that he should now move the second reading.

MR. HADFIELD presented several petitions against the Bill, and moved that three of the petitions be read by the Clerk at the table.

The Clerk accordingly read a petition from Manchester. He was proceeding to read a second petition, when

MR. ADDERLEY rose, and asked the Speaker whether it was competent to a Member to move that any number of petitions he might present should be read at the table?

MR. SPEAKER replied, that, according to the Standing Orders, any Member presenting a petition might, if he desired it, have it read by the Clerk at the table. This was a matter left to the discretion of hon. Members. If, however, hon. Members were to insist upon the right of having all petitions read at the table, unless when they related to very important questions,

Mr. Serjeant Shee

the whole time of the House might be occupied in listening to them.

MR. HADFIELD had made the proposal because he was anxious that the House should hear the sentiments of the petitioners.

SIR JOHN PAKINGTON moved the postponement of the Order to Wednesday next, and said that copies of some of the petitions against the Bill had been forwarded to him, and he thought that he would be able to show that they were not entitled to the weight which was attached to them by some hon. Gentlemen.

MR. HADFIELD observed that there was a very strong feeling in the country against the measure, which was considered to involve such an affront to the religious sentiments of the community as had not been offered in modern times.

In reply to MR. HENLEY,

SIR J. PAKINGTON said, he could not state positively whether he would proceed with the Bill next Wednesday or not, but he would give fair notice of the time at which it would be brought before the House.

Second Reading *deferred till Wednesday next*.

COURT OF CHANCERY (IRELAND) (TITLES OF PURCHASERS) BILL.

SECOND READING.

Order for Second Reading read.

MR. WHITESIDE moved the second reading of this Bill, which was of some importance as affecting the transfer of land in Ireland, its object being to secure the title of purchasers of estates under judicial sales of the Court of Chancery in Ireland. Hitherto a Court of Equity had not power to secure to a purchaser under its order or decree an indefeasible title. An expensive investigation of title, indeed, always took place before the Master, who was supposed to have ascertained before the sale that the title was a good one; but the result of this investigation was not binding, and the opinion of the Master afforded no protection to the purchaser, who was consequently obliged, at his own expense, to employ a solicitor and counsel, not only to repeat in a more rigid manner the very same investigation, but also to examine all the proceedings in the cause, in order to see that it had been regularly and formally conducted, and a valid and binding decree made as against all parties having claims to, or interest in, the lands decreed to be

sold. The result to the purchaser was considerable expense and delay, without assurance of the perfect security of the title he had acquired. The House had shown much favour to the principle of the Incumbered Estates Court, that of giving a Parliamentary and indefeasible title to purchasers of estates in Ireland. He wished to give the Court of Chancery the power of conveying by such a title. So long ago as the 27th of April, 1853, he brought in a Bill on this subject, but was met by the Government of that day, who promised that they would themselves bring in a Bill to deal with the matter. They had, however, never done so. The principle of giving the purchasers of land in Ireland an indefeasible title had been considered one of great importance by a Commission, consisting of the present Master of the Rolls in England, and a number of other eminent men, who reported that under the present system purchasers in the Court of Chancery had not that protection which ought to be afforded to them. The statement in the Report of that Commission was strictly true; for, as had been well put by Mr. Brewster in his evidence before a Committee of that House, it was the grossest injustice to compel one man to convey away an estate, and compel another to take it, and yet not secure to the purchaser a title which would protect him. Before the Committee which last Session inquired into the working of the Incumbered Estates Court, all parties were of opinion that an indefeasible title should be given under judicial sales in the Court of Chancery. That was a principle which he (Mr. Whiteside) had advocated several years ago. It was true, that there was in the Incumbered Estates Court an existing tribunal for the conveyance of land by an indefeasible title; but there were many estates which it was necessary to sell for family and other purposes, but which could not be brought under the operation of the Incumbered Estates Court. On what principle, then, he would ask, should a Parliamentary title be given to purchasers in the Incumbered Estates Court, while it was withheld from those who bought property which could not be sold by that Court, but was sold and conveyed by the Court of Chancery? The object of his Bill was to remedy this state of things; and it proposed to afford to the Masters in Chancery, in the case of decrees for a sale, the assistance of a counsel of fifteen years'

standing—a Queen's Counsel—to examine the titles and all documents connected with them, and certify to the Master. The Bill provided that this inquiry should be conducted with the knowledge of all the litigant parties, who were to be before the Master. This was not the case in the Incumbered Estates Court. The fact of all parties being represented, with the circumstance that there would be an appeal from the Master and also from the Court of Chancery to the Court of Appeal in Ireland, and from that tribunal to the House of Lords, would guard against any injustice being inflicted on any party. The form of conveyance, which was annexed to the schedule of the Bill, did not cover more than one side of a sheet of letter paper; while, by giving a Parliamentary title, it would secure the safe and satisfactory transfer of land. He hoped, therefore, that the House would read the Bill a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. J. D. FITZGERALD said, that his objection to the proposed Bill was, that it only dealt with a fragment of a great and important subject. The measure was calculated, under the disguise of conferring enlarged powers on the Court of Chancery, to undermine the Incumbered Estates Court in Ireland. He looked upon the establishment of that Court as a great and bold measure; it had conferred the greatest benefits on Ireland, and although he looked forward to the time when that Court might be modified, he could not concur in any attempt to destroy it. The hon. and learned Gentleman (Mr. Whiteside) had, he believed, never been favourable to the measure. He (Mr. Fitzgerald) had endeavoured to introduce modifications into the present system; but the hon. and learned Gentleman opposed that endeavour, and having in Committee obtained a majority of one against the fifth Resolution which he (Mr. Fitzgerald) proposed, and which was to form the basis of his Bill, he did not feel that he would be justified in proceeding with the Bill further either in the Committee or in the House. The Bill of the hon. and learned Gentleman would take away most of the business from the Incumbered Estates Court. Estates in that Court were disposed of on the petition of the incumbrancer, and how could it be said that if power were given to the Court of Chancery to give a Parliamentary title,

that would not deprive the Incumbered Estates Court of its business? He (Mr. Fitzgerald) thought they might dispense with the Incumbered Estates Court; but great caution would be required in determining to what tribunal the authority of selling incumbered and unincumbered estates should be committed, and in his opinion the Court of Chancery ought not to be entrusted with that power until it had been completely reformed. By the Act of last Session the Court of Chancery in Ireland had now the power to reform itself. [Mr. WHITESIDE: Which it has never done.] The Act had only been in operation two months, so that there had not yet been time to carry out the reforms which the Court had obtained the power to make. It remained to be seen whether the Court of Chancery would exercise that power; and if it did not reform itself, then it would be the duty of Parliament to do it. The proposition of the hon. and learned Member for Enniskillen was to take from the Incumbered Estates Court the largest portion of its business—that which arose on the petition of incumbrancers—and give it to the Court of Chancery. He opposed that proposition. The Bill of his hon. Friend would perpetuate the Masters in Chancery, whose continuance had been almost universally condemned; and it would devolve the responsibility of the Judge in very important matters on some conveyancing counsel. He would not divide the House on the second reading of the Bill, as he was unwilling to do so in existing circumstances; but if the hon. and learned Gentleman proceeded with the measure he would oppose it on the next stage.

MR. G. BUTT supported the present Bill, which he thought would be very beneficial to Ireland. He could not see how the Bill could at all interfere with the proposed reform in the Court of Chancery.

MR. MACARTNEY said, the Bill was imperatively required, in consequence of the working of the Irish Incumbered Estates Court. He himself had been purchaser and seller of property in the Court of Chancery, and in both capacities had experienced very great inconvenience, by reason of the inability of that Court to give a Parliamentary title; and at the present moment no man in Ireland was disposed to make purchases without a Parliamentary title. The Court of Chancery could not give such a title, yet it was entrusted with powers to deal with family

property, which could only come before the Incumbered Estates Court by having recourse to proceedings which amounted to fraud. What was the result? Why, that sometimes there was a difference of as much as four or five years' purchase between the estate sold in Chancery and the estate sold in the Incumbered Estates Court. This Bill only carried out the principle of the Incumbered Estates Court, and provided that the Court of Chancery should have the power of giving a Parliamentary title to land in the same way as the Incumbered Estates Court.

SIR ERSKINE PERRY submitted whether it was advisable to proceed with the second reading of the Bill in the presence of so small a number of Members. He knew the importance of some legislation upon the subject; but seeing that the question was one which seriously affected the interests of Ireland, he would suggest that the debate should be adjourned, and renewed when Irish representatives were assembled in greater force. He begged, therefore, to propose, as an Amendment, that the Bill be read a second time that day six weeks.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six weeks."

Question proposed, "That the word 'now' stand part of the Question."

MR. WHITESIDE hoped that the hon. and learned Member for Devonport would not press his Motion. The discussion on the principle of the Bill might be resumed at a future stage.

MR. J. D. FITZGERALD also trusted that no further opposition would be given to the second reading of the Bill. He would take care, on some other occasion, to afford the hon. and learned Member for Devonport an opportunity of recording his vote against the measure.

MR. SEYMOUR FITZGERALD thought they were greatly indebted to the hon. and learned Member for Enniskillen for introducing this Bill. It was absolutely necessary that some Court in Ireland should have the power of giving an indefeasible title to unincumbered property. There were some portions of the Bill which might be amended; but in so far as it would enable unincumbered property to be bought and sold with the same facility as incumbered estates, he thought it was deserving the support of the House.

SIR ERSKINE PERRY said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read 2^o, and *committed for Monday next*.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, March 5, 1857.

MINUTES.] PUBLIC BILLS.—3^a Public Health Supplemental (1857); Ionian Subjects' Commissions.

THE WAR IN CHINA—QUESTION.

THE EARL OF HARDWICKE: Seeing the noble Lord the Secretary at War in his place, I beg to ask him a question, of which, however, I have not given notice. The noble Lord has doubtless read in the newspapers, as I have, that very serious changes have apparently taken place in the state of affairs at Canton. It appears that the English have been obliged to retreat from Whampoa; that a portion of the British fleet has been attacked by a squadron of junks, which retired in good order; that in consequence the Admiral has been compelled to abandon the position he had taken up in the wrecks of the factories in Canton, and that at the same time he burnt down some of the suburbs of Canton. I wish to ask the noble Lord whether he has received any despatches to that effect, and if such despatches have been received, why they have not been made public, or laid upon the table of the House? We read at the same time, that at Singapore circumstances have taken place imperilling the safety of the British residents there. We hear of these events through two channels, they are apparently true, and therefore we may presume that the Government are informed of them. In the present state of public opinion I think it is highly necessary that we should be informed whether any such intelligence has been received.

LORD PANMURE: The question which the noble Earl has put, without any notice whatever, is of somewhat an important character. In the first place, I cannot charge my memory with reference to the whole transactions to which the noble Lord has referred, because, of course, so far as they relate to the naval operations, no

despatches have been addressed to me. I have, however, received a letter from the officer commanding the troops at Hong Kong, stating that a company of a regiment had been engaged in burning certain portions of the suburbs of Canton, and that some casualties had taken place in that transaction. These particulars will appear in the papers to-morrow.

THE EARL OF ELLENBOROUGH: I think, my Lords, that this is a question which ought rather to be asked of the Secretary of State for Foreign Affairs. I therefore beg to ask him whether he has received any despatches relating to the action at Macao and the retirement from Whampoa? Also whether any account has been received by him, giving an account of the burning of the suburbs of Canton?

THE EARL OF CLARENDON: Despatches have been received from Admiral Seymour, stating the reasons why he thought it necessary to withdraw from the Dutch Folly, which he occupied, and why he thought it necessary to destroy a portion of the suburbs of Canton, which enabled the Chinese to act hostilely against the fleet. That retirement also was necessary for the better protection of Hong Kong, where disturbances had taken place, and where rewards had been offered for incendiarism and the assassination of British subjects.

THE EARL OF ELLENBOROUGH: The noble Earl will see the extreme importance of our knowing when the suburbs of Canton were destroyed. If the Admiral had determined to remain in occupation of the fort, which he seems to have entrenched, he may have been justified in destroying the suburbs which gave a cover to the enemy; but if he had destroyed the fort and had determined on retiring from Canton, there was no military or moral justification for such destruction; but it would appear to be an act of deliberate and useless vengeance. It is, therefore, highly important that we should know when, and under what circumstances, the destruction of the suburbs of Canton took place.

LORD PANMURE: I am really surprised that the noble Earl should have made an observation tending to misrepresent the actions of a British Admiral without waiting to know under what circumstances the act of hostility to which allusion has been made was committed. I must say, my Lords, that I blush for the conversation which has just taken place, as

tending to throw blame, in the eyes of the country, upon a gallant officer who has only acted for the maintenance of the honour and interests of the country, and who has at the same time to maintain his own position under very difficult circumstances. The whole circumstances of the change of position are these:—The Admiral was placed in such a position at the Dutch Folly that he found his ships of war were so situated that war junks coming up the river and sinking impediments in his passage, would have stopped the return of the ships of war. Finding himself in a narrow river, and in a bad military position, he withdrew, not from before Canton, but to another position, called the Bird's Nest Fort, close in the neighbourhood of Canton, below the passage, and where the ships would not be exposed to annoyance from the junks of the enemy, but could lie in perfect safety. With respect to the Admiral's destroying the suburbs of Canton, I stake my character as a Peer of Parliament and a gentleman of England, that he has done nothing more than fair warfare would justify him in doing: that he has committed none of the pure acts of cruelty which the noble Earl has represented. I believe that Sir Michael Seymour's character stands as high, as an officer of the navy, and as a humane and Christian gentleman, as that of any man in this country.

THE EARL OF ELLENBOROUGH: The noble Lord appears to have misunderstood me. I stated distinctly that everything depended upon the time at which this was done. If the Admiral was about to retain his position, then he would be justified in resorting to such measures, inasmuch as burning the suburbs would deprive the enemy of the cover which those suburbs afforded; but if, on the other hand, he had determined on a retirement altogether from his position before Canton—which he has done by retiring to the Bird's Nest Fort—the burning of the suburbs would be unjustifiable as a military operation.

LORD PANMURE: I deny it.

THE TREATY OF PEACE WITH PERSIA. QUESTION.

THE EARL OF MALMESBURY: I wish to ask my noble Friend opposite (the Earl of Clarendon) whether the report which I have seen in the newspapers is true, that a treaty of peace has been concluded with

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Persia; and, if so, whether the Persian Ambassador who signed the treaty at Paris had full powers from his Government to do so; or whether the treaty is merely to be referred to the Persian Government?

THE EARL OF CLARENDON: I understand that a treaty of peace with Persia was signed yesterday by Lord Cowley, on the part of England, and Ferukh, the Persian Ambassador, on the part of his Government; and that no negotiations for that treaty of peace had been entered into until we were perfectly satisfied that the Persian Plenipotentiary had ample powers from his Government to treat for that purpose.

THE OPIUM TRADE WITH CHINA.

NOTICE OF MOTION. QUESTION.

THE EARL OF DERBY, seeing his noble Friend (the Earl of Shaftesbury), who had a notice on the paper for Monday next with regard to the opium trade, in his place, said, he wished to ask, whether, in bringing that question forward, he intended to make a substantive Motion, and to take the sense of the House upon it; and, if so, whether he would lay the words of the Motion upon the table of the House?

THE EARL OF SHAFTESBURY said, that when he gave the notice it was certainly his intention to bring forward the question and make a substantive Motion upon it. On going deeper and deeper into the subject he was convinced that the whole system, from first to last, was altogether illegal, and had not the sanction of law for any portion of its operation. He, therefore, determined to put the matter into the hands of some learned counsel and obtain their opinion upon it, and then frame his Motion in such a manner that the question should be brought forward legally and technically with a view to its being submitted to the Judges of the realm. It was his intention to have brought forward his Motion last Monday, but the learned counsel had not been able to give their opinion upon it, and therefore he had postponed his Motion until next Monday. It certainly was his intention to bring forward his Motion on that day, and he should repeat it year after year until some satisfactory announcement on the question were made. He would lay upon the table tomorrow the Motion he intended to make, and would move on Monday, that certain questions should be submitted to the Judges of the realm.

RETIREMENT OF AGED BISHOPS.

QUESTION. EXPLANATION.

VISCOUNT DUNGANNON said, that a short time ago he had asked a question of the Lord Privy Seal whether Her Majesty's Government contemplated bringing forward any measure for providing for bishops who, from advanced age or other infirmity, might be desirous of being relieved from episcopal duties by relinquishing their sees. He understood the noble Earl in reply to have said that such a measure was in contemplation; but he was reported to have stated that he was not prepared to give any answer to the question, however important it might be.

THE EARL OF HARROWBY said, the noble Earl was correct in his impression as to the answer he had given, and he was sorry it was not audible elsewhere. He was prepared to introduce such a measure.

MINISTERIAL STATEMENT.

EARL GRANVILLE: My Lords, with your Lordships' permission, I propose to give the House some information as to the course which Her Majesty's Government intend to pursue, in consequence of certain events which your Lordships are no doubt aware have occurred in another place. Her Majesty's Government having found themselves there in a minority, the usual course under such circumstances would have been for them to tender their resignation to Her Majesty. After a calm consideration, however, of all the circumstances of the present case, they have come to the opinion that at present it is not their duty so to do. Looking at all those circumstances, considering that in the same place, on a most important question concerning the finances of the country, they have found themselves supported by a large majority; having received support, for which they are grateful, from your Lordships' House on this Chinese question itself; looking, also, to the composition of the present House of Commons, in which it does not appear to be clear that a strong Government could be formed in the present state of that House; further, considering that that House has now had an existence of five years; that during those five years three different Governments have been in existence; that it has seen this nation enter into a war, has seen that war concluded, and peace again established—I say, my Lords, that all these circumstances

having been taken into consideration, Her Majesty's Government think it would be most for the advantage of the country and for the interest of the public that reference should be made to the country, to ascertain what its wishes are with regard to the future. My Lords, without giving any detailed reasons for adopting this course, all that I have to add is this, that Her Majesty's Government will only ask the sanction of both Houses of Parliament to measures of a temporary character, so as to enable that appeal to be made as soon as possible, with the view of calling another Parliament as soon as a new Parliament can be elected, and thus ascertaining what are the wishes of the country as to the party who are for the future to rule the nation. I cannot anticipate that in these views they will meet with opposition from any party in the State, but that all will admit the reasonableness and fairness of thus ascertaining what the real feeling of the country is.

EARL GREY: I have certainly no wish to raise discussion on this occasion, but it occurs to me that there is an omission in the statement which the noble Earl has just made. I will remind your Lordships that on former occasions, when a Government has been defeated in the House of Commons, and, upon that defeat, instead of resigning their offices into the hands of Her Majesty, has thought fit to appeal to the country—in all prior cases of this kind the difference has arisen with regard to the legislative policy of the country. It was so in 1784, when Mr. Pitt in that memorable instance held office against a majority of the House of Commons. It was so in 1841, when a question arose as to the commercial and financial policy of the Government. In all these cases no material public inconvenience arose from leaving in uncertainty until the new Parliament met what should be the policy of the country. But allow me to point out to your Lordships that this case is widely different. The House of Commons has condemned the policy of Her Majesty's Government, not upon a legislative question, but upon the highest question of executive policy with which they have to deal. It is upon a question of peace or war. The House of Commons has come to a Resolution, which I am perfectly in order in quoting from the Votes laid on your Lordships' table—

“That this House considers that the papers which have been laid upon the table fail to esta-

blish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*."

Consider, my Lords, what is the serious effect of that Resolution. It is this—that the country is now virtually engaged in a war which has been branded as unjust by the House of Commons; the affairs of England are intrusted in that country to the management of a person who by a vote of the House of Commons is branded with having without due justification entered on these violent measures. Now, my Lords, having just heard that the end of May is the earliest period at which Her Majesty's Government anticipate that another House of Commons can be called together, I wish to know whether in the interval of time which will be occupied in making this appeal to the country, during which events of tremendous importance may take place, the policy branded by the House of Commons is to be pursued, and whether the treatment of these most important questions which must arise in China is still to be committed to the hands of the man whose moral authority in that country is, I say, destroyed by the vote which has taken place. My Lords, it appears to me impossible that, in the face of the vote recently given by the House of Commons, the policy which has hitherto been pursued can be persevered in, or the affairs of England in Canton be intrusted to the hands in which they are at present placed. I submit that if the two Houses of Parliament are called on to give those facilities which are expected by Her Majesty's Government, in order that they may make the appeal to the country which they desire—if we are to give those facilities which I need not tell your Lordships either House has the power of refusing—we are entitled to satisfaction on this point from Her Majesty's Government. I can venture to say what, in my opinion, they ought to do. I think they ought at once and forthwith to recall Sir John Bowring. I think they ought to send out a person of high character, in whose discretion and judgment great confidence can be placed, with very wide discretionary powers, to bring the war, if possible, to a conclusion. I think they ought to do—what I have no doubt they have done already—namely, taken all the measures in their power to protect the lives and property of Her Majesty's subjects in China. But I say this is, of all things, most essential, that the individual who has brought the country into its pre-

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sent critical position and involved it in hostilities should not remain intrusted with the high duties of Her Majesty's Plenipotentiary. Certainly, unless Her Majesty's Government are prepared to give satisfaction on that point, I think it is the duty of this and the other House, by humble Address to Her Majesty, to express the wish, I am sorry to say, they must feel; and if no other Member of your Lordships' House more able to undertake the task present himself, I shall be prepared to move such an Address.

EARL GRANVILLE: I could perfectly understand the question which has been put by the noble Earl being put in another place, where the Resolution has been affirmed; but I do not see the same propriety in the noble Earl's putting the question in your Lordships' assembly, when, after full discussion, you have come, by a large majority, to a contrary opinion. At the same time, I should be most unwilling to refuse any general information as to the course of the Government which it is in my power to give. I can only assure your Lordships that even before the close of the debate we had taken into our deepest consideration the best means of determining the present unsatisfactory state of relations between China and this country. We do not consider that the House of Commons intended by that Resolution to indicate that we should refrain from taking every necessary step for the defence of the lives and property of British subjects in China, or that we should patch up matters in a rash and precipitate manner, without reference to the position of things at the time. We think we act in consonance with the decision of the House of Commons, though not admitting its justice, if we take every step which, in our judgment, is best calculated to settle the question as a whole, and that we shall not incur blame by so doing either from your Lordships or from the other House, even in its present state—still less, we hope, when Parliament is re-elected after a dissolution.

CHIEF CONSTABLES BILL.

Order of the Day for the Third Reading read.

EARL GRANVILLE moved that the Bill be now read 3^a.

THE MARQUESS OF SALISBURY hoped the third reading would not be pressed at present. He would move—

"To leave out all the words after the word

'That,' for the purpose of inserting the following words :—' Copies of the correspondence which has taken place between the magistrates of Staffordshire and Sir George Grey upon the appointment of Colonel Hogg to be Chief Constable.'

After a short debate, which was quite inaudible.

On Question, that the words proposed to be left out stand part of the Motion, their Lordships divided :— Content 28 ; Not Content 13 : Majority 15.

Resolved in the Affirmative ; Bill read 3^a accordingly, and passed.

POOR BENEFICES IN THE DIOCESE
OF LONDON.
MOTION FOR RETURN.

VISCOUNT DUNGANNON, in moving for a return of the number of benefices within the diocese of London having endowments under £200 a-year, said, that since he had given notice of his intention to move for that Return he had received several communications from London clergymen on the subject of it. Since the Burial Acts had been passed, and the consequent diminution of the burial fees, the income of many of the metropolitan clergy had been reduced to an amount incompatible with the maintenance of their social position, and manifestly disproportioned to the important and laborious duties they had to discharge. One of his correspondents was the Rev. Mr. Kelly, the incumbent of St. John's, Hoxton, who stated, that the church there was consecrated in 1826, that he was then appointed minister of it, and that there was no endowment of the church. He added, that in 1851 the population of St. John's was 21,365 ; that his average net income from pew rents, marriage fees, &c., was £330, and from burial fees £210, making together £540. The effect of the Act passed a few years ago for regulating the burial of persons dying in the metropolis, had been to reduce his income from £540 to £330, and that after he had been thirty years a minister of that church. In addition to that, he was liable to pay £90 a-year out of the fees to a fund of the churchwardens which went to defray certain expenses incidental to the celebration of public worship. He (Viscount Dungannon) submitted that that was a very hard case, and he believed it was only one among many such. It was a melancholy fact, that the Legislature was not doing anything whatever towards placing the parochial clergy in populous parishes in

the position in which they ought to be ; and if their Lordships would grant him the return for which he asked, it would show an extraordinary catalogue of populous parishes with very poor endowments. Nevertheless, the incumbent was expected to be the largest contributor to all local charities, even the richest of their parishioners frequently regulating their subscriptions to such objects by the amount of the clergyman's contribution. He thought it, moreover, very objectionable that any portion of the incumbent's income should be dependent upon pew rents, as was the case in many parishes, on the ground that it placed him in a very invidious position in regard to his parishioners. He hoped the time had arrived when these matters would receive serious consideration, and when some satisfactory information would be given as to how the very large sum in the hands of the Ecclesiastical Commissioners was disposed of. Of course that Commission entailed a certain degree of expense and required a certain number of officials ; nor did he complain of proper remuneration being given to those officials, but he did think that some account ought to be rendered to this House and to the public as to the manner in which those funds were applied. He was not to be told that because in certain parishes the clergymen occasionally received large fees, or because they had large congregations, therefore they were to be considered well endowed. These were matters of chance and favour to which the Church of England ought not to be exposed, and he thought that the information which he now sought to obtain would fully justify the course he had taken on this question.

Moved — "That there be laid before this House, Return of the number of benefices within the diocese of London, having endowments under £200 a-year ; specifying the population in connection with such benefices, the name of each benefice, and those of them which are without a residence for the incumbent."

THE EARL OF HARROWBY said, he had no objection to the production of the Return moved for, and was glad to see that the noble Viscount had turned his attention to this important subject, which deserved the fullest consideration. With respect to the Ecclesiastical Commission, however, the noble Viscount seemed to be unaware that, not only did that Commission present an annual report to Parliament, containing every possible detail as to its proceedings, but that on two occasions

Parliament had made this the subject of most minute investigation. So lately as last year the House of Commons appointed a Committee which received evidence in detail from the officials employed, and to the Report of this Committee he would refer the noble Viscount for full information respecting the expenditure and the proceedings of the Ecclesiastical Commission. If he remembered rightly, the Commission had made an augmentation of the endowments of benefices to the amount of £86,000 a-year. [Viscount DUNGANNON: I believe a miserably small sum was added to each benefice.] That might be, but there was an immense number of claimants, and it was impossible to give what might be wished to each of these. It might be a question for discussion as to whether it was desirable to give more to few or less to many; but the Ecclesiastical Commissioners, acting, he believed, in accordance with definite instructions from Parliament, had gone on the principle of giving small sums to a great many, rather than larger amounts to few. No doubt a large body of the clergy of the Established Church were possessed of endowments totally inadequate; but the Ecclesiastical Commissioners were doing the best with the funds at their disposal, and could not be accused of partiality as to the distribution of those funds. Then, too, very desirable reforms had been introduced. It used to be the practice for a person to hold two, or three, or four small benefices, performing service in each sometimes once a fortnight, sometimes once a month, and yet receiving from all of them a very inadequate remuneration. For good reasons it had been thought better that each parish should have its own clergyman, but in laying down and applying this provision it naturally happened that in some instances the endowments were of very small amount. He was afraid that he could not entertain any very sanguine hope of the deficiencies which had been occasioned being made up from any existing fund.

THE BISHOP OF LONDON said, that late changes, caused by the Burial Act, had fallen very heavily on many of the clergy. In one living it had occasioned a loss of £408 a-year to the incumbent; in another living, a loss of £518 a-year; in another, a loss of £250 a-year, where there was a population of 17,000; in another, a loss of £250 a-year, bringing the living down to £200; in another, a loss of £200 a-year, reducing the living to £100; and in an-

The Earl of Harrowby

other most important parish the living was entirely dependent upon the Easter offerings, there being nothing left after the incumbent had paid his curates. Seeing, then, how severely the clergy were suffering from recent measures of legislation, by which the public were largely benefited, he trusted that the attention of Parliament would be turned to the subject with the view of remedying this state of things.

THE LORD CHANCELLOR also said, he was aware that the incomes of many of the clergy in the metropolis had been very greatly reduced by the operation of the recent Burial Acts.

Motion agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 5, 1857.

GOOD-CONDUCT MONEY—QUESTION.

MR. PELLATT said, he would beg to ask the hon. Under Secretary for War what steps Government had taken, by warrant or otherwise, for restoring to sergeants in the army the good-conduct money which they enjoyed before promotion,—namely, 1*d.* per day for every five years' service, of which they had been for so many years deprived; and whether it would have a retrospective as well as a prospective effect; also, whether it would benefit sergeants of Cavalry, Artillery, Engineers, and Marines, as well as those of the line?

MR. FREDERICK PEEL said, that soldiers receiving good-conduct pay had been required to relinquish it on being promoted to the rank of sergeant. That proceeding was felt to be a hardship, and in consequence a warrant was issued, allowing the good-conduct money to be added to the pay of sergeant. The warrant applied to the Artillery and Engineers, as well as to the Cavalry and Infantry, but not to the Marines. The good-conduct pay would be retrospective to a certain extent.

THE WAR IN CHINA—QUESTION.

SIR THOMAS HERBERT said, he would beg to ask the First Lord of the Admiralty if he had any objection to lay upon the table of the House the instructions Sir Michael Seymour received from

the Admiralty for his guidance as Commander in Chief in the China Seas, and in what relation he was placed with reference to carrying out any requisition made to him by Her Majesty's Plenipotentiary and Governor at Hong Kong?

SIR CHARLES WOOD: Sir, I object on general grounds to the production of instructions given to Sir Michael Seymour or to any other officer in a similar situation. Probably, what the hon. and gallant Member wishes to know will be answered by my telling him that Sir Michael Seymour had no other instructions than any Commander in Chief on any foreign station. He was placed in relation with Sir John Bowring in no other position than that in which any commander on a foreign station is placed as regards the Ministers or Ambassadors within the limits of his command, with whom, of course, he communicates on all subjects connected with the duty which he has to discharge.

PAYMENT OF OFFICERS ON FOREIGN STATIONS—QUESTION.

MR. OLIVEIRA said, he wished to know whether the system of payment adopted in India would be extended to the payment of officers at other stations, and whether they would in future be paid in cash instead of bills of exchange?

SIR CHARLES WOOD said, that the system of payment on foreign stations was by bills drawn on the Accountant General, on which those to whom they were paid sometimes gained and sometimes lost. But a short time ago a system of cash payment was introduced on the East India station. Whether the latter system should be extended to other stations was at present under the consideration of the Board of Admiralty.

JURY LAW IN MALTA—QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for the Colonies if he had any objection to lay on the table of the House any despatches from the Governor of Malta on the subject of the working of the jury law in general, and especially with reference to the trial of the murderer of Captain Graves?

MR. LABOUCHERE, in reply, said, he had no objection to the production of the papers alluded to, if the hon. Member would move for them.

MINISTERIAL STATEMENT—FINANCIAL PLANS.

VISCOUNT PALMERSTON: Mr. Speaker, in order to regularize that which I am about to say, and to put it in the power of any hon. Member who has anything to say on this subject to address the House, I intend to conclude the statement which I am about to make by a formal Motion,—That this House do now adjourn. Sir, the House must naturally expect that, after what happened on Tuesday night, I should state to the House the course which upon due reflection Her Majesty's Government intend to pursue. Under ordinary circumstances, after a vote by which the House by a majority—whatever the amount of it might be—affirmed that which many at least who voted considered to be a vote of censure upon the conduct of the Government, there could hardly be an alternative left to the Government as to the course to be pursued. The natural course would be that they should tender to their Sovereign a resignation of their offices, and leave to those who had obtained that majority the task of conducting the affairs of the country. But the present case seemed to us to be of so peculiar a character that we have not thought it our duty to submit to our Sovereign the resignation of our offices. There is another course which the Government under such circumstances might constitutionally adopt, and that is the course which we have deemed it our duty to pursue. We have deemed it our duty to advise the Crown at the earliest period at which the state of the public business will permit to call upon the constituencies of the country to exercise that privilege which the constitution places in their hands. Sir, I say the circumstances are peculiar, because, while, on the one hand, looking simply to the result of that last debate, we might say that we had lost the confidence of this House, yet, on the other hand, looking to the divisions which took place very shortly before upon questions involving very important portions of the policy of the Government, the result was of a very different character. And I feel myself free to say that some of those who concurred in the vote of Tuesday night made it understood that that vote was not to be considered as implying the withdrawal on their part of the confidence which they had hitherto placed in Her Majesty's Government. But it is vain to deny that that vote would render it very difficult, if not

unseemly, for the Government with regard to which it was passed to undertake the conduct of the business of the country in the ordinary manner during the remainder of a long Session. Moreover, the state of parties which that vote indicates appears to me to show—connecting it with the various votes and fluctuating opinions of the House with regard to those majorities on former occasions—that it would be extremely difficult for any Government, whether that which now exists or that which might be formed, however efficient it might be—and I admit, not merely by way of compliment, but as merely stating the truth, that that Government which might be formed by a combination of parties (using that expression not by way of taunt) would be very efficient—to carry on the business of the country throughout a Session in the state of feeling which at present happens to prevail in this House. I will not allude to the very strongly marked difference of opinion between the two Houses of Parliament upon the question which was put to issue on Tuesday night. I do not think that would be a sufficient reason; but still it is an element to show what various opinions exist in regard to the present Administration as compared with that which might be its successor. This Parliament, Sir, is now in its fifth Session, and, measuring its duration by that which it has seen, it is a very old Parliament. It has witnessed more important events than it has fallen to the lot of most Parliaments to see. It has seen three Administrations—the Administration which called it together, the Administration which followed, and the Administration which now sits on these benches. It has seen the transition from a state of profound peace to a great European war; and it has seen the transition from a great European war to the fortunate restoration of European peace. Therefore, as concerns the events of which it has been a spectator, this Parliament has done as much as could be expected to fall to the lot of one which had completed its full term of existence. If the state of business in this House would have admitted of an immediate appeal to our constituents, that is the course which would have been most proper and most seemly. But the state of public business does not admit of the adoption of such a course. We have as yet voted nothing upon the Estimates for the public service; we have arranged nothing in regard to the taxes, some of which require to be remodelled; we have

not passed a Mutiny Act, and that in existence will expire before it would be possible for Parliament to reassemble and provide for the maintenance and discipline of the army. The course which I humbly beg to propose to this House, therefore, is, that we should do on the present occasion that which has been done on former and similar occasions—that which was done in spirit during the Administration of Lord Derby, when it was announced that there was to be a dissolution—that the House should content itself with passing those provisional and temporary measures which may be necessary to provide for the public service until the earliest period at which a new Parliament can assemble. We had proposed to arrange certain taxes for three years; we shall now propose to determine them for only one year. There are some taxes with regard to which it would be very embarrassing to commerce if they were settled for too short a period; but we do not think that a Parliament which is about to be dissolved could properly be called upon to fix them for a period longer than the year for which provision is to be made. Upon the same principle, we shall propose to the House to vote sums on account of the Estimates for only a portion of the year. We propose also to pass a Mutiny Act for a similar period;—thus leaving the new Parliament, which may probably assemble somewhat towards the end of May, free to deal with all these great matters according to its discretion. I should hope, Sir, that this House will see that the course which we are prepared to adopt is one which is in accordance with the principles of the constitution, and that hon. Gentlemen will therefore place no obstructions in the way of our arriving at a time when fresh elections may take place by interposing any unnecessary difficulties in the way of the adoption of the course by which we propose to provide for the public service. We shall abstain from proposing anything but that which is necessary for this purpose. There are many Gentlemen who entertain strong opinions upon many subjects which they would wish to bring under discussion in this House; but they will, I think, feel that measures of importance cannot properly be taken into consideration by a Parliament situated as this House of Commons will now necessarily be. I therefore hope that the same honourable forbearance which has been shown by former Parliaments under similar circumstances will be exhibited by this one. There

is this to be said, that now at least the country will have a really fair choice between two different Administrations—a choice which, without meaning to say anything offensive to any party in this House,—I think I may say it could not have had, at least not to the same degree, under that combination of parties which has led to the state of things in which the Government now finds itself. As I said before, I am stating a fact without making the slightest imputation upon those who have formed that combination; but I say that so far it may be an advantage to the country—it will have the opportunity of choosing between two different and efficient Administrations. That, also, is a ground which the more justifies us in throwing upon the country the responsibility of determining what Administration shall be invested with the conduct and management of the affairs of the nation.

Motion made, and Question proposed,
“That this House do now adjourn.”

MR. DISRAELI: Sir, I think the noble Lord has dealt frankly with the House, and I wish, as I am sure that every other hon. Gentleman will wish, to respond to his appeal in the same spirit. I am not surprised at the counsel which the noble Lord and his colleagues have tendered to their Sovereign. I think that the course which they have recommended will, on the whole, be advantageous to the public interest. With these feelings, I shall myself give every possible facility to the progress of public business, consistent with what I conceive to be the true interests of the country. Sir, I share in the anticipation expressed by the noble Lord, that this appeal to the country, which I for one look to with no apprehension, will prove of great advantage to the public service. I do think that it is of the utmost importance to the character of Parliament and to the interests of the realm that Parliamentary parties should be more defined than they have been. I am myself persuaded that that habit, which has of late been much in vogue, of decrying the influence of party, has had a very injurious effect upon the conduct of public affairs. Party, well defined and well appreciated, is the best guarantee for public and private honour; and I trust that when this recurrence to the sense of the country has taken place, Members will be returned to this House with definite opinions; that we shall know who is prepared to change, and who is ready to maintain, the institutions of the country;

who is in favour of the reduction of the burdens of the people, and who is in favour of increasing them; who is in favour of a foreign policy which, while it maintains the true interests and dignity of the country, is conciliatory to all other States; and who is in favour of that turbulent and aggressive system which I believe must increase the burdens of the people, and ultimately endanger and diminish the power of our nation. I repeat, that I shall meet the invitation of the noble Lord with the same frankness and candour with which it has been given. He will experience from me, and I think I may answer for every Gentleman on this side of the House, no sinister conduct. We shall give every facility to any measure which we believe is sincerely intended for the public service; but, at the same time, we shall expect from the Government a clear description of what is to be their course, because several matters have been brought before the House which, so far as I can judge at present, cannot be cast aside so lightly as the noble Lord seems to anticipate. With this exception, I repeat that, as long as the public interests are not endangered, the noble Lord may depend upon my most cordial assistance in bringing this Session to a close.

MR. CORDEN: Sir, I rose at the same time as the right hon. Gentleman because I think there was an omission in the speech of the noble Lord which it would have been well to have had supplied before any further remarks were made. On Tuesday last, Sir, after a debate of four nights, unparalleled for the array of speakers who took part in it, and for the ability of their arguments, since the time when Sir Robert Peel retired from office, this House came to a solemn vote on a question affecting not merely ordinary interests such as we are in the habit of deliberating upon in this House, but affecting the lives of vast numbers of people at a distance from our shores. That vote has attracted and will attract a world-wide notice; but it has been entirely ignored in the remarks which the noble Lord has made to us to-day. I do not rise, Sir, to say one word in opposition to the propriety of the course which the noble Lord has adopted in determining to dissolve Parliament. I think that if the noble Lord, in going to the country, wishes to have a cry which may be eminently serviceable to his opponents and very damaging to his followers, he has hit upon it; for what must be the cry raised at the hustings by those who, in consequence of the deci-

sion of the noble Lord, go there for re-election under present circumstances? Looking to the votes given by the noble Lord within the last ten days—during which he has torn from the hands of my hon. Friend the Member for Surrey (Mr. Locke King) the last remaining rag of the old reform banner—has trampled under foot even that miserable modicum of reform, a £10 county franchise, and has voted against everything which has entered into the traditions of the Liberal party, and for which we have professed to have any affection—has slapped in the face my hon. Friend the Member for the Tower Hamlets (Sir W. Clay) his proposal for the abolition of church rates—the noble Lord sends his followers to the country with the cry, “Palmerston for ever! No Reform! and a Chinese War!” If the noble Lord wishes to go to an election in which he will play into the hands of hon. Gentlemen opposite, he has hit upon a very good device; and I am sorry to see that so many of my hon. Friends on the same side are ready to follow him. But I leave that point. What I want to ask the noble Lord is, what he is about to do in consequence of the vote of this House on Tuesday night. That is a pressing and practical question, and I will show that it is so from the Government's own point of view. The noble Lord and all the right hon. Gentlemen who spoke during the late debate from the Treasury benches told us that the effect of an adverse vote, when the Chinese were aware of it, would be to imperil the safety of the English residents in China—that it might extend the sphere of operations, and might become exceedingly prejudicial to British interests in the East. Well, the result of that vote has now gone out to China by the mail which left yesterday; and I want to know what the noble Lord means to do. Though the mail went yesterday, we all know that it is possible to leave London four days after its departure, and by going through France and *via* Marseilles, to meet the vessel carrying it at Malta. I speak within the mark when I say that up to the 9th of March letters may be sent from this country to overtake the China mail, which travels by Alexandria and thence overland, but passengers, to be safe, ought to go on the 8th. I therefore ask the noble Lord to explain to the House what course of action he intends to take in consequence of the vote of Tuesday night? I do not shrink, any more than those who supported me on that occasion, from the responsibility of stating

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what I think ought to be the conduct of the executive Government if it holds office a single day after that vote. In a pressing emergency of this importance they have no right to hold office a day longer without showing their readiness to carry out the Resolution of this House. I have no hesitation, as far as concerns the opinion of an insignificant unit of this assembly like myself, to say what should have been done, and what ought still to be done, in consequence of that Resolution. If the result of that adverse vote is, as the Ministers assured us, likely to be imperfectly understood in China, and any danger, according to their statement, is to be apprehended to the British residents in that country, then I say that the first consideration with our Executive Government should be the safety of our fellow countrymen. I for one do not share in those apprehensions. Judging from the newspapers of what is going on in China, at Hong Kong, and Singapore, I think that before any news of Tuesday night's division arrives out there, the mischief will have been about as great as it well can be. But, adopting the position assumed by Her Majesty's Government—namely, that danger is really imminent, I say clearly, “Send out a competent person by this very steamer, armed with full authority to represent the Executive Government at home; let him supersede all the existing authorities in China, and give him distinct instructions to act according as the state of things which he finds when he gets there may seem to require.” Surely, you may easily find at three days' notice a man with a good-enough head on his shoulders to take his instructions from the Government, and go out to fulfil them with discretion in China. The news of our decision must reach Hong Kong before it is known elsewhere in China. When it arrives at Hong Kong you will have an immense force there; and Hong Kong, being an island inaccessible from the mainland except by sea, a couple of frigates would be sufficient to protect it from the whole naval strength of the Chinese Empire. You have a great naval force at Hong Kong. What, then, so easy as to send on the ships not required for the defence of that island to the points further north? As we know that a steamer will reach Hong Kong before she reaches Canton, and can reach those ports before the intelligence can travel to any one of them overland, you will be able to place them in a state of defence before the intelligence of this adverse vote

can do any harm among the Chinese. I am now assuming that the apprehension of danger entertained by the Government is well founded, and pointing out to you the course that common sense dictates. I repeat, then, "Send out a competent person from England, clothed with full power, to supersede all your other authorities in China, and to act as circumstances may require." Does the noble Lord intend to do that? If not, what does he intend to do? The noble Lord said a great deal about the combinations of party, and about appealing to the country. But an appeal to the country, as he tells us himself, cannot lead to any result until the end of May. What is to go on in China in the meantime? What was the purport of our vote on Tuesday? Was it intended to reverse the policy that has been pursued in China, or was it not? If that vote meant anything, it was this—"That this House would not be responsible for the policy initiated by Sir John Bowring at Canton on the question of the *Arrow*." I humbly submit, then, that if the Resolution of this House is to be taken as a reality, and is to be followed, as is always expected, by practical results, the noble Lord is bound to tell us before we separate this very day what course he intends to take in consequence of that vote. I say, provide first of all for the security of your countrymen abroad—you have abundant force at command for it; but let the noble Lord tell us what are his ulterior objects in regard to our relations with China? What does he mean to do with the Government of that country? In his speech of Tuesday night the noble Lord himself seemed to me to indicate the course that ought to be adopted with regard to the Chinese Government. He said that before these unfortunate occurrences took place we sought the co-operation of the French Government, and that we should also, perhaps, have obtained the co-operation of the American Government, in making a representation to the Chinese Government with a view to secure greater facilities for carrying on our commerce. If that can be done, it would be the best mode of putting yourselves in a position to exercise the greatest influence upon China. But for this end it is necessary to clear the ground from your past proceedings, and to renounce the illegality of the position you have taken up in consequence of the conduct of Sir John Bowring. The vote of Tuesday renounced those proceedings. You have placed yourselves on legal ground, and

are now able to ask other Governments to join with you in the attainment of these objects. I believe that now they will join with you upon your new and legal ground; but it is well understood that they would not have done so as long as you were contending with the Government of China on the miserable pleas now repudiated by the decision of Tuesday. I have only risen to ask the question which I put to the noble Lord. I do not intend to complicate it with any question relative to a general election. Let that event come as soon as it pleases. I predict such a winnowing and a clarifying of the state of parties in this House and in the country as may be of some use to us. But one point put by the noble Lord a little puzzled me. I understood him to say that the public would be able to judge between his Administration and some Administration *in posse* to be formed from the Opposition. Nothing, I think, could be more difficult for the country than to judge between the noble Lord and the Gentlemen who sit on the front bench opposite to him. As far as I can come to any conclusion, after a long experience of this House, I have arrived at the conviction that the noble Lord now at the head of the Government may be deemed as good a Tory as hon. or right hon. Gentlemen who sit on the opposite benches; and whether he sits on this or on the other side of the House it will not make much difference to the liberties of the people. I wish, Sir, to know what course the Government intend to take in pursuance of the vote of Tuesday night?

SIR CHARLES WOOD: I should have thought, Sir, that my hon. Friend the Member for the West Riding had had sufficiently clear information as to what conduct my noble Friend and Her Majesty's Government intend to adopt in consequence of the vote of Tuesday night. With regard to the question which my hon. Friend at present raises, it is not my intention in any way to reopen a debate that has been closed. I am glad that my hon. Friend is at last sensible that some danger may arise to the lives and the property of our fellow-countrymen in China in consequence of the vote which he called on the House to give the other night. I wish that he had only thought of that before he made his Motion. I confess that I do share the alarm which he has expressed, and I rise for the purpose of assuring the House that, as far as I know the state of the vessels in the Chinese waters—with re-

gard, I mean, to their probable arrival and the measures adopted—I believe there are at this time a sufficient number of vessels of war at China to enable efficient measures to be taken to prevent that danger from producing any evil effect. There is one large frigate at Shanghai at this moment, and another at one of the northern ports; and probably by this date, or at least in the early part of this month, three large steam frigates and seven or eight gunboats will have arrived in the river of Canton. A large frigate and two other vessels will arrive in the course of the month of April; two more frigates will arrive in May; a third will get there in June. Orders to this effect were sent out previously to the late debate; and I can only assure my hon. Friend and the House that the Government are now taking measures in order to secure, as far as in them lies, the lives and the property of British subjects in China.

SIR JOHN WALSH: I am one of those who voted in favour of the Motion of the hon. Member for the West Riding, and I am anxious that my vote should not be misunderstood. The hon. Gentleman, as I think, brought forward a Resolution couched in terms of great moderation, and supported it by a speech of singular ability. A single issue was raised by that Resolution. It related to the conduct of Sir John Bowring as the representative of the British Government in China. I could not doubt, after the full discussion of that question, that the House must necessarily come to the conclusion that the conduct of Sir John Bowring had been unadvisable and indiscreet, and calculated to entail serious consequences upon this country. I gave my vote on that single issue. The hon. Member for the West Riding seems to anticipate that certain consequences must necessarily follow in China from that vote; and I agree with him. But it is impossible to say that the decision arrived at by the House shall have the effect of reversing the policy which has been pursued, considering that the circumstances of the case have since so much altered. Unfortunately, the bad passions of this semi-barbarous people have been roused, and the atrocities which they have committed, and the breaches of all international law of which they have been guilty, altogether change the circumstances of the case. While adhering, therefore, to my opinion that Sir John Bowring has, by his injudicious conduct,

led the country into these difficulties, and is personally responsible for all the results which have followed, I do not wish that my vote should be interpreted as having the effect of tying the hands of the Government as to any future steps which they may think it necessary to take for the protection of British lives and property, and for the maintenance of British interests in the Chinese seas. The sole question—and it is the narrowest upon which Ministers ever went to the country—is, not the conduct of the Government, for they only adopt the conduct of Sir John Bowring by a sort of *ex post facto* proceeding—but whether the constituencies of the kingdom do or do not affirm the conduct, the ability, and the capacity of Sir John Bowring.

MR. DEEDES said, that he entirely approved the course which the noble Lord at the head of the Government proposed to take with regard to public business; but he should be glad to hear from him, or from some Member of the Government, the course which the Government intended to take with regard to the private business, which was at present in such a state that the abrupt termination of the Session would cause the greatest inconvenience and expense to the parties concerned. On a former occasion—in June, 1847—the House had come to a Resolution to this effect,—

“The promoters of all Railway Bills in the present Session of Parliament shall be empowered on the second reading, or on the completion of any subsequent stage of any such Bill, or when the Bill shall have been referred to a Committee, but the case for the promoters shall not have been opened, to suspend any further proceeding in the present Session, with the option, under the following conditions, of proceeding with the same Bill in the next Session of Parliament, at the stage where the Bill shall be now suspended.”

Then followed certain conditions under which this privilege was to be allowed. He wished to know whether the Government would propose on this occasion any such Resolution as this; and if that were their intention, he hoped its terms would be extended so as to include all private Bills.

MR. SIDNEY HERBERT: Before the noble Lord answers the question of the hon. Member for East Kent I wish to call his attention to the question which was put by my hon. Friend the Member for the West Riding, and which I think has not yet been answered; for it was entirely misunderstood by my right hon. Friend the First Lord of the Admiralty. The cir-

cumstances in which we are placed are very peculiar. We have many precedents of an appeal being made to the people by a Minister placed in a minority; but you will find that in almost all previous cases the Government have been in a minority upon some subject of legislation upon which the decision of the people could be taken at once; but in this instance the Government are placed in a minority by the House of Commons having expressed an opinion adverse to that of the Government as to the origin of a war now being carried on. Clearly, therefore, if no pledge is given by the Government as to the course which they intend to take in consequence of the vote of the House of Commons, that war may continue to be conducted by the same instruments, the power of directing its operations may be left in the hands of the same persons, on whose proceedings the House of Commons has already pronounced a condemnation, and the vote of the House of Commons will be nugatory. My hon. Friend near me (Mr. Cobden) did not say that he apprehended any danger in consequence of the vote which was given by the House of Commons. What he did say, I believe, was that, as the Government anticipated that danger would result from that vote, he wished to know whether, looking at it in their point of view, they intended to take steps to avert the evils which they apprehended. I repeat my hon. Friend's question, and I add this to it—what are the steps to be taken to prevent the evils which I apprehend, and which I think every Gentleman who has read the newspapers to-day must also apprehend? We have seen the state of things at Hong Kong; we are told now of the retirement of the fleet from the inner waters of Canton; and a state of feeling is described as existing at Singapore and throughout the East in consequence of the excitement of the Chinese population, which exposes the lives and property of British residents to imminent danger. These dangers, if they be true, do not owe their origin to the vote of the House of Commons; but they have followed naturally and as a matter of course from our proceedings in China. I wish to know, therefore, whether the Government, during the long period which must elapse before Parliament can be re-assembled, are about to continue the war for the same objects as that for which it was begun—the introduction into Canton of Sir John Bowring? and is the conduct

of affairs, whether for peace or for war, to be left in the hands of the man who, in the opinion of the House of Commons, has, by his want of judgment and capacity, brought about a state of things so detrimental to British interests and British honour? I hope some Member of the Government will answer that question. I should prefer that it should be the noble Lord himself, and, in order to give him the opportunity, I will move that this debate be now adjourned.

MR. SPEAKER: That would be out of order; but the noble Lord has the right of reply.

MR. SIDNEY HERBERT: I hope, then, that the noble Lord will answer my question, for it is one to which the House and the country have a right to expect a reply, and I hope the noble Lord will not think me impertinent in putting it to him.

SIR GEORGE GREY: In answer to the hon. Member for East Kent (Mr. Deedes) I have to say that it is the intention of the Government to propose to both Houses of Parliament a Resolution similar in substance to that which he has read, for the purpose of avoiding the inconvenience which must result to persons interested in private Bills from an abrupt dissolution of Parliament, and which will have the effect of enabling those persons to recommence in a future Parliament proceedings in private Bills now before the House as nearly as possible at the same stage at which they are suspended in this Session. With regard to the question just addressed to the Government by my right hon. Friend, though I must protest against the most entire misrepresentation which he has given of the ground on which we are now carrying on hostilities at Canton, since he assumes that the Government have involved the country in war for the mere purpose of introducing Sir John Bowring into Canton, I have no hesitation in saying that the Government have had their attention most seriously directed to those circumstances, calculated to produce great alarm, the news of which has been brought to this country by the last mail. They lament these circumstances, but they feel that the danger which the right hon. Gentleman and those who sit near him anticipate from them is likely to be very greatly aggravated by the decision at which this House arrived on Tuesday. With that impression forced upon their minds, the Government feel that it is their duty—as it was before, though more particularly now, after

that decision—to take every precaution which, acting on their responsibility, they feel to be necessary for the protection of British interests and British honour. They do not intend so far to defer to the opinion expressed by the House of Commons as to send out orders to our civil and military officers in that part of the world in accordance with what they understand to be the view of the hon. Member for the West Riding. They think that to direct our officers to abandon the demands which they have thought it their duty to make, and to abstain from sending out the means for the enforcement of those demands, would be to compromise the honour and dignity of England. With an appeal to the country before them they will not shrink from the responsibility of taking those measures and giving those directions which they think most conducive to the honour of the country and best calculated to protect the lives and property, not only of British subjects, but of all foreign residents in those parts of the world. With regard to ulterior measures, and the means by which those measures are to be accomplished, the hon. Gentleman the Member for the West Riding has no right to assume that the Government have now, in consequence of the vote of the House of Commons, abandoned the intention which was indicated by my noble Friend, to endeavour to place our relations with China upon such a satisfactory and permanent footing as will, in their opinion, afford the best security against the recurrence of the calamitous circumstances which have recently taken place in China. In the accomplishment of that object they will use those means and those instruments which they think best calculated to lead to a satisfactory result and best fitted to support the honour and interests of England.

LORD JOHN RUSSELL: I really wish that Her Majesty's Government would enable us to help them in attaining the objects which they say they desire to accomplish. I must observe, in the first place, that we, the House of Commons, are about to undergo the process which Mr. Fox and his friends used to call "a penal dissolution." We have come to a certain vote, and the House is to be punished for adopting that vote. That is the plain state of the case. Well, the noble Lord at the head of the Government says he cannot effect his object without the assistance of the House of Commons. The noble Lord

asks the House of Commons to assist him by passing votes of supply as rapidly as we can. The noble Lord calls upon us to depart from the usual order of our proceedings, and to abandon the attempt to carry measures which are of great importance to the country, in order to assist him in the object of making an appeal to the opinion of the country. The right hon. Gentleman opposite (Mr. Disraeli) said that he for his own part—and I suppose he speaks for those who act with him—has every disposition to afford facilities for that appeal. But surely, if the House of Commons is asked to afford these facilities, it may fairly require an explanation of the policy which is to be pursued during the three months which will elapse before the new Parliament will assemble. This is no immaterial question. After a debate of four days we came to the conclusion that the policy which the Government had deemed worthy of approval was, on the contrary, deserving of our censure. Are we, then, to agree to remain entirely mute—that we will permit the votes of supply to be carried one after another, without asking what is to happen during this interval of three months? My noble Friend said the other night that the great object of the Government would be to protect the lives and property of British subjects. I have no doubt my noble Friend will take every efficient means for accomplishing that object; but those lives and that property have been risked not by any vote of this House. It is not the echo of our vote that is just reaching us from China. The intelligence we are receiving is intelligence of the consequences that have been produced by the policy which the British authorities there have pursued. May we not, then, ask Her Majesty's Government, "Will you take means to protect the lives and property endangered by the policy that has been pursued in China? Will you not likewise adopt some means for the adjustment of those lamentable differences?" My right hon. Friend who spoke last says that my right hon. Friend the Member for Wiltshire (Mr. S. Herbert) misrepresented the policy of the Government when he said they were pursuing hostilities with the object of obtaining the reception of Sir John Bowring by the Chinese authorities at Canton. That might be a misrepresentation, but I thought it was a very fair misrepresentation. The House is, however, left completely in the dark as to the real objects of the Government, for whatever we assert those objects to be we are sure

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o be told we are misrepresenting it. The Consul who required reparation in the case of the *Arrow* declared that all the demands on that subject were satisfied. We are, then, pursuing some other object. That object is not the public reception of our representative in the city of Canton; but when the right hon. Baronet is asked what the object really is, he wraps himself up in very general and obscure terms, and says he wishes to settle upon permanent foundations our intercourse with China. Everybody will agree that that is a most desirable object; but the question recurs—is that arrangement founded upon any principles which this House has approved? Is it not, on the contrary, founded upon principles which it has disapproved? Who are to be the judges of the future arrangements which are to regulate our relations with China? Are they to be those very persons who have involved us in the present difficulty, and in whom the House declares it has no confidence? If that is the case, I must say that when we are asked for large votes in supply it will be but reasonable that we should call on the Government to declare what terms they intend to propose to China, and with what object hostilities are pursued; because I believe the House of Commons was never, during the course of its existence, placed in the situation of being required to afford the greatest marks of confidence to a Government whose course of policy it has already disapproved—of being required to give votes implying its readiness to agree with the Government, while they do not inform us what are the objects to which those votes are to be applied. It does not appear to me that it would be very difficult for the Government to inform us what those objects are. I do not think there would be any hesitation on the part of the House in agreeing to all those votes which would be necessary to enable the Crown to appeal to the country by a dissolution. It may be, as many hon. Gentlemen seem to think, that the state of parties will be cleared up by that dissolution. I must say, my attention being called to this vote, I think the noble Lord did not very fairly represent the state of affairs when he said the question that might arise upon the vote of Tuesday night would be whether the present Ministry should remain in office and appeal to the country, or whether a Ministry should be formed out of the combination of different parties who supported

the Motion of the hon. Member for the West Riding. I think it is very possible that persons who read the papers upon China might, without any sort of concert or combination, have come to the same conclusion at which the House arrived the other night. I do not believe that that concert or combination existed. There is, as every one knows, a great party sitting on the opposite side of the House. I do not know that they have a combination with any other party, and I suppose they would be the persons to whom Her Majesty, if She were obliged to have recourse to other advisers, would confide the formation of a Ministry. I can only say that any charges of combination which seem to be made, and which, no doubt, will be got up at the elections—any charges of a factious and unscrupulous union of parties in order to obtain a certain object, are entirely false and calumnious. There is no one in a condition to prove such charges, or to bring the least evidence in their support. Certainly the different parties in the House—a great number of the party opposite, and a considerable number of hon. Gentlemen on this side—concurred in the Resolution of the hon. Member for the West Riding, but I believe they concurred in it honestly and upon its merits. However the Government may admire the proceedings of Sir John Bowring in China, they are disposed to disapprove them. They regarded this question—and it is immaterial whether it concerned the Chinese or any other nation—as one relating to war, to hostilities, to the destruction of many lives, and which might lead to great calamities; and they felt it was a question upon which they were bound to express their opinion irrespective of party prejudice and partialities. I must say, for my own part—having heard that vote of the House attacked, sometimes directly and sometimes covertly, in the course of this discussion—that I believe no vote will do more honour to the House of Commons in the year 1857. As the existence of this Parliament is not to be protracted, I must say I think it will always be remembered to its honour that, when it was called upon by the Government to engage in a contest with one of the greatest Powers of Europe, it never hesitated to grant any supplies that were demanded, to adopt any addresses that were proposed, or to vote any number of men that were required. It will be remembered that this Parlia-

ment never exhibited the least unwillingness, the least backwardness to contend with that great Power; but that when it appeared to the House of Commons that we had engaged in hostilities with a weak, an unwarlike, and an almost defenceless people, then, interposing an interruption to the proceedings of the Executive Government which they had not interposed before, they, not less in the cause of humanity than with a view to support the honour of the country, censured the course that had been taken. I think that vote was honourable in itself, and I believe it will be an honourable precedent in the future history of this country. I think Parliaments have been too prone to approve hostilities without considering, and weighing, and examining the grounds upon which such hostilities have been commenced. This House has shown that, while it has been ready to make any sacrifice in order to carry on a just and necessary war, it would not approve blindly all hostilities which it might be asked to sanction, and for which no case of justice could be established. After so much has been said attributing the vote of the other night to every motive rather than a fair and honest decision upon the merits of the question, I cannot but protest against such an imputation; and I can only again express my hope that, before this debate ends, my noble Friend (Viscount Palmerston) will give us some notion—some distant idea at least—of what are the objects with which we are carrying on hostilities in China, and what are the results that he is desirous of arriving at.

MR. ROEBUCK: Sir, I rise to address myself mainly to one statement made by the noble Lord at the head of the Government. The noble Lord has described the vote come to by this House on Tuesday night as the result of a combination of parties, and, by a combination of parties, judging from the manner in which he used the phrase, he meant a conspiracy of parties. Well, in recording their votes on that occasion, Gentlemen of different political feelings and opinions went into the same lobby. Is that circumstance to be deemed a proof of conspiracy? If so, then the noble Lord at the head of the Government, on the recent Motion of the hon. Member for Surrey (Mr. Locke King), conspired with Gentlemen opposite to defeat that Motion. Speaking for myself—and in doing so I speak also the opinions of a great many gentlemen on this

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side of the House—I know nothing of any combination of parties. I was called upon to give a vote upon a matter that involved the honour of my country. That honour I deemed in danger from the conduct of the noble Lord and his subordinates, and I voted against him on the Motion of the hon. Member for the West Riding. I did this, not because I agreed with the Gentlemen opposite, but because I agreed with the Resolution of the hon. Member. I thought dishonour and disgrace awaited my country. I thought the only shield that stood between us and disgrace was the vote of this House—that vote to which they came, and in support of which I lent my humble voice. We were told that we were to have an explanation. A trumpety statement has been made, and that statement is called an explanation. An explanation of what? Of a policy? No. They have no policy: and hence the meagre explanation we have this night heard. In fact, a set of men who acted in the name of England, have disgraced England; that set of men has been upheld by the noble Lord, and this House, coming to the rescue of England's honour, has declared against the noble Lord and his Government. It would have been otherwise if the noble Lord had continued to be what he was in times past, when he declared himself the supporter of liberal institutions and liberal opinions. We have not deserted him, but he has deserted us. Where he went we would not follow, because it was to disgrace; and it was because we anticipated disgrace and dishonour to England that we voted against him.

MR. JAMES MACGREGOR said, that two Cabinet Ministers had risen since the hon. Member for the West Riding had resumed his seat; yet the question put by him had received no answer. He wanted a distinct answer to the question, What was to be done with the man who represented the Government of this country at Hong Kong? Was Sir John Bowring still the man whom the Ministry delighted to honour? Did they mean to continue confidence in a man who, according to a vote of that House, had been guilty, not of an indiscretion, but of a crime? Was he still to represent the greatest monarchy in the world, and have authority over the fleets and armies that might be sent to China to defend our countrymen in that part of the world? Whatever might be the decision of the House on the proposition of the noble Lord,

an answer to that question, what was to be the future fate of Sir John Bowring, was due to the majority who voted on the Motion of the hon. Member for the West Riding.

MR. GLADSTONE: Sir, after what I may be permitted to call the bare and meagre statement of the noble Lord at the head of the Government, the right hon. Gentleman the Member for Buckinghamshire rose in his place, and stated that he, on his part, would give every facility for advancing the public business. I have not the slightest doubt that the right hon. Gentleman assumed that which it appears to me the House would then have been entitled to assume, but which the answers since given by Gentlemen sitting on the Treasury bench show me it would have been wrong in assuming too hastily. I refer to that point which the noble Lord the Member for the City of London has argued in terms worthy of himself, and in terms which I think will carry conviction both to this House and the country. Sir, I can hardly express the amazement with which I listened to the speeches of the First Lord of the Admiralty and of the Secretary for the Home Department. The right hon. Gentleman the Secretary for the Home Department says he does not understand the Resolution of the hon. Member for the West Riding. Sir, I know nothing about a Resolution of the hon. Member for the West Riding. I know a Resolution which was once the Resolution of the hon. Member for the West Riding, but which has now become the solemn judgment of the House of Commons. In the course of our long debate, different views, different principles, different conclusions, were strongly adopted and urged upon the two sides of that discussion. No man went further—indeed, no man went so far—in vindicating the wretched policy of which we have read some of the results in the journals of the day, than the noble Viscount at the head of the Government. I will not enter into the details of that debate, but every one will remember that views completely opposite were developed on the one side and on the other with regard to the policy and objects of the war in China; and when the Secretary of State for the Home Department accuses my right hon. Friend near me (Mr. S. Herbert) of being wrong in the inference he drew that we were making war in order to secure an entrance for Sir John Bowring into Canton, I want to know, if we are not making war

for that object, what is the object for which we are making it? It has no reference to the affair of the *Arrow*, for that is settled: you cannot escape the effect of the passage in which Consul Parkes has made that final announcement to the Chinese. Therefore we can be at war only to find an entrance for Sir John Bowring into Canton. I have said there were two different sets of opinions developed in the debate with regard to the policy and objects of the war. We are now told the House of Commons is to be dissolved. I am not in the least degree dissatisfied with that announcement, as it will remain on record that the reason why the House of Commons is dissolved is because it has struck a deadly blow at a great iniquity. But the question now is—as the House is to be dissolved; as several weeks are to elapse before the dissolution can take place; as several weeks must elapse without a Parliament being in existence in the country; and as some time even after the convocation of the new Parliament may elapse before it can give a distinct judgment on these matters—the question is as clear as day, though two Cabinet Ministers have been unable to comprehend it, upon what policy and upon what principles are your measures in China to be carried on during the interval of three months that is before us? That is the question, which has been plainly put, and it is one to which the House is bound to require an answer. What is our position? Hostilities have been commenced in China by the local representative of the British Government. These hostilities have been adopted, appropriated, made their own, and vindicated in this and the other House of Parliament by the advisers of the Crown. These hostilities are now going forward. It was the duty of the advisers of the Crown, when they determined on adopting hostilities, to come down in time to the House of Commons and to ask the judgment and approval of the House for those hostilities. Why, Sir, who are to be charged with the expenses of the war? I apprehend it is the people of England. Who is authorized to tax the people of England for carrying on that war? Is it the noble Viscount? I entreat this House not to be beguiled for one moment into forgetfulness of its first and most essential function. It is our right, and our right alone, to vote the supplies out of which are to be paid the means of carrying on hostilities in China. But, now that these hostilities have been condemned as to their prin-

ciples and objects, the Members of the Government come down to this House and, with that condemnation before them, speak of it as a Resolution of the hon. Member for the West Riding, and distinctly intimate to us that the war is to be carried on in China just as it would have been if that vote had never been come to. Sir, most anxious as I am, in common with the right hon. Gentleman the Member for Buckinghamshire, to afford every just and reasonable facility for putting forward the public business, I frankly own that I am not prepared to abdicate the essential duties of the House of Commons. The House of Commons has been wronged; its rights and privileges have already been disparaged by the Government. They commenced a war with Persia, and they began hostilities in China, without the authority of Parliament. It is not the duty of Parliament to allow these things to proceed, and then to have a bill rendered, and be told, "There is the charge." Why, Sir, you might as well shut up the doors of this House as that such things should happen. It is our duty as well as our privilege at the time when we vote the supplies—that is, before and not after hostilities have been begun—to be the judges of the purposes for which those supplies are given. I defy the noble Lord to escape from the principle which the constitution of England has laid down as to the right of Parliament over the vote of the supplies for the purpose of carrying on the undertakings of the Government. I hope, therefore, we shall obtain a clear answer, or at least some answer—as yet we have had absolutely none—to the question which has been put to the Government. My noble Friend at the head of the Government told us, most rationally, that he was going to make a statement, and he would move the adjournment of the House in order that hon. Gentlemen might be able to comment on it; but instead of making a statement on which we might comment, he guardedly kept back the whole pith and marrow of what would constitute an explanation—we have been told nothing, indeed, except that we are to be sent about our business; so that the only refuge or expedient open to Gentlemen near me has been to get up and put questions to the Government, by the putting of which questions they have forfeited their right and opportunity of commenting on any statement that may be made. What I wish to state is this—that while I shall

listen respectfully to the statement which my noble Friend has not made, but which, perhaps, he will presently make, upon this vital and essential subject, I hope it will be understood that there is no pledge or understanding whatever which in any way fetters the free action and judgment of this House, or implies that we are to play a Ministerial part in regard to the taxation of the country, every essential office remaining in the hands of the executive advisers of the Crown. Sir, the noble Viscount has referred again to-day to the subject of combinations, stating that he was beaten on Tuesday night by a combination of differing elements present in this House ["Hear, hear!"]—and again I see that faithful band, who, I thought, had been immortalized already by the reply of the hon. Member for the West Riding, are desirous to acquire additional fame by adding the high sanction of their cheers to the statement of the noble Viscount that he has been beaten by a combination. I apprehend, Sir, that many questions might be raised upon the meaning of the term combination; but I will say, with due respect to the occupants of the Ministerial benches, that there never was an occasion upon which it was less the interest of the Government to invite a minute examination of the contents of the division lists. Sir, in considering these contents I put entirely out of view my right hon. Friends who sit near me (Sir J. Graham and Mr. S. Herbert). I admit, with respect to them and to myself, that our isolated position makes us the natural objects of suspicion, and that if we be accused of intrigue or combination, though we may feel the charge unjust, we must bear it with patience. I put, therefore, that which is most interesting to me—my own character—entirely out of view;—but when, I should like to know, has it before happened that a case so strong has been established as to compel this House to interpose for the purpose of checking the mad career of Government in a war at the other extremity of the globe? Frequently we have seen this House challenged to the trial of questions of foreign policy; but never upon a single occasion within my recollection has it consented to interfere. The House of Commons has always felt its own weakness with respect to these matters—its own want of information; and, as that is the fixed rule and usage of Parliament, the presumption is, that when that usage is altered it is altered not without reason. In

the present instance Parliament has felt that an overruling necessity compelled it to interpose for the purpose of rescuing the best interests and—what is dearer than all interests—the fame and honour of the empire from the hands of men unfitted to guard them. But, Sir, what was the case. The majority for the Resolution comprised the great party in opposition, which at all times represents either the first or the second power in England. Associated with that party was my noble Friend the Member for the City of London. And who is my noble Friend? I do not speak now on the ground of precise agreement with the noble Lord upon every political question; but I speak of him as history will regard him hereafter, and as England regards him now. He is at any rate the man who led the Liberal party in this country during more than twenty most eventful years, and he is the man under whose guidance that party has achieved the greatest triumphs it has ever won. With him was joined the ablest and most distinguished men among the popular leaders of England; and in the list of the majority we likewise find the name of the hon. and learned Member for Sheffield (Mr. Roebuck), who, so far from being a political enemy of the noble Lord at the head of the Government, in the year 1850, when he thought the foreign policy of the noble Lord upon the whole deserved support and approbation, himself challenged in this House an adverse vote of the House of Lords, and carried a Resolution which, no doubt, the noble Lord has always regarded as one of the most signal triumphs of his political career. Under these circumstances, Sir, I think it is a little too much for the Members of the Government to challenge an inquiry into the constituent parts of the majority by which on Tuesday night they were defeated. But the noble Viscount has been so pointed in his allusions to this subject of combination that I feel it my duty, on my own part and on that of my right hon. Friends, to say a very few words. The noble Viscount has spoken to-day of a combination. On a former occasion he spoke not only of a combination, but of the purposes of that combination—of a secret treaty for the acquisition of office. Sir, the hon. Member for the West Riding spoke in terms which I thought did him honour, and which, at the same time, rendered a just and merited tribute to the noble Viscount, when he described the manner in which my noble

Friend usually assails his political opponents. I gladly admit—and it is agreeable to me to make the admission at a time when I am objecting to the proceedings of the Government—that the good-humour with which the noble Viscount addresses this House is such that it disarms resentment even when he utters what from the mouth of other men would sound like strong reproaches. I am sure that my noble Friend used the alleged combination as a mere weapon of debate, and without intending to impute that which his words seem to imply. Be that as it may, the noble Lord spoke in entire ignorance of the fact, if he believed that any combination existed other than a combination in the division lobby. The case, as regards my right hon. Friend and myself, is this. Upon the first night of the present Session we, like the rest of the House, heard the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) make an announcement for which we were not prepared—namely, that he intended to abide by certain principles of finance, and to endeavour to apply them in the regulation of the income and expenditure of the year. Upon the basis of that public declaration, heard by the Government and the House at the same moment that it came to our knowledge, we supported a Motion of the right hon. Gentleman, with which our principles were thoroughly in harmony. That, Sir, is the history of the combination with the right hon. Gentleman the Member for Buckinghamshire, and in that history the whole truth of the case is comprised. Just in the same manner, somewhat later, we saw the hon. Member for the West Riding rise from his place, and heard him deliver a notice with regard to the affairs of China, for which we were equally unprepared, but with the statements contained in which we thoroughly and cordially agreed; and in consequence of that concurrence we gave to the hon. Member the best support we could in public debate; and I should like to know whether we should not have been guilty of a breach of public duty, both in the one case and in the other, if, with the convictions we entertained as to the interests of the country, we had thought for a moment of pursuing any other course. Sir, these are the combinations for which we are responsible—but for these only. Our opinions are before the country; and whatever may be said of us, at least it will be admitted that we have never shrunk from stating them

openly in this House. Our opinions, especially with regard to finance, with regard to taxation, and with regard to public expenditure, have been so clearly declared in the course of the present Session, that there can be no doubt about them. By those opinions—not in harmony, I am sorry to say, with the course of the Government, but strictly in harmony, as we believe, with the interests of the country—we mean to abide, whatever may happen in the vicissitudes of public life. That is a duty due from us to public principle; I leave it to the hon. Member for West Norfolk to consider whether it entirely corresponds with all that his lively and vigorous imagination has led him to apprehend. Before sitting down, I am bound to state that with respect to most subjects—with respect to finance, with respect to revenue, with respect to public expenditure, I am left entirely in the dark by what, I suppose, I must in courtesy call the statement of the noble Lord at the head of the Government. He intends, as I understood him, to take certain taxes for the year, and the Estimates and the Mutiny Bill for part of the year. I should have been glad to give to the Government the best information I could with respect to my own course if the noble Viscount had been more minute in the information he afforded us. The matter is somewhat urgent at present. A Committee of Ways and Means stands for to-morrow, and I myself have given notice of a Motion which I intend to make in that Committee. I am bound to say that nothing which has happened yet induces me to believe that there is any cause for this House, during the remaining term of its existence, to relax any part of its vigilance as regards the taxation and expenditure of the country. Upon that principle it is my intention to act, though my precise course will depend upon what may be said by the noble Lord at the head of the Government. At the same time, with a view to an appeal to the country, I am ready to join with the right hon. Gentleman opposite in affording every facility for the despatch of necessary public business.

MR. T. DUNCOMBE: I think it likely that those hon. Gentlemen who met by accident in the lobby the other night, would not meet there again if a vote could be taken on the question before the House. I think the speech of the right hon. Gentleman who has just sat down must have been meant to mystify the House on this ques-

tion. He has stated the condemnatory Resolution, moved by the hon. Member for the West Riding out of a sincere regard for his old friend, Sir John Bowring, after an intimacy of twenty years, is now the solemn judgment of the House. Well, if I understand the noble Lord the Prime Minister rightly, it is from that solemn judgment he is about to appeal to the country. The right hon. Gentleman says, "Look at the contents of the division list," but what did he say of the contents? The only portion of the contents he introduced to the notice of the House was the noble Lord the Member for the City of London; and the right hon. Gentleman said: "Fancy appealing to the country against that noble Lord's decision!" Nevertheless, the noble Lord at the head of the Government is going to appeal against this—we are not to call it combination—but this union of parties that met in the lobby the other evening; at all events it is a very remarkable coincidence that the same sort of Motion as was proposed here should have been made by the leader of the Opposition party in the House of Lords about the very same time. Well, the noble Lord at the head of the Government naturally thinks that this Motion of the hon. Member for the West Riding, having been supported by the right hon. Gentleman the leader of the Opposition and his Friends, supported too by those Gentlemen who are known generally throughout the country as belonging not only to the Manchester school, but to the peace-at-any-price party, and supported also by those who were the former adherents of Sir Robert Peel and the former colleagues of the present Prime Minister—the noble Lord naturally thinks that it does look something like a combination of parties that has defeated him. "Look at the contents of the division list," and I say that the noble Lord the Prime Minister is perfectly justified by those contents in appealing to the country. Those who represent the largest constituencies will be found on his side. Out of fifteen metropolitan Members—[Laughter]—aye, laugh at the metropolis if you like; but out of fifteen metropolitan Members twelve voted in the minority with the Prime Minister, and three in the majority. Take the West Riding. What happened there? Certainly the hon. Gentleman the present Member for the West Riding moved the Resolution to which I have just alluded; but I understand he is about to quit the West Riding. What did the

other Member do? Why he voted against his hon. colleague. What have some of the largest towns done through their representatives? You laughed at the metropolitan Members; now laugh at these if you like. Laugh at the Members for Birmingham and Leeds. Then I say that the right hon. Gentleman the Member for Buckinghamshire and those Gentlemen who met together in the lobby the other evening are not likely to meet again in the lobby on this question; because, while the right hon. Gentleman the Member for Buckinghamshire says the noble Lord at the head of the Government has dealt most frankly, fairly, and honestly by the House, the Gentlemen on the benches near me (Mr. Cobden, Mr. Gladstone, and others) say that the noble Lord at the head of the Government has acted most disingenuously; and the right hon. Gentleman the Member for Oxford University exclaimed, "We must force him to say more, and must have the question answered, 'Do you mean to reverse the policy you have been pursuing in China?'" Why, the noble Lord has told you he does not [*cheers*]; and he says he believes that the country thinks him right in not reversing that policy. And why is the country of that opinion? Because it believes that the noble Lord will maintain the national honour, and is determined not to permit treaties to be evaded with impunity. So the Prime Minister says to the country, "Judge among the different parties in this House which Administration you would like best; whether the present, pursuing a liberal foreign policy, or a Government which will give you peace at any price, and will be supported by right hon. Gentlemen formerly colleagues of the noble Lord and members of Lord Aberdeen's Administration." The people will ask themselves this question: "Did we applaud the policy recommended by those right hon. Gentlemen in reference to the war with Russia. If their advice had been followed, where should we have been now? Where would have been the peace—a peace which, though not all that Englishmen desired, is yet a peace of honour in comparison with what they would have got at the hands of those right hon. Gentlemen, or, as far as we know, at the hands of the noble Lord the Member for London? We are all perfectly well aware that the noble Lord the Member for London was a British lion here at the table of this House, but at

Vienna he was a spaniel. Recollect the advice given by the right hon. Gentleman the Member for Oxford University with respect to the Russian war. He said that that was a wicked war, and advised you to retrace your steps—"Order!"

MR. GLADSTONE said, he believed he was in order in rising to contradict the assertion just made. It was an entire and absolute, though doubtless an involuntary, misstatement. He had never said a syllable of the kind. He had often said directly the reverse.

MR. T. DUNCOMBE:—I am not talking of what the right hon. Gentleman said to-night. Did he not say that it was a war in which England ought not to have entered; and that the Emperor of Russia ought to be reimbursed for his expenses? [MR. GLADSTONE: I rise to protest against that statement—"Order!"] Well, if I am not allowed the usual privilege of Members I will sit down.] I certainly must have misunderstood the right hon. Gentleman if he really approved the war at the time of the discussion which took place after the return of the noble Lord the Member for London from Vienna. It was on that occasion that the right hon. Gentleman, though having belonged to Lord Aberdeen's Government—and here is the inconsistency of his conduct as understood by the public, and he ought to be obliged to me for clearing it up—did disapprove the manner in which the war was carried on, though that was a war agreed to under the Aberdeen Government. Then with regard to the right hon. Member for Wiltshire (Mr. S. Herbert)—but I suppose I am wrong here also—I understood him in that very discussion, when the noble Lord the Member for London returned from Vienna, and when we debated the "four points," to say that we ought to have been satisfied with the two points which the noble Lord and the Conference had agreed to—"No, no!"—and ought not to have insisted on the remaining two. Do you mean to deny that?—"Hear, hear!" Well, at all events, he said we ought to have been satisfied with three points. Such was that right hon. Gentleman's policy with regard to the war. Then there is the right hon. Gentleman the Member for Carlisle (Sir James Graham). It is now said that the present Government has no policy. What was his policy? I remember that right hon. Gentleman concluding a speech by saying that we should not "drive Russia

to the wall." Why, what was the object of the war but to "drive Russia to the wall? and we did it;" and got a peace, efficient in some respects though not in all, but very different from that which those right hon. Gentlemen would have got if they had continued to have the administration of affairs. Then I say that the noble Lord the Prime Minister will, with respect to his foreign policy, meet with the support of the people during the appeal he is about to make to the country. With respect to his domestic policy, of course he must take a more decided stand—he is too much of a diplomatist not to see that he must come to terms with the Liberal party. He has not said that he is against all reform, and the Bill which the noble Member for London introduced in 1854 met with the concurrence of the noble Lord now at the head of the Government. Therefore, I do not see that any one has a right to say that the present Prime Minister is against all reform; but the right hon. Gentleman opposite (Mr. Disraeli) if he gets into office, will give us no reform at all. Then I think that the noble Lord has nothing to fear from any of these parties; and if he will only continue that course, and will proclaim to the country that he will maintain the honour of our national flag, and that he will not allow treaties to be violated with impunity, I say that he may defy that petty jealousy by which he is surrounded here, and set at nought that misrepresentation to which he is exposed elsewhere; because he will receive the support of a vast majority of that large community whose interests are committed to his care, and who will not allow those interests to be sacrificed either to unprincipled combinations and cabals, or to mere accidental meetings in the lobbies.

SIR JAMES GRAHAM: I should have thought, Sir, that the present debate had been sufficiently wide and desultory without needlessly introducing into it the point which my hon. Friend who has just sat down has thought fit to introduce—the commencement and conduct of the Russian war. But he has, unintentionally no doubt, so misrepresented what has fallen upon former occasions, both from myself and from my two right hon. Friends who sit near me, that I cannot allow this debate to close without offering a few words in explanation. My two right hon. Friends and myself were the colleagues of the noble Viscount and of the right hon. Gentleman

near him on the Treasury bench at the time of the declaration of that war. We believed it to be a just and necessary war. We so declared it from the very commencement and during its progress; and from that declaration and opinion we have never varied. Together with the noble Viscount, when we were his colleagues for a short time after the fall of the Aberdeen Administration, we were parties to sending my noble Friend the Member for London to Vienna to negotiate a peace; and so far from driving Russia to the wall, which I admit I declared to be impolitic, we were parties to the instructions which were given to that noble Lord with reference to the negotiations at Vienna. My two right hon. Friends and myself, who still retain the opinion that peace with Russia might have been honourably and advantageously concluded in conformity with those instructions, coincided in the opinion with the noble Lord who attempted to negotiate that peace, and with the noble Viscount the First Lord of the Treasury, who not only was a party to those instructions, but who was at the head of the Administration when they were framed; and I must observe, if we are to try either the negotiations at Vienna or the conclusion of peace by the question whether Russia was driven to the wall, that it must be remembered that that peace was concluded with the fort of Sebastopol still in her possession, and with her power somewhat broken, it is true, in the Black Sea, but by no means impaired in the Baltic. So much with regard to the Russian war. I may now, perhaps, be permitted very shortly to express my opinion with regard to the main subject under discussion. My noble Friend the Member for London has referred to the "penal dissolution" of Parliament, and it cannot for a moment be doubted that the threatened dissolution is of a penal character. A dissolution of that description was resisted by Mr. Fox, in 1784, who so stigmatized a dissolution of this nature, even to the last extremity of the passing of the Mutiny Bill; but, with all respect to that great constitutional authority, I do not think that the precedent is one which ought to be followed. That resistance was pushed, as I have said, to the last extremity; but Mr. Fox, and those who acted with him, although they constituted the majority of this House, seeing the inevitable confusion and mischief to the State which was likely to result from their continued opposition, at last gave way,

and allowed the Mutiny Act to be passed. The consequence was to give to their opponent, Mr. Pitt, an immense advantage—their protracted resistance at last falling placed him in power, which he retained for twenty years, and lost to that party, of which Mr. Fox was the distinguished leader, a great portion of the strength and eminence which until the dissolution that party had enjoyed. I therefore think, both on constitutional grounds and with reference to example, that any such opposition to the passing of the Mutiny Bill ought carefully to be avoided; and I, for one, entirely concur in the course which has been proposed by the noble Lord, and in thinking that every facility should be given for passing the Mutiny Bill for a period to be limited to less than one year. But, as the Mutiny Bill is necessarily based, both as to the marines and to the army, upon the number of men to be voted by this House, I may probably be allowed, though somewhat prematurely, to express my opinion with reference to the amount of the force proposed. As regards the navy, I am quite ready to give my assent to the number of them proposed to be voted. As regards the army, I personally entertain the opinion that the amount of that force is larger than can be required, considering the state of profound peace which now happily exists in Europe and throughout the world, with the exception of the war in Persia—if it still be an exception—and China, the subject of our recent debate; but, confining our view to Europe and to the peace which prevails in the Western world, I think the force is larger than the necessity requires. But if we are driven to vote that force with reference to continued hostilities in the East, even though we are a moribund Parliament, I should demur to being concluded by any such vote, as sanctioning the maintenance of so large an army. It must be remembered, however, that the force voted is a maximum force, and, as the Mutiny Bill for the army must be based upon some definite number, I should, for a time to be limited, be willing to give my consent to the force proposed, always assuming that it will be perfectly open to the new Parliament to reconsider the number of men. But this brings me to a point on which I feel the utmost practical difficulty, and with respect to which I trust that the noble Lord in his reply will give us some clearer notion than he has yet done of the

policy which he intends to pursue—I mean with respect to taxation. While we differ in many other particulars, I think that we are all agreed in this—that in justice to the taxpayers of this country no advantage shall be taken of the technical ground on which it might be proposed to insist upon the exaction of 1s. 4d. in the pound, the war amount of the tax affecting incomes, for the year from April, 1857, to April, 1858. It must be observed with regard to this particular branch of war taxation that it is composed of two different items—one a 9d. added shortly after the commencement of the war, the other an item of 2d., also of a war character, making in all 11d., which was proposed and sanctioned in consideration of the war; so that if the law as it now exists were not maintained in its utmost rigour, the principle which ought to come into operation on the 5th of April next would be the reduction of the tax from that period to April, 1860, to 5d. in the pound. The great question, then, will arise before Parliament dissolves, and it is impossible for us to evade it, what shall be the amount of income tax to be levied for the ensuing year? That question must be gravely considered with reference to the expenditure of the State and to the policy of the Government, and it cannot be considered apart from the question of Persia and the Chinese war. Another question, also, hardly less important, upon which discussion cannot be avoided, arises out of the circumstance that £4,500,000 of arrears of war income tax will have to be levied between the 5th of April and the 6th of October; and that that sum having by the decision of Parliament been appropriated to the extinction of a particular portion of the debt—of the £6,000,000 of Exchequer bonds—it is sought by the Government to apply it to the expenses of the current year, by a departure from the policy which was fixed in 1853 by this House in the most deliberate manner. I imagine that these questions must be decided, and that they cannot be postponed. So, also, with respect to the tea duty, which stands for discussion to-morrow night. If the law be left to take its course, the duty upon tea will not exceed 1s. 3d. per lb. from the 5th of April next, but the Government now propose a considerable augmentation of that duty. The same thing applies to the sugar duties; and it is for the House to determine, with reference to present circumstances, when we are about to meet our constituents,

whether we shall impose upon the first necessities of life next to bread any additional tax partaking of the nature of a war tax. In passing, I may mention also the spirit duties—with respect to which I may say they are duties which ought to be carried to the utmost extent consistent with security to the revenue. An addition was made to those duties with the sanction of Parliament for a short period only, and it is now sought to render the increased duties permanent. I do not object to that; but I say that these are questions of finance which must be dealt with forthwith. Now, I think that with reference to the important matters which I have mentioned, some explicit information from the noble Lord as to the course which he intends to pursue with reference to taxation would be not only conducive to the convenience of the House, but just to the community whom we represent. If the noble Lord is about to address the House again to-night, I hope he will have the kindness to leave no doubt upon our minds in these respects.

SIR JOHN PAKINGTON: Sir, I think that what fell from the hon. Member for Finsbury with respect to the Russian war, has been already very clearly dealt with; but what has just been said by the right hon. Baronet (Sir J. Graham) renders it most necessary that we should receive from the noble Lord opposite some more distinct information than we have yet had, whether it is the intention of Her Majesty's Government to pay any degree of deference to the vote of this House on last Tuesday night. I think it is quite unnecessary, notwithstanding what fell from the hon. Member for Finsbury (Mr. T. Duncombe), that I should repeat, or in any way refer to what fell from the noble Lord the Member for London, or from my right hon. Friend the Member for the University of Oxford, with regard to the supposed combination of parties which led to the vote of Tuesday night. But I think it most desirable that we should receive from the Government an explanation of their intentions with regard to the Chinese war, and more especially after the statement of the hon. Member for Finsbury; for, if I rightly understood that statement, he understood the language of the noble Lord to-night to mean that the Government do not intend to alter their policy with regard to China in any degree, or to make any change in those hands to which the conduct of our affairs

in China is now intrusted. I fully expected (and that expectation was no doubt entertained by the great majority of this House) that the noble Lord would, on the part of the Government, announce that it was their intention to appeal to the country; but I confess I also expected that that announcement would be accompanied by a declaration that the conduct of our affairs in China is no longer to be left in those unsafe and incompetent hands in which it now is. I am disposed to infer from the silence of the noble Lord on this subject, followed as it has been by the two evasive speeches of the First Lord of the Admiralty and the Secretary of State for the Home Department, that Her Majesty's Government have not yet made up their minds on this subject; but I hope that before this House is called upon on Friday next to vote supplies in order to facilitate that dissolution which the noble Lord has announced, he will be prepared to state to the House what policy the Government mean to pursue in that respect. I am the more anxious to hear that statement in consequence of the extraordinary statement of the Secretary of State for the Home Department with reference to what fell from my right hon. Friend the Member for Wiltshire (Mr. S. Herbert). If I understood the Secretary of State for the Home Department correctly, he denied that the hostilities in China were caused by a desire to renew and obtain by force of arms the right to enter into the town of Canton. Now, if that is not why we are carrying on war in China, I join with my right hon. Friend the Member for Wiltshire in requesting that we may be informed what it is that we are fighting for. Then, again, I heard with surprise the statement of the right hon. Gentleman, that any danger to British life or interests in China is to be traced to the division of Tuesday night. The statements in the public journals of this day show that the deplorable impolicy of the course which has been taken by our officials in China has so greatly endangered British lives and British interests there that it is not likely nor scarcely possible for them to be more endangered by our vote on Tuesday night. Let me say, in fairness to the Government, that I am quite willing to believe the statement of the First Lord of the Admiralty, that Her Majesty's Ministers have not been negligent in adopting measures for the protection of our interests at Canton and Singapore. But I submit that after

Sir James Graham

the vote of Tuesday night this declaration is not enough. I think we are fairly entitled to ask—and I am sure that this demand is not inconsistent either with the words, or the meaning of the words, that fell from my right hon. Friend near me (Mr. Disraeli), as to our willingness to afford every assistance to Her Majesty's Government to prosecute such parts of the public business as ought to precede that dissolution which has been announced, with the reservation of my right hon. Friend that it shall be consistent with the public interests—we are, I say, entitled to ask the noble Lord whether the conduct of affairs in China is or is not to be left in those unsafe and incompetent hands in which they are now placed?

MR. W. J. FOX said, he did not wish to delay for a minute the explanation which the House was anxiously looking for from the noble Lord at the head of the Government; but he could not sit quiet under the imputation which had been cast upon him, in common with some other hon. Members, as to the vote of Tuesday night—first, by the speech of the noble Lord, and then confirmed and endorsed by that of the hon. Member for Finsbury. He repelled the accusation that he was influenced by anything like party spirit in joining in the vote which was given by himself and by a number of independent Friends on his side of the House. He thought that it was one of the most unjust imputations ever made in that House, for nothing was more alien from the feelings and sentiments under which those votes had been honestly given. The imputation was of this nature—that they were to be sent, by a penal dissolution, as it had been properly called, back to their constituents with the brand upon them that they had voted in a coalition in order to upset the noble Lord and his Government. That imputation was unjust, because a great number of those who supported the Motion of the hon. Member for the West Riding had been in the habit of supporting her Majesty's Government. He (Mr. Fox) admitted that he had great difficulty in making up his mind to vote on that occasion, because he did not wish to be in any way auxiliary to the restoration of a Derby Government, whether pure and simple, or in combination with any other portion of the Members of that House. Although the noble Lord at the head of the Government had in many respects disappointed his expectations; al-

though he had not adopted a course which might be expected from the successor of his great friend the Right Hon. George Canning, the champion of European liberalism; although he had on recent occasions lowered the flag of Reform, and thrown it into the dust, yet he (Mr. Fox) certainly was not disposed to give his voice for anything like a restoration of the Ministry of the hon. Gentlemen on the Opposition benches. The hon. Member for Finsbury had charged him with identifying himself with the peace-at-any-price party by his vote on Tuesday night; but he (Mr. Fox) appealed to the House whether his conduct during the discussions and divisions on the Russian war was open to that imputation? On the contrary, he endeavoured, and successfully, during those discussions to excite the feelings and co-operation of what was called the Manchester party in favour of the noble Lord, in order to strengthen his hands in the war against Russia. Were he, and those hon. Gentlemen who acted with him, liable to the imputations of the noble Lord and of the hon. Member for Finsbury after they had sacrificed those connexions that had been long endeared to them in order to do their duty to what they believed to be the honour and interests of their country? Every feeling by which he was influenced induced him to hesitate about giving his support to the vote of Tuesday night. He had had a lifelong friendship with Sir John Bowring. He had not only admired in him what all the world admired—viz., his great versatility of talent, but he had also seen in him sound principles, pure integrity, high-minded patriotism, and other qualities which would make him most unwilling to give any vote or do anything which could reflect on his character or hurt his feelings. But he could not give his sanction to the course to which Sir John Bowring had been a party in China, as he had always held that private feelings should not interfere with the performance of a public duty. He believed that Sir John Bowring had not acted upon the natural impulse of his own mind, but that he had been induced by the sinister and interested influence of merchants, and by the anxiety, perhaps, of military men for something like action, as well as by the stimulus which he had received from the Government at home, to adopt the course which he had unhappily pursued. Under such circumstances, being convinced that the Motion of the hon.

Member for the West Riding was nothing but what was just, and right, and true, he felt bound to support it. But it was not a coalition that carried that Motion. In the majority on Tuesday night were the representatives of all the different principles held in that House. High Conservatives, extreme Radicals, those who represented the old Whig party, every shade of opinion, voted in that majority, and nothing but the force of truth and the power of honest convictions could have brought them together. He looked back upon that vote with entire satisfaction, and could not but feel deeply interested in the policy which Her Majesty's Government were prepared to pursue with reference to China. There was no honour to be obtained in enforcing claims which we had agreed to waive, or which we knew were not founded on truth or justice. The honourable course would be at once to stop such proceedings, and to proclaim to the world that this House would be no party to them; that we sought amicable and commercial intercourse with a people widely different from ourselves, but that we respected these differences, and were prepared to violate as little as possible their feelings and their prejudices.

SIR FRANCIS BARING said, he was anxious to press the noble Lord for an explanation upon one most important point; but, before putting any question, he must say that he had heard with much pleasure from both sides of the House that, Her Majesty's Government having decided upon appealing to the country, no attempt would be made by anything like a factious opposition to delay that appeal. From the language which had been used on all sides of the House he felt confident that this promise would be kept. At the same time he was sorry to hear the cry which was always raised on occasions similar to this, that there had been a conspiracy. He would only say that he never came to a vote with more personal pain or after more anxious and earnest inquiry, and he never gave a vote in that House with a clearer conscience. If the time had to come again and it was to be the last vote which he was to give in that House, he would give it with the utmost cordiality, he might say, with the utmost alacrity. As they were going to the country upon the question—and he supposed that he and others who voted with him would have to go to the country like the others—whether the policy of Her Majesty's Government, or rather

the policy of Sir John Bowring, in regard to China, had the approval of the nation, he would ask his noble Friend whether Sir John Bowring was to continue in his present position? He wished to say nothing harsh of Sir John Bowring, but it was strongly impressed upon his mind that so long as the carrying out of the instructions from home was intrusted to his hands, it mattered not what those instructions were or how peaceful might be the tone adopted by Her Majesty's advisers, it was in vain that the most conciliatory tone might be taken by the Government. One thing, he thought, must have impressed itself upon the House as most remarkable—that in the late debate, no one except those on the Treasury bench, and hardly even they, ventured to defend the course which had been pursued by our representative in China. He therefore asked whether, after the vote of that House, this country was to be dragged further in order to protect and support Sir John Bowring? and whether Her Majesty's Government not only approved conduct which had been defended by no other Member of that House, but intended to continue the same policy by means of the same agent? Although not professing to be a friend of Sir John Bowring, he was anxious that, for his own sake, he should be removed from his present position. He believed that he was a man of considerable ability, and should be glad to see him employed in an office to which his abilities were adapted; but he did not think that the fortunes of this country, the fate of thousands, and the question of law and peace, could safely be placed in such hands.

MR. BENTINCK: I will not detain the House for more than a moment. The right hon. Gentleman opposite, the Member for the University of Oxford, after indulging a great deal on the subject of combination, did me the honour to refer to some remarks I had made, which he ascribed to what he was pleased to call my lively imagination. Sir, I will only say that I shall receive that statement, as I should any other of the right hon. Gentleman's, with civility, but I shall receive with great respect any statement of the right hon. Gentleman as to the origin and character of party combinations, relying upon his experience in such matters. I only regret that the right hon. Gentleman did not go a step further and tell us whether, at this moment, he really was not merely

willing, but anxious to carry this combination to a more substantial conclusion. I have only one word more to say. If it be my good fortune to meet the right hon. Gentleman again within the walls of this House at a future period—I say it without meaning him any disrespect or discourtesy—I hope we shall meet, as we do now, on opposite sides. If that should be my fortune, it is possible I shall again have to remind him of the remarks he has made to-night upon the subject of political combinations.

VISCOUNT PALMERSTON: Sir, with regard to the desire expressed by the right hon. Baronet the Member for Carlisle, I must answer that I do not think that the present is an appropriate occasion on which to go into those detailed explanations with regard to taxation and the Estimates—[Sir J. GRAHAM: To-morrow will do.] My right hon. Friend the Chancellor of the Exchequer will give proper notice to-night, and will to-morrow, in Committee of Ways and Means, give every explanation which can be desired on these points. A great deal has been said to-night which has more resembled a prolongation of the debate of Tuesday than a debate naturally arising out of the statement which I had the honour to make to the House. It was not my intention to renew that debate, nor will I do so now. Neither will I be led by the tone which some Members have adopted towards the Government to forget that good humour which I think ought to characterise the proceedings of this House. I must say that in one respect the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) has to a certain extent negatived the charge, if he considers it a charge, of a combination with the right hon. Gentleman the Member for Buckinghamshire. Combination implies a certain degree of similarity and identity of feeling. Now, the right hon. Gentleman opposite (Mr. Disraeli), in what he stated to the House, spoke with a calmness, a temper, and a statesmanlike view of a great occasion which did honour to himself and to the party of which he is the leader. The right hon. Gentleman the Member for the University of Oxford, however, was carried away by an impetuosity and irritation of mind which certainly did not betoken any previous concert with the right hon. Gentleman the Member for Buckinghamshire, and which will, I think, be considered by him an unfortunate omen for that co-operation which is to follow the

assumed combination between them. I said nothing to-night with regard to combination or conspiracy, or anything, I believe, which could give offence to any one. I did state that which is a fact. You may call it combination, you may call it the accidental and fortuitous concurrence of atoms; you may call it the accidental meeting of different Gentlemen in one lobby; but I say that when Gentlemen are in the habit of finding themselves in the same lobby it is not unnatural to suppose that they may, under certain circumstances, be ready to unite themselves together for forming an Administration, and become responsible for the opinions which they severally entertain. I do not mention this as a reproach. On the contrary, I state it as a fact; agreeing with the right hon. Member for Buckinghamshire in the principle which he has laid down, that it might not be inconvenient or injurious to the country, that there should be elements for the formation of an efficient Administration, if the country should think that the present one was no longer worthy of its confidence and support. Therefore I think that much which has fallen from hon. Gentlemen, and especially from the right hon. Gentleman the Member for the University of Oxford, was not appropriate to this occasion. But, Sir, my noble Friend the Member for the City of London is always disposed to follow in the footsteps of one for whom he feels respect and veneration, Mr. Fox; and, having discovered a precedent in which Mr. Fox spoke of a certain appeal to the country as a “penal dissolution,” he calls the proposed dissolution by the same name, and says that this dissolution is to be considered as punishing the House of Commons for adopting a certain vote. But, Sir, that is a strange doctrine, if this House is to be rightly considered as the true organ of public opinion—if Members are supposed to be speaking here the sentiments of their constituencies. If they are only echoing the opinion of the country, then those who think that their judgment is identical with the judgment of the country, so far from looking upon renewed intercourse with their constituents as a punishment, ought to anticipate it as a species of triumph. They ought to rejoice at the opportunity of coming back strengthened and supported in their antagonism to the Government by the recorded opinions of those who returned them to Parliament. So much, Sir, for the dissolution. Well, then, Sir, the right hon. Gentleman the Mem-

ber for the University of Oxford, among other charges that he makes against the Government, says that they embarked in the Chinese war without the sanction of Parliament. Sir, we never embarked in the Chinese war. I never said that we had, nor is the right hon. Gentleman entitled to say so. [Mr. GLADSTONE: I said Persia.] I am glad to hear that, although outwardly and with our ears we seemed to hear this, yet that it was not in the mind of the right hon. Gentleman. This would indeed be a most preposterous charge, seeing, as every one must see, that the Chinese war happened not only without our previous knowledge, but that we were as much surprised at the announcement as any hon. Gentleman who read these occurrences in the papers almost as soon as we were acquainted with them by the despatches. Then I say, with regard to those operations, that the House undoubtedly has a right to ask what has continued and what will continue to be the policy of the Government. Now, Sir, there will be no change, and can be no change, in the policy of the Government with respect to events in China. The policy of the Government is to maintain in China, as elsewhere, security for the lives and property of British subjects—to maintain the rights of this country as arising out of treaty obligations—to endeavour by negotiations either to improve our existing relations or to restore amicable relations if events have brought about a rupture. It is our duty, therefore, as stated by my right hon. Friend the First Lord of the Admiralty, to take measures and to make every exertion to give all possible security to British residents in China. No man knows better than my right hon. Friend the Member for Carlisle that that matter requires great consideration and considerable care, for he on a former occasion rather magnified the danger of British subjects in China; and it is clear that from the number of the parties concerned, the interests involved, and the number of the ports at which they are scattered, we do require ample means to provide for their security. A short time before this outbreak occurred we, in conjunction with France, and as we trusted in conjunction with the United States, by negotiations with the Court of Peking hoped to improve our commercial relations with China. Every one knows that if a great extension of commercial intercourse between the nations of Europe and China

is ever obtained it will be a great advantage to the cause of civilization, as well as a great benefit to the productive industry of the nations concerned. That, undoubtedly, is a very grave matter, and the difficulty is greatly increased by the unfortunate events that have occurred. And, without stating to the House anything that will produce matters still under consideration, I am bound to say that it will necessarily be the subject of serious deliberation with Her Majesty's Government who the person shall be to whom shall be committed so grave and important a charge. It must strike every one that a person who shall start from these shores on such a mission should be imbued with the feelings of the Government on this subject, and that, being the recipient of their verbal instructions, he would be likely to carry more weight than any person who might happen now to be in China. However, in saying that, the House will see that I by no means undervalue the merits of Sir John Bowring, to whom I think the greatest injustice has been done, and whose merits have been disparaged to a degree that has astonished me. But, at the same time, the Government cannot shut their eyes to the gravity and importance of the matters in hand, and it will be their duty to select for these negotiations, if they take place, some person whom they consider best calculated to carry them to a successful termination. The House must therefore understand that the policy of Her Majesty's Government remains the same; it is to maintain the rights and to defend the lives and properties of British subjects, to improve our relations with China; and I trust it will be found that in the selection of the means, and the arrangement of the means, for the accomplishment of those objects, we shall perform faithfully the duty that they owe to the country.

MR. SPOONER said he wished to make an observation or two on the speech just delivered by the noble Lord at the head of the Government. The noble Lord had said that the talents of Sir John Bowring had been undervalued unjustly; but what did the noble Lord say to Sir John Bowring's conduct in first stating that the Chinese were perfectly right in what they did in regard to the *Arrow*, and that she was not entitled to any protection, and yet, in a few days afterwards, declaring that the Chinese were wrong, and insisting that we were entitled to reparation. He (Mr. Spooner) wished the

noble Lord had given the House some information on the subject. His (Mr. Spooner's) opinion was that Sir John Bowring had disgraced himself and this country by that falsehood; and so long as the noble Lord countenanced such proceedings he would not have the support of the country in his dealings with other countries.

Mr. KER said, he expected that the hon. Member for the West Riding would follow up his Resolution by something more decisive than the sending of a messenger to catch the boat at Marseilles. As far as he was concerned, he should look for Conservatism where he could find it; and if he found it in the noble Lord at the head of the Government, he would accept it. It was difficult to find it amongst the blue, white, and red of the House. The debate exhibited merely what the French called *Chinoiseries*. He looked for something higher in art—some generalisation; something to tell you where you were.

Motion, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER said, that the debate had assumed to so great an extent the character of an adjourned debate upon China, that he had abstained from rising at an earlier period. He wished now to give notice that to-morrow he should make the same proposition to the House with regard to the income tax for the ensuing year which he had already announced, omitting, however, any proposal with respect to the two subsequent years. He did not desire to ask the House to agree to anything that was not necessary for the ensuing year, and he should therefore move to-morrow for the reduction of the income tax for the next year from 16*d.* and 14*d.* to 7*d.* for incomes above £150, and to 5*d.* for incomes between £150 and £100. It would be unnecessary to propose a Resolution in Committee of Ways and Means, as no new charge would be laid on to-morrow, therefore, he would move for leave to bring in a Bill to carry out the proposition he had mentioned. With regard to tea and sugar, he should confine his proposals to the next current year, and he should move to-morrow the rates of duty that he proposed to adopt for next year.

SIR JAMES GRAHAM took it for granted that the Chancellor of the Exchequer would not divide the House to-morrow night on these proposals.

THE CHANCELLOR OF THE EXCHE-

QUER said, he proposed to go into Ways and Means to-morrow upon the sugar duties, and to make this the first Order.

MR. GLADSTONE could not suppose the right hon. Gentleman intended to move at night the Resolutions he had placed in the hands of Members only the same morning. Such a course would be entirely contrary to Parliamentary usage.

THE CHANCELLOR OF THE EXCHEQUER said, he would not press his Motion to-morrow night if he thought it would be regarded as a surprise, but he did not propose any deviation from the scheme he had already announced, with one slight exception. He proposed that the duty upon tea should be 1*s.* 5*d.* next year, and that the sugar duties should remain exactly as he had already proposed. As this was proposing no material change, he did not see how his right hon. Friend could assume that the House would be taken by surprise.

MR. GLADSTONE submitted that the proposal as to the tea duties was really the corner-stone of the whole matter. ["Order!"]

MR. SPEAKER said, the right hon. Gentleman might put a question to the Chancellor of the Exchequer, but there being no Motion before the House he must now proceed with the Orders of the Day.

LAND TAX.

SELECT COMMITTEE MOVED FOR.

MR. MACKINNON said, that having given some attention to the condition of the land tax in Great Britain, he had been induced to bring the subject before the consideration of the House, and in the few remarks that he was about to make, he trusted it would be in his power to show that this tax was unfair, partial and unjust in its operation by the manner in which it was levied. There was a tax in France which resembled the land tax here, but in France that tax was levied with perfect impartiality. After referring to the origin of the land tax in former ages, he came down to the reigns of William and Mary, about 180 years ago, when an Act was passed establishing the land tax at 4*d.* in the £1 on land, and 1*s.* on personal property, &c. In Belgium, 15,000,000*f.* are raised annually. For the purpose of carrying this out, a certain valuation

was made and a rate established by the Commissioners of that day on the various districts throughout the kingdom, and this system continued until the year 1798. At that period Mr. Pitt, the Prime Minister, being hard pressed for money, and being desirous of lessening the National Debt, devised a scheme to allow the redemption of the land tax by the proprietors of land at a certain rate, which money was to be laid out in the purchase of 3 per cent stock, the funds being then between 50 and 60 per cent. For the purpose of effecting this operation, there was a necessity to make the land tax perpetual, and in place of making a fresh rate on the district valued by the Commissioners 180 years ago, the Act of Mr. Pitt took merely that of William and Mary, and this oversight appeared to have occasioned all the injustice and anomaly now existing in the collection of this tax. It must be evident, that if a certain parish or district was rated at a given sum for land tax—say £100—and that district became populous and wealthy, the payment of this £100 by individuals would be less in proportion as their number and wealth extended, and also the reverse would take place, that was, if a district became poor and the number of inhabitants diminished, the payment of the tax by each individual would be greater. He (Mr. Mackinnon) would show by facts that this was the case. In the Committee of 1833, and that of three years later, on Agricultural Distress, over which the right hon. Gentleman, the present Speaker, so ably presided, two witnesses were examined, Mr. John Wood, the Chairman of the Inland Revenue, and Mr. Garnett, the Secretary of the Commissioners of the Land Tax. The evidence of Mr. Wood was to the effect that some steps ought to be taken in reference to the land tax, as being unfair and partial in its collection, and the evidence of Mr. Garnett, in answer to a question put by the Chairman, was a full statement of the several districts in England where the land tax was collected, the amount paid, and the sum in the pound paid in each. From this statement it appeared, that in the great metropolis, taking the parish of St. Clement's and St. Mary's in the Strand, 3s. 2d. was paid; in St. Paul's, Covent Garden, 3s.; in the wealthy parish of Marylebone, one farthing in the £1; in

Mr. Mackinnon

Manchester, and Preston, and Salford, half a farthing in the £1; in Brighton, half a farthing in the £1; in Rye, 3s. 2d. in the £1; in short, the result of this tax was, that in a wealthy district it amounted to nearly nothing in the £1; and in a poor district to 15 or 16 per cent, which was the very reverse of all equitable taxation. He would mention one more instance of injustice. The assessment for the parish of Hicklesham, a small parish in Suffolk, amounted to £189 4s. 6d.; what was the assessment for the whole town of Liverpool? From Millon's Land Tax Report, the entire assessment is only £99, so that this little miserable parish of Hicklesham paid double the amount of land tax that was paid by the town of Liverpool, where the land tax rate was stated to be half a farthing in the £1. By these facts, the injustice of the land tax was proved. Then as to the manner in which this tax was collected. It appeared that the land tax was deducted when the income tax was paid, by which the country lost the amount of about £33,000. When the tax was collected in any district, wherever there was any sum received by the collector above the rate, but under £5, that fraction of £5 went into the collector's pocket. Assuming there was 15,000 districts in England where the poor-rate was levied, and the fraction under £5, to be only £1 6s. 8d., the loss to the revenue would be £20. Perhaps it was not necessary there to remark, that if the whole of the land tax was allowed to be redeemed at, say 4 per cent, or twenty-five years' purchase, the sum of £28,300,000 would be obtained easily, and might be made applicable either to the reduction of the National Debt or to the diminution of taxation. However, that was rather a question to be before a Committee than before that House. In asking the House to give him a Committee on the subject, he thought no harm could possibly accrue that the evidence of men well acquainted with this impost might be obtained, and by these means the anomalies and injustice of this impost might be made apparent, and also the best mode of correcting these evils, that might prove of some service to the Chancellor of the day. At present the state of the land tax resembled a field covered with weeds and rubbish; the Committee might clear away those weeds and rubbish, and prepare an open field on which the Chancellor of the

Exchequer might exercise his talents and ingenuity.

Motion made, and Question proposed—

"That a Select Committee be appointed, to consider the expediency of allowing a further redemption of land tax, and also whether by any other means this tax might be made more beneficial to the revenue of the country, and to the reduction of the National Debt."

THE CHANCELLOR OF THE EXCHEQUER said, he thought the hon. Member, in seeking a further redemption of the land tax, had undertaken a more difficult task than he was perhaps aware of. But, at all events, after the announcement made earlier in the evening respecting the present state of public affairs, little benefit could be derived from now agreeing to this Motion. If the hon. Gentleman had any facts or arguments to bring forward on the subject, he was sure the House would be happy to hear him; but he thought it would be difficult to get a Committee to act just now. He (the Chancellor of the Exchequer) had to attend the sittings of the Bank Charter Committee and other important inquiries, and the time of his hon. Friend the Secretary to the Treasury was equally occupied. Moreover, under the circumstances of the Session, an investigation like the one now proposed could hardly be prosecuted with advantage, and he begged therefore to suggest that the hon. Member should postpone his proposition to a more favourable occasion.

MR. BENTINCK said, he quite concurred with what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, that the hon. Gentleman who brought forward the Motion could not expect any great success from a Committee in the present moribund state of the House. At the same time he was very glad the hon. Gentleman had brought forward the subject, for it was one of very great importance, and he hoped that at some future time it would be again brought under the consideration of the House.

MR. MACKINNON said, he felt satisfied of the justice of the observations of the right hon. Gentleman the Chancellor of the Exchequer, and he should not then press his Motion further.

Motion, by leave, withdrawn.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present, the House was adjourned at a Quarter after Eight o'clock.

HOUSE OF LORDS,

Friday, March 6, 1857.

Their Lordships met; and having gone through the business on the Paper, House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 6, 1857.

MINUTE.] PUBLIC BILL.—1^o Income Tax.

THE BURIAL ACTS—QUESTION.

SIR DE LACY EVANS said, he wished to know if it was the intention of Government to introduce a Bill to amend the Burial Acts; and, if so, whether there would be any objection on the part of the Government that a clause similar to Clause 8 of the Burial Act for Ireland, passed in the year 1853, be introduced therein, securing certain sacred rights to bury in family vaults in existing cemeteries.

MR. MASSEY said, that his attention had been directed to the subject, and should he, in the next Parliament, hold the office which he now held, he should submit a Bill on the subject, but he could not at present state what its provisions would be.

WEST LONDON UNION—QUESTION.

LORD CLAUD HAMILTON said, he wished to ask the President of the Poor Law Board whether the deficient accommodation for the casual poor in the West London Union had been officially brought under his notice. The humane conduct of the Lord Mayor on a recent occasion had brought to light the deficiency of the accommodation.

MR. BOUVERIE said, that on seeing the statement in the public journals on this subject, he found upon inquiry that the West London Union had, near the King's Cross Station of the Great Northern Railway, a place for the reception of casual paupers during the night, when there was no room for them in the work-house. That place was, in fact, a stable, which afforded the merest shelter in the world. There was a division in it whereby the male casual paupers were separated from the female. Only a few rags were

supplied to cover them. The inspector of the district had only recently been appointed, and was not aware of the existence of this very indifferent place of shelter until he had visited it by his (Mr. Bouverie's) directions. The Inspector took the earliest possible opportunity of seeing the Guardians on the subject, and made several recommendations to them, with the view of improving the place. The guardians expressed themselves quite willing to accede to his recommendations, and he believed that they were now taking steps to provide a more decent place of refuge for casual poor.

ALI MOORAD KHAN—QUESTION.

SIR FITZROY KELLY said, he would beg to ask the right hon. Gentleman the President of the Board of Control whether, in the case of the petition presented to Her Majesty the Queen by His Highness Ameer Ali Moorad Khan, on the 13th day of November last, and by Her Majesty referred to the Board of Commissioners for the Affairs of India, any decision had been come to by the Board; and, if so, on what ground the communication of that decision was withheld from the petitioner, who was now in London awaiting such decision.

MR. VERNON SMITH said, that such petitions were referred to the Government of India, in order that they might be investigated by the local authorities. That course, however, was not pursued in the first instance in this case, and it had therefore been remitted to the Governor General of India. He had been informed that Ali Moorad Khan had left England, and that was the reason why no communication was sent to him. He was, however, told on Monday last that such was not the case, and he therefore at once forwarded to him a communication on the subject.

THE CREDITORS OF OUDE—QUESTION.

MR. OTWAY said, he wished to know if the Government were aware of the fact that numerous parties had claims on the State of Oude, what they intended to do with respect to those claims, and also whether there would be any objection to lay a list of those claims on the table of the House?

MR. VERNON SMITH said, that he had not yet perused the despatches with

regard to Oude, and was not, therefore, able to furnish a list of the creditors' claims upon it. He had, however, no objection to lay upon the table any papers which might throw light upon the subject.

LIGHT DUES—QUESTION.

MR. J. EWART said, he would beg to ask the Vice President of the Board of Trade whether it was intended to make any, and what further reduction in the Light Dues levied by the three general Lighthouse Boards, under the Merchant Shipping Act, 1854.

MR. LOWE said, that in 1854 the light dues for England, Scotland, and Ireland were consolidated into one fund and placed under the management of the Board of Trade. The immediate result of that consolidation was a reduction of these dues to the extent of £100,000 a year. Since the consolidation the Board of Trade had undertaken the construction, and had nearly completed twenty-one lighthouses out of the light dues fund, and was about to construct about thirteen more. All this had been done without encumbering the fund in any way whatever, and the Board of Trade was now engaged in framing an Order in Council by which the light dues would be reduced by a further sum of £50,000 a year.

PERSIA—QUESTION.

MR. LAYARD said, he understood from the public journals that a treaty with Persia had been signed at Paris, and therefore wished to be informed whether Her Majesty's Government had now any intention of laying the papers relating to the dispute with Persia on the table.

MR. VERNON SMITH said, he thought that his hon. Friend would admit the propriety of withholding those papers until the treaty had been ratified. There was no intention on the part of Her Majesty's Government to lay them on the table of the House at present, and, indeed, their production at the present time could not be of much service, as a dissolution of Parliament impended. His hon. Friend would have an opportunity of bringing the matter forward in the next Parliament, in which he hoped that he should have the pleasure of meeting the hon. Gentleman and discussing it with him.

Mr. Bouverie

BRIBERY AT ELECTIONS—QUESTION.

SIR FITZROY KELLY said, he wished to know what the intentions of the Government were with regard to the Corrupt Practices at Elections Act, which would expire before the next general election.

SIR GEORGE GREY said, it was his impression that that Act was to continue in force till August, 1857, and until the end of the then next Session of Parliament.

MR. G. BUTT: That is so.

SIR FITZROY KELLY: Is it, then, the intention of the Government to leave the law as it is?

SIR GEORGE GREY said, a Committee had been appointed to inquire into the operation of the Act in question; but it was quite impossible that that inquiry could be fully gone into, and any important alterations in the Act be passed into law before the end of the present Parliament. Under those circumstances the Government would not take any step in the matter until the assembling of the next Parliament.

On Motion that the House at its rising do adjourn till Monday next—

PERSIA—QUESTION.

MR. LAYARD said, he hoped that the House would permit him to make a few remarks with reference to Persia, as the answer of the right hon. Gentleman the President of the Board of Control to his question was not satisfactory. The Persian war was instituted when Parliament was sitting, and had been concluded also during its sitting, but without its knowledge. No information whatever had as yet been given to the House relative to the expenditure occasioned by that war, nor as to how it originated, nor as to the negotiations which had brought it to a conclusion. Under such circumstances he thought that the House ought to require the Government to produce the whole of the papers on the subject. Before they were sent back to their constituents the country should have the means of judging of the policy of that war, which he firmly believed was unjust in its origin, impolitic as to the mode in which it had been concluded, and likely to lead to disastrous results in Central Asia. He did not desire to throw any difficulty in the way of Her Majesty's Government, but at the same time he considered that the House and the

country were placed in a very awkward and unfair position with regard to the Persian war. When they were called upon to pronounce a judgment on the policy of Her Majesty's Government it was essential for them to know what the history of the Persian war really was. He hoped that some one who had greater authority in that House than himself would insist on the production of the papers on that subject, or at least a selection of them, in order that the House might have some fair means of judging how the war commenced, how it ended, and what was the character of the treaty into which the country was about to enter with Persia.

MR. VERNON SMITH said, he could only repeat his former answer, that he hoped there would be no discussion upon the subject until the treaty had been ratified. It was perfectly obvious that any discussion in that House must lead to the expression of opinions which might be unpalatable to the Persian Government, and might lead to dissensions at that Court which would possibly prevent the ratification of the treaty. His hon. Friend had stated that both war and peace had been made while Parliament was sitting. War was not made while Parliament was sitting, because, as he had stated before, it was not until the 26th of September, which they all knew was during the recess. That peace had been made was, he supposed, a cause of congratulation both to Parliament and to the country. No Vote of money would be asked for until after the meeting of the new Parliament. By that time he hoped that the treaty would be ratified, and that the papers might be laid upon the table. In the meantime he hoped that his hon. Friend would exercise the same discretion which had hitherto guided his proceedings, and that other hon. Gentlemen would follow the same line, and not force upon the Government a discussion which might be prejudicial to the interests of the country.

SIR HENRY WILLOUGHBY said, he did not wish to enter into the question of the Persian war, but he thought that it was a very bad system to refer a matter of so much importance to the Indian authorities, instead of it being declared and conducted like other wars by the Home Government.

MR. GLADSTONE said, he was not aware that the question was to be raised on that evening, but he thought that having

been raised it ought not to be disposed of without a moment's consideration. He did not intend to express any decided opinion without further consideration, but he must frankly confess that he was not at all satisfied with what had fallen from the right hon. Gentleman the President of the Board of Control. Let the House observe what the upshot would be. War was made without the consent of Parliament. When Parliament met negotiations were commenced, and they were pleaded as a reason why no inquiry should be made into the cause of the war. When they asked for an estimate of the expense they were told that it could not be presented, because it would interfere with the negotiations. The war had now been terminated, but still if he understood rightly, it was not intended to present that estimate to the present Parliament, so that, in point of fact, the representatives of the people would have no opportunity of passing judgment either upon the war or upon the conduct of Government in regard to it until the new Parliament met, when the war would have been closed for three or four months. Then, and then only, would they be called upon to pay the Bill. If that were to be the state of things it was ridiculous to talk of free and representative government in England, at least so far as concerned the question of the Persian war. He did not wish to go beyond that point at the present moment, but he thought that it deserved more consideration than it could receive in the course of a conversation arising in so desultory a manner.

Mr. WHITESIDE said, he wished to remind the House of the answer which the right hon. Gentleman the President of the Board of Control gave him on a former occasion when he ventured to think that the policy which was pursued by the Government with reference to Kars might lead to certain events, which had since taken place. The right hon. Gentleman then said that he had taken counsel of the wisest men, not Members of Her Majesty's Government, and they had assured him that there was not the slightest chance of any disturbance in Persia; least of all was there a prospect of any movement upon Herat. The right hon. Gentleman seemed to deny it; but he would find it duly recorded in *Hansard*. Now it would be interesting to ascertain what was the cause of the war, because, if it were that which it had been understood to be, it was very

desirable that the House should have an opportunity of expressing its opinion upon it before the noble Lord at the head of the Government made his appeal to the country.

THE "*RESOLUTE*"—OBSERVATIONS.

Mr. EVELYN said, he rose, pursuant to notice, to call the attention of the House to the conduct of the Admiralty in reference to the Arctic vessel the *Resolute*. He had no wish to recommend any more Arctic expeditions, because he thought that quite as much had already been done in that way as was required by the honour of the country. Neither did he intend to impute to the Admiralty any intentional disrespect towards the American Government; but he thought that in their mode of dealing with the *Resolute* they had committed a great blunder, which might be a cause of irritation in America, and might there be construed, however erroneously, into an evidence of want of respect towards that country. He would briefly recall to the recollection of the House the circumstances connected with the restoration of the vessel. The first part of the proceedings with regard to the vessel was extremely honourable to the Lords of the Admiralty, and quite worthy of persons who were in their position. The *Resolute* was sent out in 1852 with two tenders, to ascertain if any traces could be discovered of Sir John Franklin and his party. In August, 1854, the vessel was deserted by the captain and crew, in obedience to superior orders. In the same year the captain of an American whaler, whilst navigating Davis's Straits and making his way through vast blocks of ice, discovered the *Resolute* drifting along with the ice. Leaving part of the crew on board his own vessel, Captain Boddington took charge of the *Resolute*, and took her through that dangerous navigation. A correspondence took place between the Admiralty and the American Government, in which the Admiralty—waiving any claim to the *Resolute*—placed her at the gallant captain's disposal. By an unanimous vote, Congress determined on purchasing the vessel from the captain, refitting her at a great expense, and presenting her to Her Majesty. There were two things which gave a peculiar significance to this gift,—one that we had recently been engaged in an angry controversy with the

Mr. Gladstone

Americans; and the other that, owing to the democratic institutions of America, when Congress voted 40,000 dollars for the purchase and refitment of this ship, it was its own money, and not that of others which it voted. On the 12th of December, the *Resolute* arrived at Spithead under the Command of Captain Hartstein, and on the 16th of that month Her Majesty went on board and received the vessel as a gift from the hands of that officer. Up to that point the conduct of our Government was perfectly satisfactory, but in what had happened since he considered that the Admiralty had committed a blunder. Within six short weeks after Her Majesty's visit to the vessel it was stripped, dismantled, and laid up in ordinary in Chatham dockyard,—a proceeding which could hardly be regarded as very complimentary to the American Government. He had personally inspected the vessel at Chatham yesterday, and found her in a miserably neglected condition, which could not be viewed without extreme pain by anybody who saw her at Spithead. He knew not what further degradation might be reserved for her, but he understood that she was about to receive the dockyard brand, in which case every vestige of her individuality would be lost, so that Captain Hartstein himself, who brought her from the United States to this country, could not tell her from the other hulks that lay near her. He (Mr. Evelyn) knew it might be said that the usual routine had been followed in regard to the *Resolute*; but that was his very complaint, inasmuch as her case being an entirely exceptional one, she ought not to have been dealt with according to the ordinary rule. She should have been kept for at least one year in the same state as she was when presented by the Americans to our Queen before being stripped and dismantled. The answer given on the subject the other day by the First Lord of the Admiralty was anything but satisfactory. The question put to the right hon. Gentleman had no reference whatever to the provisions on board of the vessel, and yet he had confined his reply to the state of a quantity of rum that had been left in her. He hoped the right hon. Gentleman would have no objection to say what was now proposed to be done with the *Resolute*.

SIR CHARLES WOOD said, that the hon. Gentleman had sketched very correctly the history of the *Resolute*, from the

date when she first went out to the Arctic Seas until she returned to this country as a present from the American Government. He had done Her Majesty's Government no more than justice in acknowledging that in all their communications on this subject with the American Government they had endeavoured to meet the generous conduct of the latter in a corresponding spirit. Every possible attention had been shown to the officers who brought over the vessel, and Her Majesty was graciously pleased to pay Captain Hartstein a visit at Portsmouth on his arrival there. He (Sir C. Wood) came up to town to meet that gallant officer, and his noble Friend (Viscount Palmerston) also saw him. When Captain Hartstein left England he was pleased to express himself very warmly on the cordial reception given to him and his brother officers by the authorities of this country; and, although our Government offered to convey them back to the United States in an English frigate, and the offer was at first accepted, they subsequently thought proper to decline it. So handsome a gift from the American Government to our Queen, and given, too, in so liberal and honourable a spirit by the donors, would, it was thought, be the means of cementing the good understanding between the two nations; and he really did not believe that Her Majesty's Government had been in any way deficient in their courtesy towards the American Government. If it had ever crossed his mind that what was done to the vessel could be construed into a want of respect towards the American Government, he should certainly have been the last person to sanction it. What they had done, however, was to put the ship in the state most conducive to her preservation. It was well known that nothing was so prejudicial to a vessel as to keep her fittings and her stores on board when she was not on service; and it was the invariable practice of our navy to remove the fittings and stores of our most valuable ships when out of commission. If, therefore, the Admiralty had done wrong, their sole object had been to do what they deemed calculated to preserve as long as possible this most gratifying memento of the friendship and good-will of our Transatlantic kinsmen. He was sorry that the hon. Gentleman should have been displeased at what he stated about the provisions of the *Resolute* the other day. He had simply mentioned, as a curious

fact that the House would perhaps like to hear, that a portion of the *Resolute's* store of rum, which had been out so many winters in the Arctic Seas, had come home again in a most improved condition.

IMPORTATION OF GUANO.—THE KURIA MURIA ISLANDS. OBSERVATIONS.

MR. SCOTT said, he wished to call the attention of the House to the necessity of taking measures to obtain guano from the Arabian Islands on terms more moderate than those lately concluded by the Government, provided protection be afforded to those engaged in its exportation, and to secure its importation from those islands to this country. He thought the agriculturists of this country felt the importance of this question quite as much as the affairs in Canton. The whole subject with regard to the importation of guano to this country had been left in a most unsatisfactory state. There never was a period when the imports of that article had fallen off so much as during the last year, and that decline was not owing to the decrease of guano in Peru, but from the monopoly of the merchants, who had the whole of the Peruvian guano trade in their own hands, and kept the stock low in order to obtain high prices. Large quantities were shipped to the West Indies, the Mauritius, and other distant places, instead of being brought to the markets of this country. It therefore behoved the Government to adopt measures calculated to check a monopoly which limited our supply of so necessary and important an article of commerce. The sources from which guano were obtained were few in number—namely, first, the plains of Thibet; next, the coast of South America; and, third, the coast of Arabia. In 1853, Mr. Ord had discovered the existence of deposits of guano to the extent of between 1,000,000 and 2,000,000 tons, on certain islands off the coast of Arabia. These islands had been ceded to the British Crown by the Imam of Muscat, and the Government, with singular improvidence and neglect of the interests of British agriculture, immediately created another guano monopoly in favour of Mr. Ord and several other individuals. Those parties were empowered to remove all the guano they could obtain to this country, not for sale here, but for transhipment to any other part of the world. It was found

that there was guano in those islands to the amount of £10,000,000 or £15,000,000 sterling, and Her Majesty was to receive 2s. a ton royalty for the first two years, and 4s. for the next. But it appeared that in consequence of the interference of the Arabs, the persons to whom the cession had been made had not been able to remove any of the guano, and that the Arabs had removed it to the mainland, whence it could not be obtained. As trustees and guardians of the public interests, he thought that the Government ought to step in between the country and Mr. Ord, and secure the importation to, and sale by auction of, the guano in this country. It was said that Mr. Ord received £1 a ton as a percentage on this guano. Upon 1,500,000 tons he would realise £1,500,000 of money. He (Mr. Scott) contended, however, that although for the first year £1 a ton might be a fair rate, the percentage ought to be diminished as the importation increased. The agriculturists of this country ought to derive the benefit from this guano. He did not wish to refer to the acts of the Emigration Commissioners in dealing with these commodities. Such remarks ought not to be made in a desultory discussion; but he could not help saying that there had been a neglect of duty, and something which he considered very like a breach of trust in the conduct of the Commissioners.

MR. LABOUCHERE said, that upon a subject so interesting to agriculturists, and with regard to which the hon. Member for Berwickshire had so fully stated the facts of the case, he had very little to add to what had just been stated. It was quite true that a licence for an exclusive trade had been granted to certain parties, who, although they had not been the first to discover the presence of guano in these islands, had been the first who had brought the fact of a large supply of guano in them under the notice of the Government. The hon. Member thought that a monopoly of five years constituted a neglect of the agriculturists of this country. But the course pursued by Her Majesty's Government was precisely that which the Government of Lord Derby had taken under similar circumstances. He spoke in the presence of the right hon. Member for Droitwich (Sir J. Pakington), who, when Colonial Secretary, was of opinion that with regard to guano found, not on the coast of Arabia, but of Australia, a licence should be given to the parties for six, and not for five years, the conditions being that 5,000

tons should be imported every year. With regard to supplying guano to the agriculturists of this country on reasonable terms, he (Mr. Labouchere) had represented to the persons interested in this exclusive privilege the reasonableness of making arrangements to secure a supply of guano for the agriculturists of this country on fair terms, and they had willingly consented to allow free trade and a free access to those islands on the condition of receiving a certain royalty. He had also spoken to two Gentlemen, one the President of the Royal Agricultural Society of England, the hon. Member for Malton (Mr. E. Denison), and another, a Gentleman of great knowledge and judgment in such matters (Mr. Caird), both of whom stated that they were perfectly satisfied with the terms on which the arrangement was made. Arrangements had also been made by the Government to prevent a second guano monopoly being established, and that agriculturists should be supplied at a just and reasonable price. The Government had also had their attention directed to the great importance of facilitating the supply of the article to this country. His noble Friend Lord Clarendon had from time to time called the attention of the Admiralty to the subject, and the captains of vessels had been directed to inform the Government whenever any guano islands were discovered.

MR. SCOTT said, he considered that the guano, when brought to this country, ought to be sold here, and not allowed to be exported.

MR. LABOUCHERE said, he apprehended that an Act of Parliament would be necessary for that, and he must confess that he should not be prepared to propose any measure to prevent the exportation abroad of guano if the merchants of this country thought fit.

Subject dropped.

WRECKS AND CASUALTIES—QUESTION.

MR. HENLEY said, he rose to call the attention of the House to the "Abstract of the Returns of Wrecks and Casualties," lately presented to Parliament, and to ask the right hon. Gentleman the Vice President of the Board of Trade if he had any objection to have a Return prepared, showing "the number of vessels entered inwards in the years 1852, 1853, 1854, 1855, and 1856, distinguishing the foreign and coasting trades, and foreign and British ships

employed in each respectively, showing the total number of British and foreign vessels, and the total number of wrecks and casualties in each year, and the per-centage of British and foreign vessels wrecked, or to which casualties have happened in each year." What was wanted was, a Return showing the increase and decrease in the number of voyages made; and he wished to know whether there was any objection to make the Returns according to his notice?

MR. LOWE said, he fully agreed with the right hon. Gentleman that the Returns which he was anxious to obtain would be exceedingly valuable, but he (Mr. Lowe) found that the Government were not in possession of the materials for such Returns. Instructions had, however, been given which would provide for the supply of the information in future Returns, although it could not be afforded retrospectively.

MR. HENLEY said, he thought the Board of Trade Returns would supply much of the information required.

MR. CARDWELL said, he must express his gratification that the Returns to which the right hon. Member for Oxfordshire (Mr. Henley) referred had been laid upon the table. It appeared that, in consequence of the measures adopted by Parliament, there had been a considerable decrease in the number of lives lost at sea during the last two or three years. He hoped, therefore, that the mercantile body would be reconciled to the liberality which Parliament had enabled the Board of Trade to exercise, and that the knowledge that such a power was possessed and exercised by the Board of Trade would lead persons resident on the sea coast to correspond with that Board, with the view of establishing lifeboats, and taking other means to diminish that loss of life at sea which was one of the greatest scandals of this country until the recent arrangements were made.

POSTAL COMMUNICATION WITH IRELAND—QUESTION.

LORD NAAS said, he wished to ask the hon. Secretary to the Treasury whether any arrangement had been completed for the improvement of the communication between this country and Ireland? The North-western Railway Company and a Steampacket Company had been empowered to establish a line of communication be-

tween Kingstown and Holyhead, and the Government had stated that they would endeavour to effect arrangements with those companies for the conveyance of the mails. Parliament had been led to believe last Session that those arrangements were on the eve of completion, but the promised improvement of postal communication had not yet taken place. He understood that the terms of an agreement had been arranged between the Government and the companies, and he wished to know what obstacle prevented that agreement from being carried into effect?

MR. H. HERBERT said, that great dissatisfaction existed in Ireland, especially among the mercantile classes, in consequence of the delay that had taken place in establishing a more speedy postal communication between England and Ireland. He did not say that the delay was chargeable upon the Government, but he hoped the arrangements in progress would be completed with all possible despatch.

COLONEL FRENCH said, that members of every party connected with Ireland had much reason to complain on the subject. Promises had been made in every quarter that the service would be upon a completely different footing, and not one of those promises had been realized. Obstructions had been systematically thrown in the way, and the Postmaster General (the Duke of Argyll) had admitted in the House of Lords that he knew nothing whatever on the subject.

MR. WILSON said, he must beg to inform the noble Lord that the Postmaster General had entered fully into the subject when questioned in the House of Lords. He admitted the great importance of the question to the commercial interests of Ireland and to the public generally, and he could assure the noble Lord that negotiations were at that moment in progress with a view to its settlement. In the course of last year the Treasury passed a Minute on the subject, and entered into communications with the Post Office and the Railway and Steam-packet Companies, on the basis of that Minute. The Treasury had reason to believe that the evidence given before the Select Committee by Captain Huish, the traffic manager of the London and North-Western Railway Company, might be depended upon as conveying the feeling of that Company, and that gentleman had stated that the service by land and sea could be performed in less than eleven hours for £45,000 per annum

Lord Naas

additional. It now turned out that the Company were not prepared to endorse the evidence of Captain Huish, as they stated that they could not do the service in the time with perfect safety, and therefore the Treasury Minute could not be carried out. That objection raised a new question, for if a longer period was consumed in the service the whole advantage of the proposed arrangement would be lost. It was absolutely necessary that the day mail from London to Dublin should arrive at the latter place in order to admit of the letters being forwarded to the provinces by the night mail, and that the letters by the day mail from the provinces should arrive in Dublin in time to be forwarded by the night mail to London; and, if that point could not be gained, no adequate measure of public convenience could be secured to the large towns in Ireland. The Treasury was now engaged in ascertaining whether they could not make such modifications at this side of the water, and in the provinces of Ireland, which might make the arrangement conformable with the views of the London and North-western Railway Company.

LORD NAAS: What is the time now proposed?

MR. WILSON: Eleven hours and three quarters.

COLONEL DUNNE said, he thought the reason why the Companies did not come into the terms of the Government was, that no allowance had been made for occasions when from stress of weather, or other unavoidable circumstances, the vessels were unable to perform the passage in the allotted time. There could be no difficulty in accomplishing the land journey in the time specified; it was when they came to the sea traffic that their difficulties occurred. And he thought if the Government would make allowance for casualties, that the Companies would come in to their terms.

Subject dropped.

THE HONG KONG ORDINANCE.

QUESTION.

SIR FITZROY KELLY said, he wished to ask the noble Lord at the head of the Government a question respecting the Ordinance passed by the Legislative Council of Hong Hong in 1855 relative to the licensing of vessels, and to which reference had so often been made in the course of the late debates on the Chinese question. Holding, as he did, that that ordinance

was altogether illegal, and that it was not only highly objectionable on that ground, but had led to hostilities in China, he wished to know whether the Government meant to take any steps for procuring its repeal. It had been contended in another place, by the very highest legal authority, that the Ordinance was legal, upon the principle that it was competent to the Government and the Legislature of this country to bind foreign nations, and, among others, to bind China, by the laws of this country, and that it was competent to enforce obedience to the Ordinance of Hong Kong. Now, inasmuch as that was a policy which had for the first time been adopted in this country, and, so far as he knew, by every nation in the world, and as it was one calculated to put an end to the amicable relations that subsisted between this and other countries, he wished to ask whether it was the intention of the Government to allow the Ordinance of Hong Kong to continue to remain in legal force.

VISCOUNT PALMERSTON: It seems to me, Sir, that the question of the hon. and learned Gentleman goes rather to reopen in a short compass a great part of that which constituted the lengthened debates of the two Houses on the Chinese question. The hon. and learned Gentleman assumes that this Ordinance imposes on foreign countries, and imposes on the Chinese, arrangements which relate only to British law. This question was argued at great length, and the argument in favour of the Ordinance was that, so far from imposing restrictions on the Chinese Government, it was, in fact, intended to aid them in their maritime arrangements, and that it did so aid them by imposing additional restrictions on the use of the British flag. All I can say is that I am not aware of any intention to impose British law on foreign nations, and that there is no intention on the part of Her Majesty's Government to deal in any way with the Ordinance of Hong Kong.

Motion agreed to.

House at its rising to adjourn till Monday next.

WAYS AND MEANS.

CONSIDERED IN COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. DISRAELI: Sir, I understood from what passed yesterday that the Chancellor of the Exchequer would to-day make a statement as to the course which the Government propose to take with regard to financial matters; but after I had left the House I find that the right hon. Gentleman made the statement which I anticipated to have heard from him to-night. I shall therefore take this opportunity fairly and succinctly to state to the House the course which we on this side were prepared to make with respect to financial measures under the ordinary circumstances in which they were first placed before us, and how far that course must be modified under the extraordinary circumstances in which we now find ourselves placed. The Chancellor of the Exchequer, in introducing to the House his financial propositions, stated truly that there was a very large increase in the income derived both from direct and indirect taxes, and he entered into a comparison of the relative amounts which accrued from those two sources. I think the right hon. Gentleman stated very accurately that the direct taxes produced £21,000,000, and the indirect taxes something more than £39,000,000. The right hon. Gentleman, however, omitted one item of no mean importance in the direct taxation, which upon a previous occasion, at considerable length and with perfect acquaintance with the subject, he dilated upon—and that is, the whole of the local taxation of the country. I need not remind hon. Gentlemen of the large amount of that local taxation, nor how materially it alters the balance which the Chancellor of the Exchequer struck in his financial statement. We have no wish, Sir, to disturb in any way the balance which exists between direct and indirect taxation. Our opposition to the income tax has never been founded upon the fact that it is a direct tax, but upon the circumstance that it is a direct tax of an invidious and intolerable character. It was our view generally, when the Chancellor of the Exchequer originally brought forward those propositions which in a more modified form we are now about to consider, that with wise financial arrangements, perfectly sound in principle and legitimate in practice, and with a well-considered reduction of our expenditure—a reduction regarded only with respect to the efficiency of the public service, and with no other consideration—a reduction which we should have recommended,

whatever might be the state of the Exchequer, whether exuberant or exhausted—it would have been possible to make adequate financial provision for the year without any material addition, if any, to the taxation of the country. We were ready, notwithstanding those opinions, to consider the propositions of the Government in a spirit which would rather have erred in perhaps unnecessarily favouring the Exchequer than in attempting to offer obstacles to the policy which Ministers originally recommended. Therefore, so far as the income tax was concerned, we were prepared to give every possible assistance to the Government consistent with maintaining the spirit of the settlement of 1853: I would even call it the compact of 1853. And I own I am rather surprised that a very high authority upon financial subjects in this House—the right hon. Gentleman the Member for Portsmouth—should have derided that idea of a compact. [Sir F. BARING: No!] On referring to an excellent speech which the right hon. Baronet made in 1853, I find he then laid it down in very strong and nervous language that the settlement of that year was a compact of such a character as that when 1860 arrived he should be surprised to see any Minister bold enough to continue the income tax. With regard, then, to that portion of the financial scheme which assumed the form of direct taxation, we wished to consider the proposal of the Minister in the most liberal and conciliatory spirit; and, provided we could have obtained from the Government a virtual pledge that the compact of 1853 would be fulfilled, we should have supported the general policy recommended in that respect. It was with that view that I gave notice of a Resolution which, while it would not have injured the Exchequer at the present moment, would have secured that in 1860 the income tax would not be higher than 5*d.* in the pound. Such was our policy with regard to direct taxes. Let me now state the course we intended to pursue with respect to the indirect taxes proposed by the Chancellor of the Exchequer. The most important of these indirect taxes which the Chancellor of the Exchequer proposed to deal with is undoubtedly the tea duty. It was our lot, Sir, to propose originally that the House should consider the question of the tea duty. It was our opinion that we could not deal with a tax of more importance, or one which had a greater influence upon

the commerce of the country and the general prosperity of the people. Great opposition was offered to the consideration of that question, even before we introduced our scheme to the House. Many persons of very high authority were of opinion that the experiment was one which ought not to be made. We were informed that the quantity of the article on which we proposed to operate was limited, and that the only consequence of our legislation would be, the supply not being proportionately increased, to injure the revenue without benefiting the consumer. Nevertheless, taking the most sedulous means to obtain the very best information on the subject—and here I may offer our thanks to a gentleman whose name was frequently mentioned in the recent debates, Sir George Bonham, for the great trouble he took and the sound information he afforded us at that time—we believed that the views to which I have referred were erroneous—that the quantity of the article was, if I may use the epithet, illimitable, and that if we operated boldly upon the tea duties we should greatly stimulate commerce, advance our manufactures, and, above all, confer a great benefit upon the body of the people. We had not the honour of carrying that measure. It was, fortunately for the country, carried by our successors, and I ask the House whether all the benefits anticipated from that great change have not been fully realized? There has been no change in our fiscal laws, which has operated more beneficially to the great body of the people. It has been proved that the quantity of the article required is really illimitable. The immense increase in the amount of our importations proves that, and every anticipation of benefit to commerce, to manufactures, and to the community generally, has been perfectly realized? With these views, Sir, and not believing that a great increase of taxation was necessary, and being prepared to make great sacrifices with respect to increased direct taxation; believing, too, that when the war ceased the tea duties ought to fall to the particular amount which they would have touched had not the war occurred; it was our intention to resist any change in the settlement of 1853 with regard to the tea duties. I cannot say that anything which has occurred since has at all shaken our general views upon that subject. I do not want to introduce invidiously into this discussion any consideration with

respect to the affairs of China ; but I may perhaps be allowed to observe that probably the supplies of tea will be diminished in consequence of the hostilities now going on ; and that, if you increase the tea duties instead of diminishing them, at a time when the supply of the article is less, and likely to continue to be so, the consequence must be most injurious to the consumer. So far, therefore, as to our views under the ordinary circumstances, when the proposals of the Minister were first introduced to us at the commencement of the Session. Let the House observe, however, that we are not now in the position in which we were when these propositions were first offered to us. Nay, Sir, I find the position in which we are placed is very different from what it was when the noble Viscount announced to us yesterday that it was the intention of Her Majesty's Ministers to advise Her Majesty to appeal to the country. I understood then that the noble Viscount, believing that the decision of this House on Tuesday night was an erroneous one, had made up his mind to appeal to the people to say whether they would sanction that decision. What was our position at that moment ? The House of Commons had censured the conduct of the agents of Her Majesty's Government in China, which conduct had been sanctioned by Her Majesty's Ministers ; and the noble Viscount, accepting our Resolution as a censure upon his Government, wished to appeal to the country, in order to ascertain whether it approves or condemns our proceedings. But, after I had addressed the House, the noble Viscount, to my great surprise, informed us that Her Majesty's Ministers have superseded the agents whose conduct we had censured. I cannot, Sir, understand the consistency of that proceeding on the part of Her Majesty's Ministers. It places this House in a very peculiar position. If the noble Viscount had not challenged the justness of our censure, I could understand the course he has taken ; but first to challenge our vote, and then to turn round and appeal to the people to say whether they sanction our decision, having in the meantime superseded the persons upon whom our sentence was pronounced, appears to me extremely inconsistent. The noble Viscount, upon the question of war, says he utterly contemns the opinion of the existing House of Commons, and appeals to the opinion of a future House of Commons, which is to

assemble in May. How, Sir, can we bind a future House of Commons by a decision on a subject quite as important as that of war—the subject of taxation—if our opinion with respect to the affair in China is to have no influence with the noble Viscount ? If a Minister announces that the solemn opinion of this House upon the subject of war is not to influence his conduct, and he appeals to a future House of Commons, to assemble in May, I cannot see how he can ask the condemned and contemned House to levy new imposts upon the people. If the future House of Commons is, according to the anticipation of the noble Viscount, to reverse our decision with respect to China, how can we expect it to be bound by the decision of a moribund House of Commons with respect to taxation ? I think it would be well for the House to consider whether at the present moment we cannot do better than vote new taxes under circumstances which deprive us of all authority, and which, if not in a legal, at least in a constitutional sense, render it impossible for us to deal with the property of our constituents. What would be the consequence ? The new House is to meet in May. We can have the Budget in May. We have often had the Budget in May. In 1848 the Budget was brought forward in August. On a question so important as that of direct or indirect taxation, involving considerations of so various and so momentous a character, it would be much better that the new House should be left to decide, unaided by the judgment of a House which has been deprived of all authority, and which, constitutionally, has no right any longer to deal with the property of the people. What power has this House of Commons to pass laws that the people of England shall pay taxes for a year hence, when our authority was virtually destroyed the moment that the noble Lord made the announcement which he did last night ? Under these circumstances, Sir, I hope that the House will well consider before agreeing to grant any new taxes ; for we are not in a position in which we are justified in dealing with the property of the people. If we take the course which I have suggested, we shall abridge the period which it is necessary should elapse before we recur to the country. Every convenience which the noble Lord can require, every assistance which it is possible to render in order to bring about the desired consummation, I shall be most happy to give. Let his

Mutiny Bill be passed ; let his vote of men be agreed to, under the condition mentioned yesterday, of its being a maximum amount ; let him have a vote of credit and everything that is necessary for the public service, but don't let us cancel and revoke solemn engagements when our authority as a representative assembly is about to expire ; don't let us be called upon to put our hands into the pockets of the people and to levy new taxes. I hope the House will consider this question well. We shall presently have a proposition brought before us, which if carried, will have the effect that I desire with regard to indirect taxes, and will prevent any addition to them ; and when we come to the income tax, as proposed for only one year, I shall ask the House to adopt a course which will, as far as possible, secure the arrangement of 1853, and which will provide that the income tax shall be, not 7*d.*, but 5*d.*, in the pound.

THE CHANCELLOR OF THE EXCHEQUER: I hope, Sir, to be able to satisfy the House that the course which I am about to ask it to take is not only reasonable, but necessary, under the circumstances of the case. The right hon. Gentleman contends that we have no power to bind the decision of the next Parliament, and I quite agree with him in that view— unquestionably we have no such power ; and if the propositions which I am about to make should receive the sanction of the House, it would be competent for that Parliament to alter or repeal the measures founded upon them. Nevertheless, it is necessary that we should deal with the taxation of the country with respect to that interval of time which will elapse between the end of the present financial year and the time when the legislative action of the new Parliament can come into operation. If the arguments of the right hon. Gentleman respecting the duties upon tea and sugar were valid, they would equally apply to the income tax ; and he himself proposes that we should now, from the 1st of April next, alter the existing income tax, which is fixed by Act of Parliament. The Act of 1853, to which he proposes to revert, is repealed by an Act passed in 1855, which is now the law of the land ; and unless that Act be repealed, the income tax of 16*d.* in the pound would be leviable for the ensuing financial year. It is just as much in the power of Parliament to alter that Act, and to revert to the 5*d.* fixed by the Act of 1853, as it is to suspend the fall in the tea and sugar duties,

Mr. Disraeli

and to fix them at the amounts which I have proposed. The plan which I submitted to the House was that the Ways and Means of the present year should be supplied by a fair balance between direct and indirect taxation. I proposed, therefore, to reduce the income tax from 16*d.* to 7*d.* in the pound, which would have diminished the amount derivable from direct taxation, and, as that would leave a deficit in the Ways and Means of the year, I proposed to supply that deficit by a small addition to the duties on tea and sugar. If that addition should not be made before the 1st of April next, the lower duties would come into operation, immediately a large quantity of tea and sugar would be released from bond, and it would not be competent for Parliament, when it reassembled in May, to deal with the question according to its discretion. But if the House should think fit to adopt the course which I propose, it will be open to the new Parliament to revise that arrangement, and to make any modification in the duties upon tea and sugar and in the income tax which it may think fit. It is clearly competent to us to deal with the question in the manner proposed, and in the meantime no other plan will so well meet the exigencies of the present year as that which reduces the income tax to 7*d.*, and arrests the descent upon the tea and sugar duties which would take place according to the existing law upon the 1st of April next. That arrangement is consistent with the financial exigencies of the year, and in either case the interference of the Legislature will be required. It is the duty of this House to exercise such a power under the present circumstances, and it implies no greater exercise of legislative power than the voting of Supply, passing the Ways and Means, and agreeing to an Appropriation Act authorizing the Government during the next six months to apply the produce of taxes to the current service of the year. I was certainly led to believe, after the announcement of the right hon. Gentleman yesterday, that he would offer no impediment to the necessary measures for the services of the year, that we should not have been met by a refusal to supply the requisite Ways and Means according to the financial plan already submitted. If the course proposed by the right hon. Member for Buckinghamshire were adopted, and the income tax were reduced to 5*d.* in the pound, and if our measure with regard to the tea and sugar duties were rejected,

there would inevitably be a deficiency according to the estimates for the expenditure of the year. The right hon. Gentleman may say that there will not be a deficiency, because he will reduce the estimates in Committee of Supply; but let us go first into Committee of Supply, and see if that reduction can be effected, because until that is done it is the duty of this House to find sufficient Ways and Means to meet the estimates of the expenditure of the year. I trust, therefore, that the proposal of the right hon. Gentleman to refuse the necessary means for covering that estimated expenditure will not be acceded to by the House, after the fair, but as it appears delusive, promises which he made yesterday.

MR. GLADSTONE said, that, after hearing the explanation of the right hon. Gentleman the Chancellor of the Exchequer in answer to the right hon. Gentleman opposite (Mr. Disraeli), it would perhaps be more convenient that the Speaker should at once leave the chair, and that they should go into Committee of Ways and Means. When in Committee he would have to submit to the House his Motion upon the tea and sugar duties, and he would be glad to defer until then the remarks which he should otherwise feel anxious to make.

MR. ROEBUCK said, he had been entrusted with a petition from the Grocers' Commercial Association on the subject of the tea and sugar duties; but as the rules of the House prevented him from presenting it at that stage of the business he would state the substance of it. The petition complained, and he (Mr. Roebuck) fully concurred with it, that whereas the financial plan of the right hon. Gentleman the Chancellor of the Exchequer proposed the reduction of the income tax by 9*d.* in the pound, it nevertheless suggested the continuance of the war duty upon articles of consumption, such as tea and sugar, which were next to the necessities of life; it went on to point out that a patriotic House of Commons would rather tax individuals of its own class than the poor; and that if incomes were, instead of the proposed 7*d.*, taxed to the amount of 9*d.*, the increased duties on tea and sugar ought not to, and need not, be levied; and it, therefore, prayed that the House of Commons would, by adopting a 9*d.* duty on income, enable itself to relieve the proposed burden upon the poor classes.

MR. T. BARING said, the observations

of my right hon. Friend (Mr. Disraeli) seem to apply to the whole scale of our taxation; the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) is about to propose a Resolution with regard to our indirect taxation; but I have not heard him express any objection with regard to the proposal of a 7*d.* income tax; my right hon. Friend, however, proposes a reduction in both directions. He proposes, if I understand him, to reduce the duties upon tea and sugar to what they would be if no war had occurred; and at the same time it is his intention to move that the income tax shall come down to 5*d.* I confess that declaration rather frightens me. Sir, I voted on a former evening for the Resolution of my right hon. Friend, which in point of fact was to refer the original proposition for expenditure back to the Government, from a belief that it was only by such a course we could hope to enforce the acceptance of our views. In conformity with that Motion, I confess I thought that reduction was not only desirable but necessary, and I gave my vote for it. The appeal was made to the House, and the House decided that the Estimates should not be sent back for reconsideration by the Government. It was not a question of referring them to a Select Committee upstairs, but of referring them to a Select Committee in Downing Street; and if that appeal had not been rejected, I believe that these Estimates would have been much reduced without the country risking the loss of Her Majesty's Ministers. For my part, seeing the temper of the present House, I fear very much that there will be no great reduction in the Estimates; and, that being the case, I am of opinion that it would be the very worst species of economy—to run the risk of a deficiency in our revenue. I cannot exactly concur in opinion with my right hon. Friend the Member for Buckinghamshire as to the propriety of postponing the consideration of these questions until the new Parliament is assembled. So long as we sit here I think it is our duty to provide the means for carrying on the expenditure of the country. I cannot understand that because we are on the point of expiring as a Parliament, we are to inflict upon our successors the difficult task of at once providing the means for carrying on the expenditure of the kingdom. Are we less likely in our moribund state to carry out the principles of economy than a new Parliament

would be? Well, then, I ask myself, shall I vote for the Resolution of the right hon. Gentleman the Member for the University of Oxford, the effect of which is to remove a portion of the indirect taxation occasioned by the war; and shall I leave the House to carry out the other reductions, which I believe cannot be afforded? In a word, shall I support the reduction of the income tax to its original standard, together with the right hon. Gentleman's proposed reduction of the tea duties? I feel, Sir, that those reductions, simultaneously carried out, would be attended with great danger to the finances of the country. I think, also, that the proposition of the right hon. Gentleman opposite is a departure from the system which was established during the progress of the war. My impression is that the expenditure of the country was to be divided between direct and indirect taxation. Well, if you reduce the income tax only to the standard of what it was before the commencement of the war, and our indirect taxation to the point at which it would be now if there had been no war, I think that you will be departing from that principle. When there are about £60,000,000 of taxation to be levied somehow or another, you cannot attempt to levy that amount by direct taxation; and if you could, such a system would necessarily be most injurious to the interests of the poorer classes, because it would have the effect of displacing all your available capital, which would otherwise be expended in the country, and consequently disseminate employment amongst the people. Well, what is the course which I shall feel it my duty to follow under present circumstances? I understand that the noble Lord the Member for London abandons his Amendment to the proposition of the Chancellor of the Exchequer, which would have the effect of reducing the duty upon tea to 1s. 4d. As the Chancellor of the Exchequer has modified his original proposal so as to limit its operation to one year, the noble Lord's Amendment, which embraced a period of three years, is of course given up. Under these circumstances, I feel myself compelled to oppose the Motion of the right hon. Gentleman the Member for the University of Oxford, not because I do not wish to see such reduction in the duties, if I thought the country could afford it, but because it seems to me in the present temper of the House in regard to expenditure, such a step would be a most hazar-

Mr. T. Baring

dous experiment as regards the revenue of this year. The proposition of the Chancellor of the Exchequer is limited to one year only; and, of course, the new House of Commons will have the opportunity of considering the whole question, and of acting in these matters as their wisdom may suggest. I shall therefore support the propositions of Her Majesty's Government in respect to the income tax, and those articles of indirect taxation. And had the Government conceived it necessary for the good faith, the honour, and the maintenance of the power of this country, to propose a system of taxation even greater than what is now suggested, I for one should have supported them, however unpopular such an admission may make me, because I consider it to be our first duty to provide the necessary means to meet our engagements—to risk no dishonour to public faith, no injurious impressions as to our national honour abroad, but to make a suitable provision for all our liabilities in the coming year. Until, then, we have agreed upon a more modified and economical expenditure, I think, Sir, it is our duty to enable the Government to deal at once with those urgent measures of taxation.

SIR H. WILLOUGHBY said, he thought that the House was placed in a false position, inasmuch as it was considering Ways and Means before it knew what our expenditure would be. How could they in fairness be called upon to levy new taxes upon the people until they were first satisfied as to the necessity of the proposed expenditure? What proof had they that £65,000,000 would be necessary for the expenditure of this year? Unless they were satisfied on that point he thought that they were not justified in the course they were taking. If they required fresh taxation in order to make the Ways and Means equal to the expenditure, they were, he thought, bound by the principles of justice towards the poorer classes to impose duties upon any other articles rather than upon tea and sugar. They were bound in honour and good faith to take off the whole of the war income tax and the whole of the war duties of the tea and sugar. He asked those who were friendly to the principles of free trade whether they could justify this kind of taxation upon the necessities of life, when they very well knew that there were £96,500,000 of our imports wholly or comparatively untaxed. It was idle to say

that they were driven into a corner, and compelled to levy this additional taxation. He contended that they were guilty of a gross breach of faith in following such a course. He confessed, that for his own part, he should prefer seeing the continuance of the income tax, than the continuance of the war tax upon articles of general consumption; and he could not understand how the advocates of free trade could defend the continuation of the tax upon articles which might be reckoned among the necessities of life. It appeared to him that the preliminary question involving their good faith ought to rule the proceedings of this House. And he again asked whether it was constitutional to discuss the Ways and Means of the country before they ascertained what supplies were necessary? They were bound to consider the question of Supply in the first instance, otherwise they would be voting taxation in the dark.

Motion agreed to.

House in Committee; Mr. FITZROY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER: Before I submit the Resolution which stands upon the paper in my name to the Committee, I am desirous of offering some explanations which will apply to the proposition which I have now to make, and also to certain objections which have been taken to the scheme in its original and more extended form. The object which I have had in view has been to modify in amount the direct taxation which presses upon the country in the shape of the income tax, and to reduce that tax to the amount at which it stood before the commencement of the war, and at which it had remained up to that time since it was first imposed by Sir Robert Peel in 1842. I must remind the Committee that since Sir Robert Peel introduced it no attempt has been made to increase the rate beyond 7*d.* in the pound, except upon one occasion, when it was made by the noble Lord the Member for the City, in order to support a plan of enlarged army and navy Estimates. The noble Lord desired to renew the income tax for two years at 12*d.* in the pound, and for three years at 7*d.* That plan was objected to by the House, the Estimates were reduced, and the increase to 12*d.* was not persevered in. Therefore, since the first introduction of the tax, it has never been fixed at a higher rate than 7*d.* in time of peace. Looking, then, at the strong feeling which per-

vaded the country upon the subject of the income tax, and to the desire which seemed to prevail throughout all classes, not even excepting the class upon which the income tax does not directly press, to revert to the rate existing before the war, it appeared to the Government expedient to recur to that amount, and to make up whatever deficiency existed in the annual taxation by a small increase in the indirect taxes. The duties augmented during the war were the spirit duties, the malt duties, and the duties upon tea, sugar, and coffee. The spirit duty has been fixed by a permanent Act of Parliament. That alteration is not temporary; it will continue until altered by this House, and it produces in round numbers the sum of £1,500,000, in addition to the sum which it yielded before the war. I stated on a former evening, in reference to something which fell from the right hon. Gentleman the Member for Carlisle, that this sum might be taken as a permanent addition to the income of the country as settled during the year 1854; that no further legislation on the subject is required; and that the present rate is fixed by a permanent Act, and would be collected until changed by future legislation. Well, then, I come to the war malt duty. That duty ceased by the operation of the Act on the 5th of July last. No doubt it would have been competent to me in the last Session of Parliament to propose the prolongation of that duty until the end of the present financial year, which would have afforded to the House an opportunity, before the expiration of this year, of reconsidering the then existing rates with a view to continue some portion of the increased war duties. However, last Session I stated my reason for not proposing any interference with the expiration of that duty, although, no doubt, last year was substantially a year of war expenditure. My reason was that, partly in consequence of the high price of barley, and partly in consequence of the operation of the increased war rate, the consumption of malt had been diminished during the course of the war. I therefore thought, on the whole (looking to the fact that under the operation of the duties on colonial produce, the consumption of tea and sugar had not undergone a diminution), that it was expedient not to interfere with the malt duty. Leaving that duty, therefore, untouched, the only indirect taxes with which it was competent to me to deal at the commencement of the present year were the duties upon tea and

sugar. The duty on tea was fixed at 1s. 9d. on the pound, to fall on the ensuing 1st of April to 1s. 5d. I may say in round numbers that every 2d. in the pound on tea produces £500,000; each penny of duty is thus equal to £250,000. Under these circumstances, looking to the necessity of obtaining an addition to the revenue, it seemed to me that the duties upon tea and sugar offered a fair ground for levying a portion of that taxation which was required for the wants of the year, and that, not by increasing those duties, nor by preventing their fall altogether, but by proposing a descent less in amount than would have taken place under the existing law, I should be enabled to frame a scheme which would raise a sufficient revenue to meet the estimated expenditure of the year. On reconsidering the matter, I cannot but think the House will come to the conclusion that the proposal I made is a fair one; and it is one to which it is necessary their assent should be given before the 1st of April. If the duty had not fallen upon the 1st of April, I might have run some risk of loss, and might have left the decision to another Parliament; but inasmuch as it was necessary, in order to fulfil the pledge which has been given to the country to reduce the war income tax—which, unless this House interferes, will be leviable at 1s. 4d. in the £1 from the 1st of April next—it seemed to me a reasonable proposition at the same time to arrest the entire fall of the duties upon tea and sugar. In recommending that plan of providing for the Ways and Means of the year, I cited a passage from a celebrated writer whom my right hon. Friend (Mr. Gladstone) familiarly, and humorously I suppose, but not very affectionately, styled, “old Young”—old Arthur Young. Now, in the first place, I would remark that Arthur Young is a writer of great eminence and celebrity, and has been recognized as such by all authorities on economical science. His fame is not confined to this country—it is of European extension. His works have been translated into French by the direction of the French Government. He even, I believe, received a reward from the Russian Government, which perhaps will mitigate the asperity of some Gentlemen towards him; and with the produce of that reward, I believe he purchased an estate in the Crimea, though what has become of that estate, and whether it is possessed by his descendants, I do not know. But his antiquity is complained of. Now, I do not

know why my right hon. Friend should seek to diminish Arthur Young's authority by complaining of his antiquity. The language used by my right hon. Friend would rather lead one to suppose that this was an ancient writer, whose opinions were obsolete, and had no reference to the existing state of things. Now, Arthur Young published works which have a close bearing upon events in modern times, and, considering that his death took place (he was then, certainly, at an advanced age) so late as 1820, I think I am justified in citing him as an authority of no very great antiquity. But I wish to explain to the Committee my meaning in quoting from his works. I adduced a saying of his which condemns simplicity in matters of taxation, and, with great deference to my right hon. Friend, I must maintain that that *dictum*, when correctly understood, is a perfectly sound one. What that *dictum* condemns is the attempt to raise revenue from one great article of taxation, such as some great and all-absorbing tax upon property—for example, the system which obtains in Oriental countries of providing for nearly all the expenses of the Government by a land tax. That is an instance of the system which the *dictum* I have quoted intended to condemn. Arthur Young meant to say, “Impose taxes upon different branches of industry and produce, and don't attempt to raise your revenue from one such branch, either in the shape of direct or indirect taxation.” He had in view such a system as that which exists in this country; but certainly, when I quoted his words, I did not wish it for a moment to be supposed that I was recommending a reversal of the policy recommended by Sir Robert Peel, or that when I condemned simplicity in taxation I meant to recommend complexity. My right hon. Friend talked of simplicity as opposed to complexity, whereas I understood it merely as opposed to variety. Now, it seems to have been supposed that in the proposal which I made I have attempted to introduce principles altogether inconsistent with the doctrines of free trade, and it is said that I have, so far as my speech was concerned, “thrown overboard, condemned, repudiated—as far as the act of one year can go—principles of finance which were introduced amid difficulties and struggles, and which were first extensively applied when the party opposite was in power.” Now, I am really at a loss to understand upon what ground it can be said that the pro-

posal which I made with respect to the duties upon tea and sugar is in any way inconsistent with the principles of liberal legislation first engrafted upon our existing tariff when the party opposite was in power. By free trade I do not understand simply the repeal of the duties upon imported articles, but of duties of protective and of a prohibitory nature; in duties upon such articles as tea and sugar, not grown in this country, when imposed simply for purposes of revenue, I see nothing inconsistent with the doctrines of free trade. Undoubtedly, every such duty raises the price of the article imported, and thereby inflicts an injury upon the consumer; but, so long as it is raised merely for purposes of revenue, so long as the object is not to favour one country or one class of producers at the cost of another, or to obstruct or intercept trade, it cannot be said that any such duty is inconsistent with the principles of free trade legislation. It has been also alleged that our present financial position is gloomy, and calculated to inspire us with alarm; that we are advancing steadily to a state of things in which there will be a deficient revenue, and that unless some vigorous interposition of the authority of this House take place we must expect some extensive financial difficulties. It seems to me, however, that after a proper discussion in Committee of Supply our expenditure will be fixed at a legitimate amount. Whenever that legitimate amount shall have been determined, can it be doubted that the resources of this country are amply sufficient to raise, without any oppression of the people, revenue enough to cover the current expenditure? There never was a time when the great branches of production — our agriculture, commerce, and manufactures, were in a sounder or more satisfactory state, or on a more expansive scale. Judging from the past, and without denying that temporary interruptions of the prosperity of trade may recur, there never was in our history any moment when there was less ground for alarm as to the possibility of raising an adequate revenue from taxation without serious pressure on the springs of industry. I may carry the remark further. If we look to the state of the working classes, we shall find that all the indications afforded by the returns of pauperism and by the state of the savings' banks, with respect to deposits and the money drawn out of them, concur in establishing the conclusion

that the working classes are in the main in a satisfactory state. I, therefore, do not share in the alarms which have been expressed with respect to our financial position; and, while our finances are managed with prudence, and our expenditure is fixed on a legitimate basis, I cannot doubt that this House will in each successive year provide the Government with sufficient Ways and Means for covering that expenditure, and for guarding against any such deficiency as some hon. Members seem to apprehend. Let me, before I sit down, remark that, as I have been charged, upon a mere speculative calculation, with exposing this country to the danger of deficiency at some distant period, I think, if the plan of the right hon. Gentleman opposite (Mr. Disraeli) should be practically acted on there will be a present and actual deficiency; and I trust the House will not agree to the proposals that have been made, but that they will be prepared to accede to the Motion I am now about to make,—namely, that in lieu of the Customs duties now chargeable on tea imported into the United Kingdom, the following duties shall be charged,—that is to say, to the 5th of April, 1857, inclusive, 1s. 9d. per pound; and from and after the 5th of April next to the 5th of April, 1858, inclusive, 1s. 5d. per pound.

(1.) Motion made, and Question proposed—

“That, towards raising the Supply granted to Her Majesty, in lieu of the Duties of Customs now chargeable on Tea imported into the United Kingdom, the following Duty shall be charged, from and after 5th April 1857 to 5th April 1858, inclusive, 1s. 5d. per pound.”

MR. GLADSTONE: Sir, I came down to the House with the anxious desire to address myself to the question that is now before us, which is a strictly practical question, and to confine myself entirely within the limits which the terms of my Motion pointed out. My right hon. Friend (the Chancellor of the Exchequer) has entered on a very wide field of discussion, and has replied to much of a general character that has been contained in our previous debates on the Budget, while he has devoted considerable time and attention to a vindication of the fair fame of old Arthur Young. I do not propose to follow my right hon. Friend into those topics. One thing only I will say, because it really does bear on the subject now before us. My right hon. Friend says that he does not consider the proceedings of the Govern-

ment during the present year are in principle opposed to those operations which I described as having been commenced amid arduous labours, under circumstances of struggle and difficulty, and first of all extensively and systematically entered on at a time when the late Sir Robert Peel held office. My right hon. Friend says, and I perfectly agree with him, that the principles of free trade are distorted and misunderstood if they are supposed to require the abolition of all indirect taxation. The comparative merits of direct and indirect taxation may be a subject for intellectual exertion; but I entirely agree with my right hon. Friend, that indirect taxation is deeply and inextricably rooted in our financial system, and that it is neither practicable nor desirable to get rid of it. I still, however, hold that the spirit of the proposals of the right hon. Gentleman is adverse to the principles on which the operations of the last fifteen years have been conducted. What were those principles? The right hon. Gentleman treated as something that implied the getting rid of prohibition or protection. On the contrary, there were many measures adopted of the greatest importance, and eminently beneficial to the country, which had no connection with prohibition or protection. Why did we abolish many duties on exports which could not be either protective or prohibitory? Why did we abolish many hundreds of duties upon articles that were productive of extremely small amounts to the revenue? That great process of abolition, which has immensely simplified our financial system, had nothing to do with protection. But the main object of all those operations has been this—quite apart from questions of prohibition and protection—to afford an extended, a judicious, and a permanent relief to the consumers of those great commodities imported from abroad which are essentially connected with the comforts of the great mass of the population. That has been the fundamental principle and the capital feature of all those operations. It has been one on which, happily, there has been no conflict whatever of party opinion in this House; and on that account I contemplate it with all the greater satisfaction, and I regret the more sensibly and bitterly that the plans of Her Majesty's Government during the present year, for the first time, make an attack on this long established principle. Now, we are undoubtedly placed in great difficulty with regard to

Mr. Gladstone

the whole of our proceedings as respects the finances and expenditure of the country. The hon. Baronet opposite (Sir H. Willoughby) is, in my judgment, perfectly right. I know no reason why we should deal with the Ways and Means rather than with the question of Supply in the first instance. We are involved in the greatest difficulty in consequence of the course adopted in this respect by the Government. We are called on to provide Ways and Means, and we do not know to what expenditure the amount is to be applied. It is true that in 1845 Sir Robert Peel had recourse to a different mode of proceeding from the ordinary one, and proposed a renewal of the income tax before the Estimates were voted; but it was under circumstances altogether dissimilar from the present, because the operation of his proposal was entirely apart from the operation of the Ways and Means. The income tax was not, then, proposed with the object of sustaining the expenditure of the country, but it was proposed for the purpose of obtaining the opinion of Parliament upon the vital question whether the Government was to part from it or to renew it in order to the reduction of the indirect taxation to a corresponding amount. That case affords no precedent whatever to the right hon. Gentleman the Chancellor of the Exchequer for inverting the usual course of our proceedings, and the hon. Baronet is quite justified in his remark. It appears that the Chancellor of the Exchequer has been induced to propose his Resolutions upon the recommendation of some hon. Members of great weight who sit behind the Treasury Bench. I feel the full force of what has been stated by the right hon. Gentleman the Member for Buckinghamshire. He says, you are a Parliament on whom notice to quit has been served, and just at the time you receive that notice to quit you are called on to impose new taxes on the people. Sir, I think that is a very solid and substantial remark, and it has not been got rid of or impaired by the observations that fell from the hon. Member for Huntingdon (Mr. T. Baring). It appears to me that he has entirely misunderstood the facts of the case, and I think the language of my right hon. Friend (the Chancellor of the Exchequer) tends to promote that misunderstanding. He says he is not increasing the duties on tea and sugar. He means that he is not going to levy after the 5th of April a heavier duty than is levied

now. But he is going to levy a heavier duty after the 5th of April next than would be imposed by law under the existing arrangement, and therefore substantially he is laying a new tax on tea and sugar. The hon. Member for Huntingdon says my Resolution proposes to take away that portion of Ways and Means which arises from indirect taxation. There cannot be a more unfounded objection. I contend that while the Motion I am about to make is in perfect conformity with recent policy, it is likewise in entire harmony with the principle laid down by the right hon. Gentleman opposite. I lament that the forms of the House have required me to place my Resolution upon the Votes in a shape which may lead those Gentlemen who have not taken the trouble to look into the Acts of Parliament to suppose that I am interfering with the course of existing law, and that I am going to take away from the Government Ways and Means which the existing law gives them for application to the public service. That, Sir, is a total misapprehension. I do not now enter into the question of reduction, because I hope to have an opportunity of discussing it in two or three days, when I shall take a more comprehensive view of the nature of the financial proposals of the Government as they now stand. The request which I make is, I believe, a moderate one, and certainly I shall do my best to press it upon the attention of the House. You are going to take away from the income tax that which is now leviable by law, and which had been granted by Parliament for the purposes of war. I say, do not, in order to relieve yourself, or in connection with any attempt to relieve yourself, from the pressure of the income tax, impose any new burdens upon the tea and sugar of the people—burdens which Parliament, when it granted the war taxes, never contemplated, and which, as the law now stands, it is not lawful to levy. My noble Friend the Member for the City of London (Lord J. Russell) replied to me upon a former night in respect to this subject, and he did so in a tone which, I think, ought to have saved him from those imputations which were so freely cast about during the China debate. It is not too much to say that the view he took of my speech and the opinions which he entertained upon it, ought entirely to have relieved him from any imputation of being a party to factious combination. I thought in his observations—of which I am not

entitled to complain, but which certainly indicated considerable hostility to the views I had advanced—my noble Friend complained that I had spoken, on the occasion I refer to, in a manner calculated to attract the goodwill of hon. Gentlemen opposite. Now, Sir, I am glad to acquire goodwill, anywhere that it can be obtained fairly and honourably, for it is not an abundant commodity; and so much do I value the goodwill of my noble Friend, that in venturing to reply to his observations, I can assure the House I shall never say anything inconsistent with the respect I bear towards him, or with my gratitude for his generous—perhaps, over generous—support of all measures emanating from my department of the Government when it was my duty to bring the financial arrangements for the year before the House. Having said so much, I now venture to observe that my noble Friend's objection to my views was a bad one. He said, "You are complaining that there is to be a deficiency in the revenue; you likewise object to the proposals to raise additional revenue by means of increased duties on tea and sugar." It is true I was then complaining of a deficiency of revenue, and I am now complaining of an attempt to increase the duties on tea and sugar; and I appeal to my noble Friend to say whether I am not in the exercise of my right and duty, as a Member of this House, in doing both these things? It is my duty to complain of a deficient supply of Ways and Means to meet the public expenditure; and it is also my duty to object to any particular Ways and Means which appear to me to be open to such great censure and objection that they ought not to be permitted for the public service. We shall, I hope, have a future opportunity of considering how far the proposed expenditure is open to debate; but I must say, in reference to what has fallen from the hon. Member for Huntingdon (Mr. T. Baring), I am not aware that the House of Commons has come to any such pretentious determination as he attributes to the decision arrived at upon the Resolution of the right hon. Member for Buckinghamshire—of an implied sanction of the Estimates upon the table. I disclaim that construction; it was not borne out by the debate nor by the terms of the Resolution proposed by the right hon. Gentleman. The objections to the Motion appeared to turn more upon its prospective character and the indirect manner in which it indi-

cated its objects than upon any opinions the rejection of which tended to give the sanction of the House to estimates which it had had no means of examining. Well, let us come to a consideration of the subject immediately before us. I propose that the duty on tea shall remain at the point at which it is now fixed by law—namely, 1s. 3d. per lb. from the 5th of April, 1857, to the 5th of April, 1858; and, as at present advised, I shall, if the House should adopt my proposal, then submit that after the 5th of April, 1858, that duty shall fall to 1s. per lb., for which I will give reasons by-and-by. [The CHANCELLOR OF THE EXCHEQUER: I do not propose now to deal with any future year.] I understand that perfectly. My right hon. Friend proposes to levy a duty of 1s. 5d. for the ensuing year, and after April, 1858, to leave it entirely uncertain, and to leave all parties engaged in this important trade entirely in the dark as to what duty they will have to pay. The first point to consider is the question of a surplus. You have now got by law a surplus revenue for the coming year, because by law you have the war income tax; but if the proposals of the Government are adopted, I am thoroughly convinced there will be no surplus at all. I would wish to resist the conviction, but I cannot, that when this Parliament goes to the country, if the plan of the Government be adopted, it will go to the country with a deficiency of Ways and Means for the coming year, unless it shall determine before proceeding to grant Ways and Means to settle this question, and to obtain some reduction of the probable expenditure of the country, which is absolutely necessary in order to rectify the balance of income and expenditure. When my right hon. Friend the Chancellor of the Exchequer made his statement the other night he showed us a surplus of £890,000; but since that period he has modified his proposal with regard to tea in such a manner as to reduce his surplus to about £500,000. Thus, there is a nominal surplus of £500,000. But what has my right hon. Friend got to provide for as against that surplus? He has not yet provided one farthing for the expenses of the hostilities in China, nor one farthing for the expenses of the Persian war after the 5th of April next. He has proposed a vote for the expenses of the Persian war up to the 5th of April next; but my firm belief is that that vote will be found far

below the actual amount of expenditure incurred. But, putting that on one side for a moment, you have a surplus of £500,000, and on the other side you have to meet the total expense of a Chinese war, and although you have left open the Persian war till the next financial year, there must be a great deal of additional expenditure to be provided for on this account. If there were no Chinese war the balance of income and expenditure would not in my mind be satisfactory; and I conceive it to be the duty of the House so to regulate the finances of the country as to maintain, at all sacrifices, and, so far as human foresight can do it, a surplus in our income over the expenditure. Then, Sir, I say that in the statement of my right hon. Friend there is no surplus; the £500,000 is not a surplus, when the expenses I mentioned as contingent are considered. But, even if there were, I say it is the duty of the House of Commons not to be bound to accept every proposal of the Government as to particular taxes, simply because the plan of the Government as it stands shows a satisfactory relation between income and expenditure. Of me the Government shall not have to complain for any undue anxiety to take away their Ways and Means. I emphatically concur in what fell from the hon. Member for Huntingdon, that it is the first duty of the House of Commons, under all circumstances and at all times, as far as human foresight can go, to maintain a surplus income, and I hope that if the House will be disposed to take some measures as to the expenditure, we shall prevent that great evil which I now see coming—a deficiency in the revenue of the present year. Upon the statement of the Chancellor of the Exchequer there is now no surplus—for the small amount he mentioned would be swallowed up in the expenses of the two wars I have alluded to, to say nothing of other matters, such as that referred to the other night by my right hon. Friend the Member for Carlisle (Sir J. Graham)—viz., the considerable sum likely to be required for the redemption of the Sound Dues, should the Government bind themselves by any treaty upon that subject. I only wish to show that really there is no surplus, according to the plans of Her Majesty's Government. If those proposals be adopted there will be an increase in the duties levied upon tea and sugar after the 5th of April next, and I will now try that plan by its merits. My right hon. Friend has reduced very much

the scope of his proposals. Originally it was his intention to levy, instead of the present duty of *1s. 9d.* upon tea, a duty of *1s. 7d.* Upon this my noble Friend the Member for the City of London came in with a proposal to levy *1s. 4d.*, and I, not aspiring to the merit of originality, was content to adopt the present law, by which after the 5th of April next *1s. 3d.* per lb. would be charged upon tea. The Chancellor of the Exchequer, being determined to be original, abandoning the *9d.* and the *7d.*, rejecting alike the *4d.* and the *3d.*, alights upon *1s. 5d.* as the amount to be charged. We have now the simple question between the present law which fixes the tea duty at *1s. 3d.* per lb. and the proposal of the right hon. Gentleman to increase that duty to *1s. 5d.* I will not repeat what I stated on a former evening of the immense importance, the enormous and unmixed benefits to the country generally that have accrued from the great reduction in indirect taxation. I am quite sure, Sir, that this fact has impressed itself upon the mind of the House, that in dealing with these duties we are dealing with a subject with which no painful recollections of former transactions are associated. The reduction of the tea duty was proposed by the right hon. Gentleman opposite (Mr. Disraeli), who had the honour of first suggesting it as the representative of Lord Derby's Government. That Government fell upon a question of finance, but those who succeeded to power adopted the proposal of the right hon. Gentleman, and it was adopted by the House with only insignificant variations. It had, therefore, the most solemn and unanimous sanction of the Commons' House of Parliament that could be given. Now, Sir, I ask for what great boon or benefit is it that the Government invite us to take the first step in the reversal of this beneficial process of reducing the indirect taxation to the wants of the people? and afterwards I will ask for what reason? Why, Sir, so far as regards the article of tea, the sum that will be gained to the revenue of the country by the proposal of the right hon. Gentleman, will not exceed £370,000, and something not very different from the same sum on sugar. That is the whole which my right hon. Friend the Chancellor of the Exchequer will gain for the present year by interfering with the existing law, and by setting what I must be permitted to call the most pernicious precedent of an act of retrogression and reaction in policy with respect to those

great articles of consumption. Now, I first submit that that is a most inadequate object to be gained for such a purpose. The sum is trifling and insignificant in itself, and does not in the least degree justify on account of its importance as a matter of ways and means any step which is questionable on higher and broader grounds. The object being, as a financial object, extremely insignificant, what are the other circumstances in the case? I have been told by the Secretary to the Treasury that I myself am a great offender in this matter of the tea duties, because I proposed an increase of those duties during the war. On sugar I did, but not on tea; and so deeply were the Government to which I belonged convinced of the evil of interfering with the descending scale of tea duties that in 1854, when we obtained power to apply £12,000,000 taxes to defray the expenditure of the war, we positively did not interfere with that descending scale. When we then doubled the Income-tax and increased the malt and sugar duties we, with the full consent of Parliament, left the descent of the tea duties to take its full effect. Such was the sentiment we all entertained, and in which the noble Lord the Member for London participated, with respect to the mischief of interfering with the prospective fall of the tea duties. In 1855 the necessity was pressing, and it had become absolutely necessary to resort to loans, but while resorting to loans we likewise thought it right to obtain an increase of means from taxation, and then, with great reluctance, we arrested the next fall of the tea duties; but we did not increase their amount. Those who followed us did so. I am not saying the matter was not a fair one for consideration, but it was not the Chancellor of the Exchequer of Lord Aberdeen's Administration that did so—it was reserved for the right hon. Gentleman the present Chancellor of the Exchequer to take that step. We did increase the sugar duties under great pressure, and the House also under increased pressure thought it necessary to increase the tea duties; but the increase in these duties were war increases—they were war duties, granted by Parliament for a certain period, defined clearly in an Act of the Legislature; and that period expires on the 5th of April next. The question, then, which you have to consider is, whether you will in a time of peace carry on those war duties, or any portion of those war duties, on tea and sugar? It is useless to say that you are not increasing the tea duties

—that you are only suspending their decline. A tax is a tax, and it does not signify what name you may call it by. You suspend the decline this year; another person may do the same next year; and a third the year after that. Do not, therefore perplex and involve the question in darkness by using unmeaning words. The Parliament during the war granted those duties until the 5th of April next, and I only ask you to leave them as the Parliament during the war left them. What is the consequence of the course taken with respect to the tea duties? Why, in the first place, a distinct promise was given to the parties engaged in the trade; and I confess that I think it a most serious evil that that promise should be broken. It is, all very well to come down to the House and say that, whether you grant a remission of the tea duty or not, no loss will fall on the dealer. I think nothing could be more harsh—I will not say dishonest—than such a statement. In the next place, nothing is more impolitic than to grudge to the trader the profit he derives from the remission of duty. The first effect of all remissions of duty is to throw profit into the pockets of the trader; and that process has this beneficial effect, that it excites the enterprise of the dealer and leads to an augmentation of the supply. It is therefore, most unjust and impolitic to break faith with the dealer, and to defend the non-performance of your promise to him by the argument that the loss will fall on the consumer and not on him. I think that, after the Act of 1855, those who were engaged in the China trade were perfectly entitled to consider that, unless in the event of a great stress and pressure, they were entitled to have their expectation of a reduction of the tea duties, as they stood under that Act, realized. I will not talk of a compact, because I wish to avoid verbal disputes, but I put it to the House whether there was not a fair right to expect, in the event of the cessation of the war, a decline of the tea duties as fixed by the Act of 1855? Much has been said against the expediency of prospective legislation; and now a different philosophy has come into play, and we are told that the only proper thing to do is to vote taxes for twelve months, just as we grant supplies for twelve months. As the tide seems to be running against prospective legislation, I shall not be altogether wrong in saying something about the nature of the promise on this subject; and, secondly, about the

effects as regards the article of tea, of prospective legislation. I read in a public statement, free to be seen by all the world, a passage in which the Chancellor of the Exchequer is represented as having stated to a deputation on the 23rd of January, ten days before the opening of Parliament, that the war taxes on tea and sugar would terminate on the 5th of April by law. Well, I confess if those words, or any equivalent words, were used by the right hon. Gentleman, I think it is a curious fact for the House of Commons to consider, because there is not a doubt, if such words were used, that the gentlemen who heard them, being engaged in the trade, would immediately and unhesitatingly proceed to arrange their communications with China, and to conduct their operations in conformity with, and in implicit reliance on, those words.* I think, then, it is a most serious objection to the proposal of the Chancellor of the Exchequer that it disappointed the expectations reasonably entertained by the dealers on account of words used by a Minister of State. So much for the promise. Now, let me say a few words about prospective legislation; because, undoubtedly, if that be bad the legislation now proposed must be good; because the Chancellor of the Exchequer proposes to grant the duty on tea for twelve months only, and to let the matter afterwards take its chance. Now, the right hon. Gentleman the Chancellor of the Exchequer of Lord Derby's Government proposed a fall of duty to run over five or six years, and I think Lord Aberdeen's Government dealt with the duties prospectively for four or five years; and we shall see what the effect of the prospective legislation of the two Governments in respect of these duties was. In 1853 this prospective legislation was first adopted; and though that legislation was adopted under very unfortuitous circumstances, for a rebellion in China had just broken out, and it was morally certain that to some extent this would interfere with the operation of that legislation, still, notwithstanding that circumstance the traders and merchants of this country were so active in supplying the people with tea, that while the imports in 1853 had been 71,000,000 lbs., they reached nearly 86,000,000 lbs. in 1854. Towards the close of this latter year it first became necessary to arrest the descending scale of 1855, and the moment the descent in the duty was arrested, the increase in importations was arrested also. The supply

in 1854 as compared with 1853 had risen 15,000,000 lbs.; but the supply in 1855 as compared with 1854, not only did not rise, but actually fell 2,500,000 lbs. below that of 1854. During the years 1854-5-6 the supplies remained as nearly as may be stationary; thereby showing that your prospective legislation, proposing as it did extended reductions, gave rise to extended operations in the trade. [The CHANCELLOR of the EXCHEQUER read the returns for 1856]. The importations were 86,160,000 lbs.; but that helps to prove what I want to show—that from 1853 to 1854 you had an ascending scale, and that from 1854, instead of ascending in the supply, we stood still. Exactly as the decline of duty was arrested, the ascent in the supply was arrested. The consequence of the prospective legislation of 1853, therefore, has been this, that you have now got a state of things in this country which saves the people from the chance of a famine in tea. You have now got a larger stock of tea by a great deal in the country than you have ever had before. There has been no example of such a stock. It is to that that my right hon. Friend trusts, because he thinks that the tea-dealers will have such large stocks on hand that they must sell, whatever the duty may be, and that he will therefore be able to gain something from them in that respect. But I hope that this House will not be led by any such narrow policy to exult in the gains that are to be got out of dealers by a disappointment of the expectations that they have entertained. This stock of tea is such that we may reasonably hope that, if the expectations held out by this House are fulfilled, the public, notwithstanding the war, will get the full benefit of the reduction of the duty, and perhaps even more, because large quantities of tea have been reserved until the time when the reduction should take place.

My hon. Friend the Secretary for the Treasury (Mr. Wilson) founded his argument in favour of these augmentations of indirect duties upon a ground which I do not think he ought to have been the man to advance. He said the Government are in the unfortunate condition of having to make provision for war obligations which were contracted before their accession to office, and left unprovided for. I must say, Sir, that my hon. Friend is entirely without foundation in making that statement. The war obligations were not left unprovided for. They were provided for,

or were meant to be, and have been provided for, to a great extent, by the half-year's war, income tax that will come in after the 5th of April next. In the year 1854, when the House of Commons granted to the Government of Lord Aberdeen authority to contract certain temporary obligations in the shape of Exchequer bonds or Exchequer bills, the Government explained to the House that, although the taxes were granted, the collection of them would be necessarily six or eight months in arrear; and over and over again the Exchequer bonds that were then authorized to be issued were described by me, as the organ of the Government, as intended to raise the money which we were going to borrow, not as an addition to the debt of the country, but in anticipation of the taxes that Parliament had actually granted. Well, all that was of course very simple and plain. And now with respect to the plan for redeeming these pledges. There were £6,000,000 of these Exchequer bonds issued, towards the payment of which was to be devoted that half-year's income tax which would come in after the 5th of April next, and which would amount to £4,500,000 or £5,000,000. What is going to be done with that half-year's income tax? £2,000,000 of it will certainly go towards the payment of these Exchequer bonds. That is perfectly right as far as the redemption of the promise of Parliament goes; but the other £2,500,000 of that tax ought, in justice to the promise made in 1854, to be applied to the further reduction of these obligations, and not to Ways and Means; and, therefore, I must tell my right hon. Friend that, so far from his being encumbered with war obligations left unprovided for, for the liquidation of which he is obliged to tax the tea and sugar of the people, there is a provision for the discharge of the war obligations which he is going to apply, not to purposes for which Parliament intended it, but for maintaining the establishments of the year. So much for the doctrine of war obligations; and I venture to say that the more we go back to 1854, the more we regard the intention with which Parliament granted authority to issue those Exchequer bonds, the more we shall see that they were granted in anticipation of taxes the payment of which would always be in arrear. There is no ground, then, whatever for the plea that, in order to pay war obligations, you must lay fresh taxes upon the tea and sugar of

the people. Perhaps it will be convenient to the Committee if I should now make some observations with regard to the sugar duties.

I think that my right hon. Friend (the Chancellor of the Exchequer) made a very serious error in the case of sugar. I understood him to say that the war taxes upon tea and sugar had been borne without any diminution in the consumption. Now, the war tax upon sugar has caused an extraordinary diminution in the consumption. I am far from saying that that is the only cause; I admit that another—namely, that of high prices—has seriously contributed to that diminution within the last two years. I am about to refer to an eleven months' Estimate, and that is sufficient for my purpose, of the consumption of sugar in 1854. During the first eleven months of that year it was 7,500,000 cwt.; during the same part of the year 1855 it was 7,178,000 cwt.; and in the first eleven months of 1856 it was 6,771,000 cwt.; so that in the course of only two years in this most important article of sugar there was a decrease of about 800,000 cwt., or an eighth of the whole consumption. Now, that is a serious fact for this House to consider. We have laboured, and struggled, and contended for many years to reduce the duties upon sugar. For many years the question of the sugar duties, not merely as a question of revenue or protection, but as a question connected with high social interests of humanity, was a capital question of debate in this House. The House, in order to increase the comforts of the people, inflicted a serious detriment upon the sugar planters in the British colonies, the only class, as far as I know, who have been great sufferers by the transition from protection to free trade. Their condition, I think, entitles them to the fair consideration of the country. But for the sake of increasing the supply and consumption of sugar by the people you not only sacrificed a large revenue, and prejudiced the interests and fortunes of a class of proprietors, but you risked and hazarded a serious evil by giving a new stimulus to the slave trade, which you are constantly endeavouring at an enormous cost to repress. Such was the importance that you attached to that object. And now, owing to the combined influences of high prices, which you could not help, and the war, which was a matter more within your discretion, you have had within the short space of two years a reduction in consump-

tion of one-eighth upon the whole amount. It is impossible to show more clearly that this is a matter which demands the most careful attention of the House. And it must not be said that, with respect to sugar, the supplies are so limited that it does not signify whether the duty is 1s. more or 1s. less. That is the grossest fallacy in the world. As regards tea you are great consumers. I speak in the presence of those who can correct me, but I take it there is no doubt that much more than one-half, probably nearly two-thirds, of the tea that is exported from China comes to England: and therefore you may truly say that when you make an alteration in the duty upon tea, it will not very greatly affect the supply to your market in relation to the supplies to other markets, because you have not many other markets to draw upon. There is no great area in the supply from which you can draw tea by the inducements that you hold out by a reduction of duty. But that is not the case with sugar. On the contrary, the article of sugar is produced in enormous quantities and in an immense variety of countries. Your consumption is now about 350,000 or 360,000 tons. The entire exportable product available for the use of Europe and of the United States of America may, I believe, be taken at something not less than the enormous amount of 1,400,000 tons. Therefore there is an immense area from which you can draw your sugar. And every one knows that in the course of trade a multitude of ships come across the Atlantic with cargoes of sugar, absolutely not knowing to what market they are to go. They come first, I believe, to Cowes, where they learn what is the price in London, in Hamburg, in Amsterdam, and other ports, and they go here or there in proportion as the inducement offered here or there is greater or less. Well, that question of inducement is therefore affected by every 1s. of duty that you put on or take off. Every 1s. or every 2s. more or less of duty determines to what market the ship shall go. Now, Her Majesty's Government are going to lay an additional duty of 1s. upon sugar, and they think to induce us to sanction that proposition by telling us that the supplies of sugar are so small that it is quite unimportant what we do with regard to the sugar duty. Unless you are prepared to continue, without necessity and without justification, the grinding prices to which the necessities of the war drove you, and which you justifiably

adopted, the very fact that the stocks of sugar are small ought to prevent you from laying any fresh burden upon that article, and induce you rather to reduce than increase the duty upon it.

I have stated to the Committee what is necessary to put this question in a fair point of view, not wishing to repeat the more general representations which I made on a former evening; but I must again enter my protest against the supposition that we are now called upon to take a course of mere secondary importance. It is represented to us as if this were only adjourning a little the date at which these duties are to fall—as if it were only reserving the question for the judgment of a new Parliament. Sir, it is no such thing. If we can leave the matter *in statu quo*, let us do so; that is just what I propose. I propose to leave it *in statu quo*, and to let a new Parliament exercise its judgment upon it. But do not, under the name of a mere secondary or formal proceeding lead the House into taking the first step in a course of retrogression upon a path, every onward step on which has showered fresh and yet fresher blessings on the people of England. It is very easy to say that this is a small matter, that we are not going to make an increase, but only to postpone a decrease. You are going to postpone a decrease; and under what circumstances? If you adopt the proposal of the Government, what sort of an example will you set to future Chancellors of the Exchequer? You have by law at this moment a surplus revenue; and in order, as you say, to make certain reductions, upon which I will not now enter, you are going to impose new duties upon tea and sugar. What will be the probable condition of those who will next year have to reconsider your proposal? What will be their prospect of a balance between revenue and expenditure? You have now got large and ample means in your hands. Woe be to the man who next year stands at that box to open his budget! You are going to cut away those means, and unless this House take—as I trust it may—views of expenditure very different from those of Her Majesty's Government, you are obviously going to cause an enormous deficiency in the revenue of the year 1858-9. That will be the result of your votes to-night. The Chancellor of the Exchequer who in that year shall come down to this House and shall ask, not for an increase, but for a further suspension of the fall in the duties upon tea and sugar, will

in all probability have an infinitely better case than the Government which is now setting the example. If, at a time when by law there is a surplus of revenue, this House, in order to do something which will be agreeable to the wealthier classes of this country, agrees to impose taxes upon tea and sugar, it will afford a fatal precedent to future Governments and future Chancellors of the Exchequer, who one year, two years, or three years hence—it matters not when—may again propose to arrest the reduction of these duties, and who will be able to say, “It is all very well, but you should not have taken the first step. It was the first step which set the example, and under what circumstances was that step taken? You actually had in your hands the means of defraying the whole public expenditure; but the Parliament of 1857, which was upon the eve of dissolution, left a large deficit, which we are now called upon to meet. Under these circumstances a large addition of new taxes has become necessary. We must divide these taxes between direct and indirect; and, glad as we should be to see the taxes upon tea and sugar fall to the level of the golden age of about 1850 or 1851, it is obvious that we are driven, however sorrowfully and however reluctantly, to a further suspension of their reduction.”

Sir, I, for my part, am most anxious to avoid any thing in the nature of a factious opposition to any proposal, however much I may object to it. I wish, with the kind indulgence of the House, to make a fair and full statement of my objections, and if I perceive that the opinions which I individually entertain are not largely supported by the House, then, after having taken the sense of the Committee, I shall respectfully withdraw; but if those opinions are supported, as I trust they will be, by this Committee, I shall not shrink from doing them all the justice in my power. I am deeply convinced that the rigid maintenance of the pledges given, even by the Parliament which raised these taxes during the war, is of the utmost importance in itself—of the utmost importance with a view to the increase of the comforts of the people—of the utmost importance to the satisfaction, contentment, and loyalty of the people; and, speaking of these proposals as precedents, I do not hesitate to add, of the utmost importance to the stability of the political institutions of the country; because I think that, in a country where the representatives of the people are

elected, not by the entire mass of the population, but only by those who are generally above the level of the labouring classes, it is most important, if you intend to have tranquillity and contentment, that the labouring classes of the people should see that their interests are fairly, justly, and liberally cared for by Parliament, and that there is in that body no disposition to respect unduly and unequally the interests and convenience of those classes who possess the franchise. If I were an agitator for extended and organic reform in the Parliamentary representation of the people, I should not desire a better case than to go forth among those upon whom I sought to act and say to them: "See, here is a fair test of the effects of a limited representation. Here is a case in which Parliament had in its hands, provided by law, ample means of defraying the expenditure of the country. A movement was got up among the classes who possessed the franchise for a reduction of taxation. They did not, as they ought to have done, look first to what would be the expenditure of the country and govern themselves as to taxation accordingly; but they at once determined, with a dissolution in prospect, that whatever might be the expenditure the wishes of the enfranchised classes should be met; and to meet these wishes they not undid, but began to undo, the beneficial work of former years and of former parliaments, and added to the burdens which were leviable by law upon the tea and sugar of the people."

Amendment proposed, to leave out "1s. 5d.," and to insert "1s. 3d." instead thereof.

THE CHANCELLOR OF THE EXCHEQUER: I have listened with great attention to the speech of my right hon. Friend, but I regret to say that, as in the case of a former speech of his made during these discussions, I am incapable of understanding the drift of the policy which he recommends to us. Each part and portion, each sentence of my right hon. Friend's speeches is highly polished and refined; but when I attempt to understand them as a whole they seem to me to be deficient in coherency and intelligibility. In his style of speaking he reminds me of the sculptor described by Horace,—

"——— Ungues

Exprimet, et molles imitabitur ære capillos,
Infelix operis summâ, quia ponere totum
Nesciet."

I confess that if, setting aside the Budget

Mr. Gladstone

which I have presented to the House, I were now called upon to prepare one founded upon the principles recommended by my right hon. Friend, I should be wholly at a loss to know how to set about it. My right hon. Friend complains of my proposal to arrest the fall of the duties upon tea and sugar, and, greatly refining upon the words, and perverting them from their obvious meaning, says,—“What you are proposing is not a reduction, but an increase of the duty. All I ask is that you should leave the law as it stands.” What my right hon. Friend means is this, that a reduction which is a less reduction than a greater reduction is not a reduction. [Mr. GLADSTONE: No, no!] Let me explain what I understand to be the facts, and then my right hon. Friend will see whether I have not expressed his ideas in correct language. The present duty on tea is 1s. 9d. a pound; by law it would on the 1st of April next fall to 1s. 3d. a pound. I propose from the 1st of April a duty of 1s. 5d. a pound. What I maintain is, that to alter the duty from 1s. 9d. to 1s. 5d. is a reduction. My right hon. Friend says that it is an increase, because it is a less reduction than a greater reduction; therefore I have quite correctly interpreted his meaning when I say that he contends that a reduction which is a less reduction than a greater reduction is not a reduction. At all events, what I propose should be the duty from the 1st of April next, although it is higher than that which would be the duty if the law was to take full effect, is a less duty than that which now exists. Then I take it, it will hardly be disputed that a change from 16d. to 7d. upon incomes above £150, and of 11½d. to 5d. in the pound upon incomes between £150 and £100, is also a reduction. It will further not be denied, that when I take no measures for interfering with the fall of the war duty upon malt, that also is a reduction. The same is the case with regard to coffee, the entire reduction of the duty on which, fixed by law, will take effect. I made a statement on a former night which my right hon. Friend (Mr. Gladstone) has characterized in no very measured terms as calculated to deceive the country. I certainly did inadvertently use the words, that I proposed certain reductions of duties, whereas I ought to have said that, in consequence of the plan which I proposed, certain duties would be reduced. With the explanation which I have now given, can anything be

more unfair than to assert that I have introduced a Budget the main characteristic of which is the increase of taxation? Any stranger in this House who listened to the speech of my right hon. Friend would suppose, that at the close of a war I was bringing forward a plan for adding to the burdens of the people. All that he can accuse me of doing is the not allowing the whole of the contemplated reduction of taxes to take effect. I am not arresting the entire reduction, but merely qualifying it to a certain extent. In order to prevent all misunderstanding I will again read what the remissions, according to rates calculated for the whole year, will be for the ensuing year, as compared with the amount at which these imposts stood during the period of the highest war taxation, two years ago:—There will be a reduction—

On malt	...	...	...	£2,000,000
On income tax at the war scale	...	...	...	9,125,000
On tea	...	...	...	600,000
On coffee	...	...	...	135,000
On sugar	...	...	...	342,000

Making in the whole £12,271,000

It is quite true, as my right hon. Friend reminded the House, that the whole of that reduction will not accrue within the financial year, inasmuch as it is well known that taxes are not always paid at the time they become due; but that is the only way in which you can estimate remissions of taxation. I reiterate, then, quite deliberately, the statement which I made on a former night, that taking the taxation of the present year, as compared with the highest taxation during the war, there will be a relief to the country of more than £12,000,000 sterling. My right hon. Friend says all he asks is that we should leave the law as it is. Very well, Sir. If he places me in the position of making a bargain with him for the Exchequer, and assumes that I have interests distinct from the public, I say I am ready to take the law as it stands. Continue the war income tax for the next year—let the tea and the sugar duties go down; and the Exchequer will be an enormous gainer. By that arrangement a much larger sum will be levied from the public than by the plan I propose. What my right hon. Friend does, however, is this: he picks all the plums from the pudding—he does not take the rough with the smooth, but keeps the smooth to himself and leaves the rough to me. He says, “I deny you the increase (as he calls it) of the tea and sugar duties, but I will exact from you the remission of

the income tax.” And that, forsooth, he calls leaving the law as it is! I cannot understand how he could have thought the House would overlook a consideration so obvious; and I must only suppose that amid the labyrinth he pursued in the course of his speech he lost the clue of his argument, and became bewildered in his own ingenious calculations. He said that I denounced prospective legislation upon taxation, and he also referred to the scheme introduced by the right hon. Gentleman the Member for Buckinghamshire, when Chancellor of the Exchequer, for prospectively reducing the tea duties. He might likewise have enumerated, if he had deemed it worthy of mention, the Act that I myself proposed on the same subject, and carried through this House. That Act, which is now the law, established the very fall in the duties which I now seek to arrest. It must, therefore, be evident that I can have no insuperable objection to prospective legislation respecting the duties on tea, or any other duties with regard to which it may seem possible to propose a prospective reduction. Indeed, the policy of prospective reduction is quite familiar to the House, and I really cannot conceive how my right hon. Friend should imagine that anybody can have any fundamental objection to so well-known and long-recognized a principle of legislation. My reason for not recommending a prospective reduction of the duty contemplated by the Resolution before the House, as was clearly stated by my noble Friend at the head of the Government yesterday, and also indicated by me, was that we did not think ourselves justified, in our present circumstances and in the provisional position of our legislation, in proposing to go beyond what is absolutely necessary for the service of the year. I proposed at the beginning of the Session prospective duties for three years, both upon tea and sugar, thereby plainly indicating that I was not hostile to prospective taxation; and I withdraw that part of the plan referring to the two last of those three years in the Resolutions of which I gave notice yesterday, on the sole and simple ground of the altered position of the Government. Sir, if I attempted to carry more than is essential for the requirements of the year, is there the smallest doubt that I should have been met with the very reasonable objection that I was asking the House for more than was necessary, and more than, according to our own showing, we have a right to ask? For the same reason that we have confined

our demand to six months' supply, and propose also to limit the Mutiny Act to a similar period, we are equally bound to ask for taxes for only one year. We could hardly ask for taxes for a shorter time than a year. Nobody ever heard of taxes being enacted on tea and sugar for a period of six months. Our merchants have to send out their orders to places at a remote distance, and it is important to the mercantile community that it should know beforehand what are to be the taxes for at least a twelvemonth. So also with the income tax—it is necessary that it should be fixed for a year. But beyond a year it is not needful to go, and on that account alone I have restricted my proposition to one year, and not because of any antipathy to prospective legislation.

Sir, I now come to a part of my right hon. Friend's speech which, I confess, puzzled and perplexed me more than any other—the part, I mean, which referred to the redemption of the war loans. He says that £4,500,000, which will be collected in the ensuing year, as arrears of the high income tax, in the current year ought to be applied to the redemption of Exchequer bonds. Well, £2,000,000 will be so applied, if the House thinks fit to grant sufficient Ways and Means for the service of the year. If my right hon. Friend's proposal to refuse the increase in the tea and sugar duties should be acceded to, I presume the result would be that it would be necessary to borrow again for the discharge of £2,000,000 of Exchequer bonds; for it is necessary that the current expenditure should take precedence of the redemption of debt. Therefore his proposition, by an inevitable consequence, would lead to the postponement of the redemption of these bonds. As far as I can understand his doctrine, it is that we ought to apply £4,500,000, that would be received next year in respect of the war income tax, to the redemption of the Exchequer bonds. I do not know why we should give those bonds the priority over other modes of redeeming debt; but my right hon. Friend must be aware that if the House is disposed to impose £2,000,000 of new taxation for the services of the year, in order to enable us to apply £2,000,000 of income tax to the redemption of the debt—because that would be necessarily involved in his plan—there would be no power, as the law stands, to appropriate that money to the extinction of Exchequer bonds. The Exchequer bonds of next year are held by different parties,

The Chancellor of the Exchequer

and we have no means of redeeming them till the regular time for their redemption arrives. We cannot go into the market and buy them up, unless the persons to whom they belong are willing to sell them—you can redeem them only when they reach the proper period. You have no legal means for keeping in the Exchequer the surplus of the present year with which to redeem the debt in a future year. The Commissioners for the Management of the National Debt are bound, under the existing law, to apply any surplus that may arise in the present year to the extinction of debt, but not to the extinction of the debt in a future year. Therefore, to carry out my right hon. Friend's plan, this must be done:—You must, in the first place, pass an Act of Parliament enabling you to impound £2,000,000 of the revenue this year, and to keep it locked up in the Exchequer in order to be ready in the month of May, 1858, to redeem £2,000,000 of Exchequer bonds then coming due. Next, inasmuch as you have a deficiency in the revenue for the present year, you must also impose £2,000,000 of additional taxation to cover it. My right hon. Friend's financial scheme leads to this consequence, that you must raise £2,000,000 this year of unnecessary taxation, in order to store over £2,000,000 with which to redeem Exchequer bonds next year. That, as far as I can comprehend it, is the practical result of his plan. If it can be attained in any other way, I confess I am totally unable to discover it. If he means that we are to continue the war income tax to the full extent of £16,000,000, then, no doubt that would very much facilitate the redemption of the debt in the next year, because there would be a surplus of £4,000,000 handed over for the following year. I do not know whether that is my right hon. Friend's plan, but the result of it would be that we should have a surplus for this year for which we have no application, and also a high income tax next year to redeem the debt. Instead of doing this by the clumsy mode of levying too large a tax this year to obtain a surplus, let him propose an additional charge to the income tax for next year, which would give him what he wants when the exigency arises, without placing unnecessary burdens on the country this year.

My right hon. Friend stated that I misunderstood or mistook what he said respecting the consumption of tea and sugar. Well, now, he read a return of consumption extending over eleven months. I have

the statement before me for twelve months; and let the House observe the progress made in the consumption of tea, and how far the duty I proposed has had the effect of limiting and checking the consumption of tea. These figures, which I will read, are those upon which my right hon. Friend founded his impassioned and pathetic complaint, that we were grinding and crushing the poor with imposts on necessities unheard-of in the annals of taxation. Let the House judge from the following figures how far the war duty of 1s. 9d. has checked the consumption. I will go back as far as 1835 to show the progress of consumption. The quantities I will read are those retained for home consumption. In 1835 the quantity was 36,574,000 lbs.; in 1845, 44,193,000 lbs.; in 1852, 54,713,000 lbs.; in 1853, 58,834,000 lbs. That was the year before the war, and it will serve for a point of comparison. In 1854 the consumption rose to 61,953,000 lbs. In the years of high war duties the consumption was as follows:—In 1855, 63,429,000 lbs.; in 1856, 63,277,000 lbs. These two last years were thus years of the highest consumption of tea ever known in this country, and under this “grinding and crushing tax,” which is now 1s. 9d. And what I propose is to reduce this tax still further to the “grinding and crushing” duty of 1s. 5d. per lb. I will now take the article of sugar. In 1835 the quantity of sugar taken out of consumption, refined and unrefined jointly, was 4,022,850 cwts.; in 1845, 4,856,680 cwts. There was afterwards a great change made, and in 1852 the consumption was 7,172,858 cwts.; which in 1853 rose to 7,487,589 cwts. My right hon. Friend says that I mistook the figures, and that I was wrong in saying that the consumption of sugar was not materially affected by the war. Now, in 1853 the consumption was 7,487,000 cwts., which in 1854 rose to 8,333,407 cwts. In 1855 the quantity certainly fell to 7,547,157 cwts., and in 1856 it was 7,361,371 cwts. Thus, although in the last two years the consumption was less than in 1854, yet in 1855 it was greater than in 1853, and in 1856 it was nearly equal. It is therefore obvious that the consumption of sugar has not been materially affected by the war duties. The consumption of molasses has gradually increased from 844,030 cwts. in 1853 to 927,266 cwts. in 1854, 920,940 cwts. in 1855, and 938,776 cwts. in 1856. Therefore, with regard to molasses, the consumption of last

year was greater than that of any previous year. If, on the other hand, I take the article of malt, I find that the consumption of malt in 1852 was 41,071,636 bushels; in 1853, 41,992,178 bushels; in 1854, 36,812,727 bushels; in 1855, 33,879,381 bushels; in 1856, 36,970,427 bushels. So that a more decided effect was produced by the war duties upon malt than upon either of the articles of tea or sugar. I will only mention the opinion of Mr. McCulloch, whose authority must have considerable weight upon a question of this nature, and who is acquainted with all the statistics of taxation in this country. In his *Commercial Dictionary*, he said—

“When not carried to an extravagant height, duties on sugar afford, in truth, one of the least exceptionable means by which a large revenue may be most conveniently raised.”

Sir, the additional revenue I propose to raise on the articles of tea and sugar is not very large. It will not, I think, amount to £1,000,000 in the present year. It is, nevertheless, a part of the financial plan of the year, and, although I lament as much as my right hon. Friend himself, or as any hon. Member can do, the necessity that exists for imposing duties upon articles that are extensively consumed, not only by the upper and middle classes, but also by the working-classes, and although I much wish that it were in my power conscientiously to accede to the Motion of the right hon. Gentleman, and allow the decline of duties to take place without impediment, yet still I believe that if we are driven to find an alternative, and if the House, rejecting this proposition on the part of the Government, should substitute some other tax on some other article of general consumption, it will be found that that substitute will not be less onerous or more acceptable to the bulk of the people than that which I now propose.

MR. SPOONER: There is one question which the right hon. Gentleman has not answered, but upon the answer he gives to that question will depend my vote. The right hon. Member for Oxford University has stated that, in a conversation held between the dealers in tea and the Chancellor of the Exchequer, in January last, the right hon. Gentleman, in answer to their application, said that the duty would lapse by law on the 5th of April. Now, what he wished to know was whether that avowal was accompanied by any qualification or not. If it were an unqualified answer, then they could not come to any other

conclusion than that the cessation of duty was to take place; and in that case the plan of the Chancellor of the Exchequer will be a direct breach of faith, and the House will do well to pause before they agree to it. My views were in favour of the right hon. Gentleman's Resolutions; but I cannot think of giving them my support if there is the shadow of a breach of faith.

THE CHANCELLOR OF THE EXCHEQUER: I am much obliged to my hon. Friend for giving me an opportunity of answering his question. I can of course hardly be expected, at this distance of time, to recall the exact words that fell from me on that occasion. At the time to which he refers I had the honour of receiving a deputation of gentlemen, who came to press me to inform them whether it was the intention of the Government to adhere to the whole amount of income tax for the ensuing year, and whether the Government viewed those words in the income tax which have been so often referred to as constituting a sort of bond between them and the House of Commons, of which the Government were entitled to avail themselves, whether the service of the year required it or not. In answer to that question I stated what was the law with respect to the different duties that were imposed during the war, and I said that the war duty on malt had expired on the 5th of July; that by law the tea and sugar duties expired on the 1st of April next. I explained the law with regard to the income tax, and proceeded to give them an answer to the question with respect to the intentions of the Government, telling them that it was not the intention of the Government to take advantage of a technical expression in the Act of Parliament. I have no doubt that the words cited are substantially what I said, but I merely stated a matter of fact. The deputation did not ask a question about tea or sugar—those articles were merely mentioned incidentally. It was a deputation, if I remember aright, from the Society for the Reduction of the Income Tax, and they came to me exclusively on that question. [Mr. SPOONER: They did not represent the teadealers then?] They not only did not represent the teadealers, but they put to me no question on the subject of the tea duties. I introduced it upon my own thought and suggestion, and did not lead them to expect that those duties would be increased or diminished, or dealt with in any manner whatever.

Mr. Spooner

LORD JOHN RUSSELL: Having given notice of an Amendment to the duties proposed by the Chancellor of the Exchequer, it is due to the Committee that I should state the course that I propose to take. But before I do so, as a renewed discussion has been raised, first by the Chancellor of the Exchequer and then by my right hon. Friend the Member for the University of Oxford, with regard to the merits of the Budget, I must in a few words restate my opinion. My right hon. Friend says that I objected very much to the propositions that he stated, and no doubt it is my habit, when I have formed my opinion after some labour and deliberation, to state my opinion as strongly as I can—not, I hope it is unnecessary to say, from any wish to impose my opinion upon the House, but in order to make the House perfectly understand the reasons on which I have acted. It appears to me on considering the Budget that the Chancellor of the Exchequer has proved that it was a very fair and honest statement of the requirements of the year, and of the manner in which he proposed to meet them. It appears to me that, as the ratification of a treaty of peace does not carry with it immediately an end of the expenses of war, it is necessary for the Chancellor of the Exchequer to consider in what manner those expenses shall be met. The present Chancellor of the Exchequer, in conformity both with the principle and the policy which were established during the war, proposed that those expenses should be met partly by an income tax, reduced and carried beyond the period fixed by law for its expiration, and partly by carrying on the tea and sugar duties, in like manner beyond the period fixed by law for their fall. It seems hardly worth while to consider whether this is reduction or augmentation. The question is whether it is a fair quota in the present state of the finances of the country. I do not think it would be right for the House to say, "We will leave on a considerable portion of the war income tax, but we will take away entirely the duties on tea and on sugar; and at the same time I think it would be also wrong to carry further the reduction of the income tax and leave a greater tax on tea and sugar than the Chancellor of the Exchequer proposed. It appears to me that, as property has borne a large proportion of the expenses of the war, it is fit that, if further sacrifices are necessary, the community at large should contribute. I cannot see the slightest

ground for the statement of the right hon. Member for the University of Oxford, that the most extreme Parliamentary Reformer will obtain the great advantage of being able to say, "Look at the unfairness of taxation; the rich are relieving themselves, but the comforts of the poor are taxed." It might be so if the income tax were altogether abolished; but I think that the poor, with the sound sense and reason which they possess, will see that, to tax equally and fairly, Parliament must tax, according to their means and expenditure, the poor as well as the rich. Observe, besides that this tax on tea and sugar does not fall exclusively on the humbler classes; that while the income tax falls exclusively on parties who have certain incomes, the tax on tea and sugar also falls on them, at the same time that it falls on those who are in a less fortunate position. I say, then, the principle which the Chancellor of the Exchequer laid down in his Budget was a perfectly fair one, and, with the exception of this article of tea, I agreed in his proposals. I regret that circumstances should induce my right hon. Friend to make provision for a less time than he then proposed. I understand from him that it arises from some necessity in consequence of the approaching dissolution. But my opinion is that the Chancellor of the Exchequer having made a full statement to the House, the right hon. Gentleman the Member for Buckinghamshire having made a most able speech against the Budget, and been supported by the undoubted and almost unequalled abilities of the right hon. Gentleman the Member for the University of Oxford, and the House, after hearing those speeches, having come deliberately to a decision by a majority of eighty in favour of the propositions of the Government, the Chancellor of the Exchequer was in a position to go on with his plan for three years according to the principle he at first laid down, and I regret that he has not thought proper to do so. He has not, however, taken that course; but he proposes now, instead of giving up one-third of the reduction of 6*d.*,—which, if the law were not altered, would be the case—to give up two-thirds. That is a very different proposal from the one with which I had to deal when, speaking on the Budget, I gave notice of my Amendment; but, as the only difference between us is no longer the difference between 4*d.* and 7*d.* but the difference between 4*d.* and 5*d.*, I think, out of the respect which is

due to a Chancellor of the Exchequer, I ought not to divide against the proposition of my right hon. Friend. I have never myself been Chancellor of the Exchequer, but I always feel great compassion for the gentleman who holds that office, and I own I am rather surprised that the right hon. Member for the University of Oxford, who has held that office himself and cannot be unaware of the difficulties against which he has to struggle, should not have more sympathy for an official from whose labours generally so little satisfaction results. There is an objection, I think, to the proposition of the Chancellor of the Exchequer,—one which, it is admitted, peculiarly applies to the article of tea. It has been found that a scale falling from year to year produces very injurious consequences to trade, that during only about nine months of the year business can be done, and that in the other three months there is total stagnation, because the stocks are being reduced as low as possible in anticipation of the day when the duty is reduced. This is a very great inconvenience; and, whether the duty were 1*s.* 4*d.* as I proposed, or 1*s.* 5*d.* as the Chancellor of the Exchequer now proposes, or 1*s.* 3*d.* as the law states, I should have been better satisfied if it had been settled for three years at a uniform rate. There is no article with respect to which the benefits of a large consumption arising from diminished duties and increased business are more apparent than the article of tea. The consumption, which in 1837 was about 30,500,000 lbs. was in the last two years upwards of 63,000,000 lbs., being an increase of more than 100 per cent. It is, moreover, remarkable that the falling-off which took place last year, from 63,500,000 lbs. to 63,070,000 lbs., was consequent upon the increased duty. It is therefore of the greatest importance to settle that duty for a fixed and determinate period. I am not disposed to divide the House against the proposition of the Chancellor of the Exchequer. I cannot give my vote to the right hon. Member for the University of Oxford. I think to adopt that right hon. Gentleman's Amendment would be to cause a great loss to the revenue; I consider it to be against the principle of the Budget which has been adopted by the House; and I believe it will oblige the Government to have recourse to some other mode of taxation to make up for the deficit.

Mr. J. L. RICARDO said, that what

he complained of was not so much the amount of the duty as the continual tampering with and changing commercial arrangements. He was not one of those who thought that the Budget of 1853 was binding upon Parliament; but he was certainly of opinion that when an arrangement had been made with a certain trade, as regarded the imposition of duties, Parliament had no right to alter those duties unless at the same time it altered the duties on other commodities. It was distinctly understood by the deputation that waited on the Chancellor of the Exchequer that the war taxes on tea and sugar would terminate on the 5th of April next, and from the words which the right hon. Gentleman used it was inferred that the Government had no intention of varying the law so as to postpone the period at which those duties would cease. Moreover, this interpretation was borne out by something that took place subsequently to the interview. As late as the 17th of November, 1856, a gentleman, who had some idea that the usual course would be pursued of tampering with the duties on tea and sugar, deranging the trade, and upsetting the calculations which had been made, wrote a letter to the Customs, asking what was to be done; and he held in his hand a copy of the answer of the Customs to that application. The answer was as follows:—

“Board of Customs, Nov. 17, 1856.

“Sir, I am directed by the Commissioners of Customs to acquaint you, in reply to your application of the 11th instant, that the reduction of the duty upon tea from 1s. 9d. to 1s. 3d. will take place on the 6th of April, 1857.

“I am, &c., W. MACLEAN.”

Of course, this letter would not have been written without previous communication with the Treasury.

MR. WILSON: No reference whatever was made to the Treasury by the Commissioners of Customs in respect to that letter.

MR. J. L. RICARDO: Then the officers of the Customs must be in a very bad state of subordination if they were allowed to write such letters as this to mislead the public. But there must have been some sort of communication with the Treasury, because a short time after the following letter was written in answer to a gentleman in the trade who had made an application in respect to sugar:—

“Custom House, Nov. 29, 1856.

“Gentlemen,—The Commissioners of Her Majesty's Customs, having had under consideration your application of the 25th instant, referring to

my letter of the 17th preceding, addressed to Mr. S. Sampson, and inserted in *The Times* newspaper of the 19th following, in regard to the duty which will be payable on tea after the 6th of April, 1857, and representing, as the articles of sugar and coffee stand in the same category, that it would be extremely satisfactory to the trade if the Board would communicate the intentions of the Government also with respect to those articles, I am, in the first instance, directed to state that my letter alluded to was in reply to Mr. Sampson's request soliciting information as to the date when the duties on tea would be reduced from 1s. 9d. to 1s. 3d. per lb. With reference to the terms of the existing Act of Parliament, and as sugar and coffee are placed in the table of duties annexed to the Act 18 & 19 *Vict.*, cap. 97, under terms similar to those applicable to tea, as regards the prospective reduction in the rates of duty chargeable thereon, such reduction of duty will under that Act take place at the same period—namely, the 6th of April, 1857.

“I am, Gentlemen, your most obedient servant,
“W. MACLEAN.”

[Mr. WILSON: Hear, hear!] He supposed the hon. Gentleman cheered on account of a supposed reservation in this letter; but he (Mr. J. L. Ricardo) must say that if ever there were letters which were calculated to mislead the trade, these were. There might have been a reservation intended; but the trade certainly understood them to mean that there was no intention on the part of the Government to interfere with the reduction of duties which was to take place on the 15th April, 1857. He could not agree with the noble Lord (Lord J. Russell) that the poor had no cause to complain on this subject, because they all knew that a much larger proportion of the income of the poor man was expended on tea and sugar than of the income of the rich man. Moreover, in making almost his sole articles of luxury dear to the poor man, they were at the same time injuring him as regarded his employment. These frequent changes, too, did great damage to our trade. While they were raising their taxes on sugar the United States were lowering theirs to the extent of 8s. per cwt. The consequence would be that the sugar of the Colonies would find its way to the United States instead of coming here, and the industry of that country would, of course, be employed in purchasing it. The classification of sugar was even a greater evil than the tax itself. There were three elements in the classification, namely, grain, colour, and saccharine matter, and he would put it to any one who was acquainted with the subject, whether custom-house officers were sufficiently learned in the matter to distinguish those elements. Colour was the principal criterion. There

Mr. J. L. Ricardo

was what they called a whitish-yellow, and there was a yellowish-white, there was also a whitish-brown and a brownish-white. In fact, there were all sorts of shades; and when an officer looked at the different shades they became so blended in his eye that it was impossible for him to distinguish them. The consequence was, that not only was a different duty levied in London from that which was levied in Liverpool on the same sugar, but a different duty was levied in one dock from what was levied in another dock in the same port. The hon. Gentleman the Secretary to the Treasury, who, during his tenure of that office, had become very learned with regard to the qualities of sugar, had been obliged continually to alter the standard; and there had been many cases in which the custom-house officers, not being able to tell under what class a particular sugar ought to be charged, had been obliged to send to the hon. Gentleman at the Treasury for a standard to enable them to judge. Some time ago he wrote to the hon. Gentleman to ask him to be good enough to let him have a return of the number of instances in which complaints had been made of sugar having been charged in a higher class than it really belonged to; and the reply was that the return, if made, would be so voluminous, would take so long a time to draw up, and the expense would be so great, that he had better not press for it. Accordingly he did not press for it. Again, he must point out to the House that the present system was protection under a disguise, enabling the bad sugars of Demerara, Berbice, and other colonies, to realise the price which the better sorts of sugar would obtain were the duties levied in the proper manner. He held in his hand an account, from which it appeared that the waste on Muscovado sugar by drainage by the time it arrived in this country averaged 10 per cent, and that, generally speaking, taking the contingencies of the voyage, it was 18 and 20 per cent. It was calculated that the loss from this cause was in weight in a year 460,000 cwt., and in value £259,000. Nor was this all. On good sugar all this waste would be avoided. The bad sugar, whose importation was thus encouraged, was of a most deleterious nature. As the House was aware, an investigation was made lately for *The Lancet* with regard to the adulteration of various articles of food consumed in the metropolis. He would

read to the House the result of that investigation with regard to sugar. *The Lancet* said :—

“The impure sugars are dark coloured, imperfectly crystallized, heavy, clammy, and damp, readily caking into masses; examined with the microscope they are found to contain fragments of cane, woody fibre, grit, &c., and to abound with animalculæ or acari, and sporules of fungi. We have seen that nearly all the brown sugars imported into this country contain a large amount of impurity, but in general the sugar procured from the grocers does not alone contain this same amount, but it is increased, sometimes doubled and trebled, by the use of variable proportions of other sugars still more impure, in fact, the most impure that can be purchased, so that in the state in which it reaches the public it is entirely unfit for use. We have now adduced incontestable evidence of the impure condition of the majority of brown sugars as imported into this country, and particularly as vended to the public. These impurities prevail to such an extent, and are of such a nature, consisting of live animalculæ or acari, sporules of fungi, starch, grit, woody fibre, grape sugar, &c., that we feel compelled, however reluctantly, to come to the conclusion that the brown sugars of commerce are in general in a state wholly unfit for human consumption.”

This being the case, he would like to see the classification of sugars entirely abolished, and the same duty applied to all quantities. He could not imagine why the public should be called upon to pay as high a price for bad sugar as that for which they could obtain good sugar if the amount of duty was equalized. He believed the existing system operated injuriously with regard to trade, and led to the importation of an unwholesome article when a better might be imported at the same price; and he would, therefore, though unwillingly, again take part in the “coalition” that had been so much talked of, and vote for the Motion of the right hon. Member for the University of Oxford.

MR. GREGSON said, the answer which the Chancellor of the Exchequer said he had given was the only answer that, under the circumstances, he could have given. He stated what was the law, and nothing less or more. He entirely concurred in the views of the hon. Gentleman who had last spoken with regard to the assessment of the duty on sugar. He had always regarded the present system as perfectly intolerable, and he hoped it would soon be abolished. Under the present system the duty was assessed by persons who were utterly incompetent to judge of the quality of the article, and the consequence was that mistakes were constantly committed, a high duty being levied upon the lower

descriptions of sugar, and a low duty upon those of superior quality. He believed the adoption of a duty of 10s. would encourage importers to bring good sugars into the market. With respect to the duties on tea, he had proposed a Resolution, which received the sanction of a public meeting, that the duty on tea should be fixed at 1s. 4d. a pound for three years. That Resolution had been placed in the hands of the noble Member for the City of London (Lord J. Russell), and it was left to his discretion whether he would, or would not, propose to the House the adoption of such a rate. The noble Lord, in the exercise of that discretion, had determined not to press the proposition, and he (Mr. Gregson) would therefore not oppose the proposition of the Chancellor of the Exchequer—the difference between 1s. 4d. and 1s. 5d. being so small—to levy a duty of 1s. 5d., which was to be continued only for a year, and would then be open to revision. The right hon. Gentleman (Mr. Gladstone) had calculated that the duty of 1s. 3d. upon tea, which would have been imposed had the existing arrangement continued in force, would yield a revenue of £4,000,000; but if a duty of 1s. 5d. were adopted it would afford an additional revenue of £550,000. A duty of 1s. 5d. would amount to 115 per cent. upon the gross value of the present stock of tea. The value of the stock was about £5,400,000, and the duty amounted to nearly £6,000,000. That duty was so excessive that it ought not to be long continued. He was an advocate for the reduction of the duty to 1s., which would amount, on the average, to 100 per cent. upon the importing price, and as the consumption was rapidly increasing an enormous revenue might be derived from this source. He hoped the right hon. Gentleman (Mr. Gladstone) would not divide the Committee; he (Mr. Gregson) could not support his Amendment.

Mr. POLLARD-URQUHART considered, as the effects of the war had not yet passed away, it would be unreasonable to expect that the Chancellor of the Exchequer would find himself in a position to meet the war expenses, which could not yet have ceased, without having recourse to some of the most obvious sources of revenue. It was to the credit of a reformed Parliament that they showed themselves more willing to meet the heavy expenses of war by immediate taxation than was the case with our ancestors in former wars, who

Mr. Gregson

had burdened the country with such an enormous amount of permanent debt. He had always been in favour of direct taxation. [An Hon. MEMBER: Then why not support direct taxation now?] The reason why he did not support a further increase of direct taxation was because he did not think the country could support more than an income tax of 7d. in the pound. Thinking, therefore, that the Government had exercised a wise discretion in the course they proposed to take, he should vote for the Motion of the right hon. Gentleman the Chancellor of the Exchequer.

MR. MILNER GIBSON said, he had been somewhat perplexed, after the speeches they had heard, to know what it was they were asked to vote for. He understood the proposition of the Government to be this—that, whereas the present law said that from and after the 5th of April the duty on tea should be 1s. 3d., they proposed that it should be 1s. 5d. The hon. Gentleman who had just sat down said he was an enemy to indirect taxation, but, nevertheless, he would vote with the Government for a great increase of indirect taxation. He could not understand the difficulties which some Gentlemen had as to the proposition before the House. It simply amounted to this—that there was to be an increase in the duty on tea greatly above what it would be if the present law were let alone. It was to defray certain expenditure which the Government told them was in their opinion necessary, but on which the House had pronounced no opinion. Now, he believed that the Estimates might be reduced to an amount far greater than would be obtained by adding 2d. to the tea duty. In these circumstances how could they deliberately, at the end of a moribund Parliament, impose an increase of the tea duty, and thus, as the right hon. Gentleman the Member for the University of Oxford had told them, reverse the whole fiscal system which of late years they had endeavoured to support? To increase the amount of tea duty in a time of peace was to establish a dangerous precedent. And why was this to be done without an attempt to reduce their expenditure? Were they to impose taxes whether they were necessary or not? and how could they tell whether they were necessary till the opinion of Parliament had been ascertained as to the amount of expenditure? He thought they should support the Motion of the right hon. Gentleman the Member for the University of Oxford. He must

decline to forestall the opinion of the country on this important question. It was not merely an addition of 2*d.* to the tea duty that they were to consider—the proposal involved an important commercial principle, and would be viewed in that light by the country. If they took advantage of a future Parliament by fastening on the country this increase of duty on tea, they would have great difficulty in giving a satisfactory explanation of this conduct to their constituents. Aye, a day of reckoning would come. The noble Lord at the head of the Government told them they ought to have pleasure in going before their constituents. He (Mr. Gibson) would have that pleasure, and it would be very much increased if he could give a satisfactory account of his public conduct, and show that his votes were consistent with sound principle, and given with a view to promote the welfare of the country. He earnestly hoped that those of his friends who had been prominent in the cause of free trade would not, when they knew nothing of our expenditure, be found ready to rivet on the country for the next year an increase of the tea duty. There was an important change in the proposition of the Government. They proposed that the duty should be 1*s.* 5*d.* for 1857-58, but they had lost sight of the shilling to which it was ultimately to have been reduced. This was the worst proposition that had yet been made. There was a rate of 1*s.* in the old proposal.

THE CHANCELLOR OF THE EXCHEQUER wished to observe that in regard to the year commencing the 5th of April next, he proposed that the duty should not be 1*s.* 3*d.*, but 1*s.* 5*d.* In respect to the subsequent year he left the duty as it was left by law.

MR. MILNER GIBSON: The right hon. Gentleman meant to leave the present law unaltered in regard to next year; but he (Mr. Gibson) objected to any increase of duty in the present year. He felt none of that compassion which they were told they ought to feel for Chancellors of the Exchequer. They never got anything out of a Chancellor of the Exchequer except by want of compassion. Compassion to the Chancellor of the Exchequer was cruelty to the country. On these grounds he would vote for the Motion of the right hon. Gentleman the Member for the University of Oxford.

MR. MALINS said, that the common

sense of the country would perceive that the proposition before the House was to increase the duty on tea, and that consequently the Chancellor of the Exchequer was about to impose an additional tax upon the people of the United Kingdom. The additional war taxes on malt, coffee, and sugar had expired, or would expire, in a month; but with respect to the item of £9,125,000, representing the income tax, he protested against its being assumed that the Government had remitted that amount as an act of generosity, for the House had distinctly declared that the war portion of the income tax should expire on the 5th of April next. Agreeing in the soundness of that conclusion he was in favour of reducing the whole of the war portion, and allowing the tax to stand for 1857-58 as if no change had been made for war purposes. With respect to the tea duty, he confessed that he should have opposed any reduction of only 2*d.* in the pound, for this reason, that so small a diminution of duty would not have carried with it any appreciable benefit to the consumer, while the abstraction of the 2*d.* would have made a considerable difference to the revenue. He had been given to understand that the proposition of the noble Lord the Member for the City of London, to reduce the tea duty to 1*s.* 4*d.* per pound for three years, and then to fix it at 1*s.* per pound, would have met the approval of the trade, and he for one would have voted for it. But the noble Lord did not think that the present Parliament would be justified in attempting to legislate for three years on such a subject, and had withdrawn his proposition. He always disliked anything in the shape of varying and sliding duties. Now the duty on tea was settled for one year only. That he thought a great disadvantage; but under all the circumstances he would vote for the proposition of the Chancellor of the Exchequer, as he believed it would be acceptable to the trade of the country.

MR. HEYWORTH said, he was opposed to indirect taxation. He did not agree with the last speaker that a duty of 2*d.* would not make any appreciable difference to the consumer. It amounted to £500,000 per annum, and he was not prepared to say that the labouring classes could afford to lose so large a sum. He agreed with the noble Lord the Member for the City that additional taxes would make the people sensible of the evils of war; but the duties

on tea and sugar were paid mainly by the working classes, who were not directly represented in that House, and who had, therefore, little to do with the waging of wars. If the taxes were confined to electors, and the collector called upon them to pay the amount for the purpose of defraying the expenses of the war, there would be no end to the outcry the electors would raise. The right hon. Gentleman the Member for Huntingdon (Mr. T. Baring) had said that if the direct taxes were maintained at their present rates capital would leave the country. He maintained, on the contrary, that capital, like water, always found its level; that it favoured those places where there were large profits; and that large profits were obtained by increasing the resources of the country, which could not be done in a more effectual way than by substituting direct for indirect taxation. He recommended the House to open the ports, to reduce the duties on articles of consumption, and thus to do justice to the working classes. Looking upon all indirect taxation as fallacious, he should support the Motion of the right hon. Gentleman.

MR. MOFFATT said, that at a meeting of those interested in the tea trade a protest was made against a graduated scale of duties, and a resolution was come to in favour of commuting the duty to 1s. 4d. for three years, as was proposed by the noble Lord the Member for the City of London. A committee was appointed to carry the views of the meeting into effect. That committee heard with surprise and dismay the proposition placed on the table last night, and as it entirely disregarded what they wished for—namely, certainty as to its operation, and introduced an element of uncertainty which was more detrimental than even the amount of the tax—they had instructed him to address the Chancellor of the Exchequer on the subject. He had addressed a letter to the right hon. Gentleman, informing him that his proposal of 1s. 5d. was contrary to Act of Parliament, and also to the expressed wants and wishes of the trade. There was another point to which he wished to direct attention. It was the practice in the tea trade to sell tea ordinarily “duty paid,” and enormous contracts had been made on the faith of the existing Acts of Parliament. That practice obtained throughout the whole of the United Kingdom, and in all the

large towns of the empire tea had been sold “duty paid.” The effect of the Chancellor of the Exchequer’s proposition would be to give a kind of premium to bad faith, and the amount which was involved in these transactions was very great. Moreover, it made the supply for the ensuing year uncertain, because it was impossible to say what the tax next year would be. The Chancellor of the Exchequer intimated that it would be 1s. per lb.; but if he meant that, he ought to have stated it in the Resolution, because his present proposal gave no security whatever to importers. The only objection of the least degree feasible which he had heard to a reduction of the duties was, that it would create a deficiency in the revenue. If he thought that it would do so, he would not support the Motion of the right hon. Gentleman; but believing that it was in the power of the Government greatly to reduce the expenditure of the country, he anticipated no danger from agreeing to the proposition.

MR. HORSFALL regretted that the noble Lord the Member for London had withdrawn the notice which he had given, and that he had given so fallacious a reason for doing so. The difference might appear small, but 1s. 4d. would have satisfied the dealers and importers, while 1s. 5d. would not. A few years ago there was a great agitation for the reduction of the duty on tea, and the right hon. Gentleman the Member for the University of Oxford, being Chancellor of the Exchequer at the time, arranged a graduated scale of duties, by which, after a short time, the duty would arrive at 1s. Unfortunately the war broke out, and the right hon. Gentleman felt himself obliged to impose an additional tax. [MR. GLADSTONE: No!] At all events to arrest the decline of the duty. That was done by Act of Parliament. Now though he did not attach much importance to the so-called compact between the Chancellor of the Exchequer and the House, or to the mere statement of the Chancellor of the Exchequer to a deputation on the subject, he did attach some importance to an Act of Parliament. The Act in question was more than an ordinary Act. It provided that certain duties should be leviable during the war. When the war ended those duties were to cease, and so far there did appear to be a compact of the House in accordance with the proposition of the right hon. Gentle-

man the Member for the University of Oxford. But after the course taken by the noble Lord the Member for London, and after what had been said by hon. Members on the question, he felt placed in some difficulty as to the course he should adopt. Whereas he thought the right hon. Gentleman (Mr. Gladstone) right in principle, he had presented a petition from his constituents in favour of a duty of 1s. 4d., as the noble Lord the Member for London had proposed and withdrawn; now he was told by the chairman of the East India and China Association, that the merchants of London would be satisfied with the duty of 1s. 5d., which the Chancellor of the Exchequer had proposed as a sort of compromise. Conscious of the difficulty as to how he should vote, he thought the consistent course would be for him to walk out of the House.

Mr. LAING said, that according to the settlement of 1853, the scale of duties would have been at this moment—*income tax*, 5d. in the pound; *duty on tea*, 1s. per pound; and *duty on sugar*, 10s. per cwt. The war unfortunately disturbed that happy state of things, and the consequence was that we now found ourselves under the existing law, with the *income tax* at 16d. in the pound, *tea* at 1s. 9d. per pound, and *sugar* 15s. and 13s. 9d. per cwt. It was proposed to reduce the *income tax* from 16d. to 7d., but by the original scheme it would now stand at 5d. Then, again, as regarded the *tea duty*, it was proposed to reduce it from 1s. 9d. to 1s. 5d., while by the original plan it ought to stand at present at 1s. The question was one which deeply affected the principles of free trade, and it appeared to be forgotten that by the introduction of that principle, although £11,000,000 of duties had been remitted, the receipts in consequence of increased consumption had increased. If it were necessary to provide for an increased expenditure, the additional taxes ought to have been fairly apportioned between direct and indirect taxation; but, in his opinion, the apportionment proposed was neither fair nor equitable. For these reasons he thought that the Resolution before the Committee ought not to be adopted, unless the most urgent necessity for it could be shown to exist. The whole amount which would be gained by the proposal of the Chancellor of the Exchequer was only £500,000, and he fully expected that when the Estimates came under the consideration of the House it would

be by no means impossible to reduce them by that amount. Already, in consequence of the pressure which had been employed, they had been reduced by £1,000,000, and perhaps a little more pressure would produce a still greater result. And still more, even if they could not be reduced to the extent of £500,000, it would be better, in his opinion, to allow that amount of Exchequer bonds to stand over, and not, as the Resolution before the House would do, to infringe upon the principles of free trade.

Mr. MUNTZ confessed his inability to discover any connection between this question and free trade. If we grew tea and exported it, the question might be one of free trade; but it appeared to him to be merely one of meeting by direct and indirect taxation the necessary expenditure of the country. The amount of increase, or suspended decrease, of the tea duties was not such as to be felt by the consumers, and he believed that the opposition to the measure lay entirely with the importers, who were, in his opinion, the only persons who would profit by a reduction of twopence. In point of importance to the public generally, he did not think the question of the tea duty would for a moment bear comparison with the reduction of the *income tax*, which, though not directly, nevertheless exerted considerable pressure upon the poorer classes in various ways. He believed that it would be a great benefit to the country if the Government proposal were carried out. It was the best for the Government and the best for the people, and he should give it his support.

Mr. NEWDEGATE wished to state why he must support the proposal of the Chancellor of the Exchequer. He preferred adopting the statement of the Government as to the probable financial necessities of the country to crediting the speculations of the right hon. Gentleman the Member for the University of Oxford, who had nothing to do with the framing of the Estimates. He felt the force of the argument of the hon. Member for Huntingdon (Mr. T. Baring), and he did not wish to vote for a deficiency, a result which the right hon. Member for the University predicted, whilst urging a further reduction of the revenue. He had protested against, and had divided the House against, going into a Committee of Ways and Means before a Committee of Supply, but he had met with little support.

They were consequently in the dark as to the expenditure. They had had no opportunity of hearing the statements of Ministers with respect to the Estimates, or of considering the Estimates in Committee of Supply. He must, therefore, accept the Estimates, as far as they had been laid before them, on the responsibility of the Government. On the subject of the income tax, the Government had given way to the extent of £9,000,000, and that he thought offered a fair presumption that the Government had gone as far as they considered that they could with prudence in the way of reduction of revenue. The House was not in a position to enforce further reductions, because they were not able to say that they had examined the Estimates. No one could regret more sincerely than he did the course which the House had pursued; they were in an absurd position. He could not but express his regret at the policy adopted of late years with respect to the revenue from Customs, which appeared to him to tend to place indirect taxation in peril, because, after having swept away considerable amounts of revenue, the incidence of which had been distributed over a large number of articles, heavy rates of taxation, uncompensated by any countervailing advantages, had been left to press with undue severity on a few articles of very general consumption. He thought it would be well if this country were to imitate the United States, the Customs taxation of which was distributed far more equably over a much larger number of articles for purposes of revenue. The financial position of the United States was, indeed, most enviable; they either had, or were in a position to liquidate the whole of their federal debt, while their Government were urged by no clamorous demands for the reduction of indirect taxation. He feared that if the House proceeded in their present course, without a knowledge of expenditure, they would be exposed to great pressure from without for the reduction of the duties on those articles of general consumption from which a large part of their revenue was at present derived. Not being in a position to form anything like an accurate estimate of the expenditure necessary for the public service, he must accept the statement of the Government, who were responsible for the votes to which it called upon the Committee to assent.

MR. DISRAELI: I think my hon.

Mr. Newdegate

Friend has not placed this question fairly before the Committee. He has argued it as a question involving the reduction of taxation. To my mind it is a question of a new tax. Virtually we are called upon to decide whether we shall increase the taxation of the country, and not whether we shall reduce it. Now the temper of the Committee on this subject proves how inconvenient it is during the last days of a Parliament to entertain questions of such moment and responsibility as the proposal of a new tax. Here you have the Member for the commercial capital of the country, who has deeply considered this subject, who has listened to deputations, who particularly represents those most interested in the duty on tea, and who gives a notice, after a due consideration of the course which he thinks it most advantageous for the Committee to adopt. That proposition, however, after having been so maturely adopted, is hurriedly withdrawn, because the noble Lord thinks there is not authority enough in the present House of Commons to deal with a question of this kind. I said at the beginning of the evening I thought it unwise and impolitic that during the last days of our existence we should be entertaining the consideration not only of new taxes, but generally of the most important subjects of direct and indirect taxation. The Chancellor of the Exchequer seemed at first to argue against that proposition. But what is the course taken by the Government themselves? The Government themselves came forward with [*Cries of "Question!" and "Divide!"*—I have sat in this House twenty years, and I am interrupted by voices which will not be heard in the next Parliament. Do you think that sounds such as those will prevent me from expressing my opinions and the opinions of those who sit behind me? No! I say that the course pursued by the Government proves the justness of my position, because their original financial propositions extended over a period of three years, while now they have made them apply only to one year, because they felt that they could not offer such propositions to the consideration of a House whose tenure of existence is so nearly expiring. Such a course is an admission of our diminished authority, and an admission that the policy which the noble Lord at the head of the Government recommended Her Majesty to follow, and the propriety of which I do not question—at least, I shall not do so on this occasion—has a great

effect upon the subject of new taxation. I must now come to the consideration of this peculiar tax. I am told it is nothing. My hon. and learned Friend the Member for Wallingford (Mr. Malins) says, "It is only twopence. What is twopence? It is not felt." Well, then, if twopence is not felt, if *1s. 5d.* is not felt, why should not *1s. 7d.* next year be also unfelt? By this rule you may be every year increasing your taxation. My hon. and learned Friend should understand that what is "only twopence" represents to the consumer £500,000 sterling, and the addition of two or three twopences may constitute an amount which may not only be severely felt by the consumer, but may have a most injurious effect on the trade and commerce of the country. I certainly did think the House of Commons had had sufficient experience no longer to consider that what may appear a slight amount of taxation will in the aggregate produce no effect upon the consumer and upon our commerce. But then we are told that we must have this new tax, because we have announced to us on the part of the Ministry an expenditure which must be met by a certain amount of revenue. We are really to carry into effect new legislation opposed to the whole spirit of our previous legislation, which really strikes at the root of all those principles which we thought were established; and this increased tax on tea is to be imposed (considering it now irrespective of all financial considerations) by a House which favours temperance, which wants to elevate the condition of the people, and which wishes to divert them from those habits of intoxication which we are assured are the great root of the moral degradation of the people. We are now told that we must vote this tax, opposed to every sound principle of political economy, opposed to every sound principle of political morality; and why? Because we have it declared from the Treasury bench that a certain expenditure must be incurred, and a certain revenue must be furnished. But, Sir, we have not the slightest evidence as to the necessity of that expenditure. No proofs are before us; and we have pursued a course which never was pursued before in Parliament, and which has, in fact, brought us into this dilemma. We have placed the cart before the horse. What is the reason we have gone into Committee of Ways and Means before going into Committee of Supply? With surprise I heard the First Lord of the Admiralty say the other even-

ing that I had recommended this course. At the time, from my recollection only of what had passed, I offered a respectful contradiction to the right hon. Gentleman, but on examining subsequently the records of the debate I find that I not only did not sanction, but spoke in this very place against the proposition, receiving an answer from the right hon. Member for Oxford (Mr. Cardwell), who offered a precedent, which, by the way, did not apply, in favour of the Government policy. On my own behalf, and on that of other Gentlemen who sit on this side of the House, I protest against any attempt to fasten the responsibility of this maladroit course upon us. It is the course of the Government, and because they have pursued that course, totally opposed as it is to the usual Parliamentary mode of proceeding, it is not for them to rise and say,—“We call upon you, without deliberation, and under circumstances in which it is impossible gravely to consider this question—during the last days of an expiring Parliament—to assent to new taxes, direct and indirect, of a very grievous kind, and to the amount of millions.” [“Divide!”] No; I won’t divide. What would have been the course of the House if we had gone into Committee of Supply in the first instance? We should have had the Estimates before us, we should have had an analysis of those Estimates—a criticism upon the expenditure, and Motions for the reduction of that expenditure. Then we should have had a China debate; the same result would have followed as ensued on Tuesday, the same counsel would have been given to the Sovereign, the Government would have made the best arrangements they could to meet the necessary immediate expenditure, and Parliament would have been dissolved. But then you could not have come forward and said that the credit of the country required we should vote in the dark for new taxes. You would have made the best arrangement you could; you would have said, “The new Parliament shall assemble as early as possible,” and the Chancellor of the Exchequer would then come forward and make his proposals before an assembly which could deliberate upon the subject of taxation with great advantage to the country, and without being pressed for time, while the public would give a cordial and sympathetic approval of their decision upon the subject. We should have had the financial statement in May. Why can we not have the financial statement in May? Why should we be called upon,

without the slightest knowledge of what the wants of the country are, to vote new taxes just as we are on the eve of going back to our constituents? I am told that there have been many causes of expenditure never anticipated, and claims upon Government not foreseen. Granted. But show us what those claims are, and what are those causes of expenditure? Let us have before us some evidence that the demands upon the Exchequer really require these new sacrifices from our constituents. If, however, these sacrifices were to be made, a tax on tea would be the last proposal I should support. I believe it to be opposed to sound policy—I believe that it will restrict our commerce and diminish the comforts of our people. Some words have passed between the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) and the Chancellor of the Exchequer as to whether this is a retrograde movement. Now, I am sure the Chancellor of the Exchequer is the last man who would deal lightly and carelessly with a question of this sort; but if I must give an impartial and well-considered opinion on his policy, and if you ask me whether I regard it as a retrograde one, and whether the consequences of assenting to a Resolution of this kind will be such as materially to change the commercial system of this country as far as finance is concerned, I say I sincerely believe that it is a reactionary policy. We have seen the effects of it in the House to-night. Hon. Members say that the question is only one of 2*d.*, without reflecting that that 2*d.* involves in the aggregate an increase of half a million of taxation. It is the last straw that breaks the back of the camel. The same argument will apply to-morrow; and in the next Parliament you will have greater difficulties to deal with if you now vote Ways and Means in the dark. I thought it was clearly understood that, whatever might be the temporary advantage gained by dealers upon the remission of a tax upon an article of consumption, that was not a question which Parliament considered. We know very well that in the end the great body of the people benefit by these remissions; and that there is an increased consumption of the articles so dealt with. We cannot dwell upon minute points like this. We must take a broader view and be guided by large results. I repeat, then, that this policy is a reactionary one, and I will tell you what will be the consequences of such a system. The moment you

Mr. Disraeli

increase indirect taxation to a point when it becomes intolerable you will render a recurrence to direct taxation inevitable. Of that you may be certain. It is a truth in finance which all experience proves, and because I think this is a policy which leads to that result—although I feel it is impossible, under such circumstances, now fairly and calmly to consider this question—I will never sanction, in the last days of an expiring Parliament, the levying of new taxes, and especially new taxes of this kind.

MR. GLADSTONE: My right hon. Friend the Chancellor of the Exchequer has not left the question in a position perfectly clear. He still contends that he is going to make a reduction of taxes, and he complains that I hold that a reduction which is a less reduction than a greater reduction is no reduction at all. That was the expression of the Chancellor of the Exchequer earlier in the debate, and I reproduce it in a fuller Committee for the edification of hon. Members. I will not debate the question with my right hon. Friend whether in that sentence he has correctly defined the position I take, because it is a definition which requires a considerable effort of mind to follow; but I tell him that his reduction is no reduction at all if he says he is giving a reduction of duty from 1*s.* 9*d.* to 1*s.* 5*d.* I say he is not giving such a reduction; that the law has given it already, and that he is no more the giver of it than he is the giver of Magna Charta. But it is said you ought not to leave the whole burden on direct taxation. It is admitted that the war has added something to the burdens of the country, and you are told that you ought to give a portion of that to direct taxation and a portion to indirect taxation. Why, Sir, my right hon. Friend is going to add £2,000,000 for one year, and he proposed to add £2,000,000 for three years to the direct taxation of the country. The Government has also already, in the shape of the duty on spirits, added a large sum, more than £1,000,000, to the indirect taxation of the country, and, therefore, do not tell me it is necessary to increase taxation on tea and sugar, or to impose taxes which in their very nature must be so objectionable to the great mass of the population.

LORD JOHN RUSSELL: I think it is desirable that my right hon. Friend the Chancellor of the Exchequer should give some further explanation on a point of some importance. I refer to his answer in regard to the duty on tea for the next

year, after the expiration of the duty which he now proposes. I understood him to say he did not mean to interfere with the operation of the law, but that in April, 1858, the duty should be reduced to 1s. That may be understood in two ways. The one may be in the sense in which he fairly stated it to a deputation which recently waited upon him—namely, that on the 5th of April next by law the tax would be reduced to 1s. 3d. But in the other sense it is open to him to come forward at some other time, and propose to reduce the tax which he now fixes at 1s. 5d. to 1s. 3d., or 1s. 2d., or any other sum. That would not be a very fair thing to persons engaged in the tea trade, because, if they cannot make preparations for a large supply for next year, they will be to a great degree prejudiced, as will also the great body of consumers. If he means that, so far as he is concerned, the tax, after the expiration of the year ending the 5th of April, 1858, shall be reduced to 1s., it would be satisfactory to have a statement to that effect from my right hon. Friend.

THE CHANCELLOR OF THE EXCHEQUER: I meant to refer exclusively to the operation of the law in 1858. I cannot give any such assurance; I can only say that, if I shall have the honour of holding my present office when another Parliament is assembled, I shall feel myself at liberty to submit to it a proposition for increasing the duty on tea beyond the amount of 1s. I express no opinion as to the policy of altering the law. I wish to refer to a letter mentioned in the course of the debate by the hon. Member for Stoke (Mr. Ricardo) as having been written by the Commissioners of Customs to Mr. Sampson, the well-known writer of the "city article" in *The Times*. That gentleman addressed a communication to the Commissioners inquiring what would be the rate of duty under the existing law after the 5th of April. The Commissioners of Customs, without referring to the Treasury, stated the effect of the law then in force. If the Commissioners had referred to the Treasury, they would have been told that that would be a proper answer to give to such an inquiry. It is the duty of the Finance Minister not to make premature communications to the public in respect to contemplated changes in the revenue, for nothing is so much complained of as when persons are in a position to conjecture what course the Government of the day is likely to take in reference to commodities in which they deal, and when

such persons are enabled, in consequence, to take articles out of bond. I can only say, if, the day before I had to open a Budget in my capacity as Chancellor of the Exchequer to this House, I were asked what would be the amount of duty upon a particular article after a given time, I should reply that that would depend upon the decision of Parliament; for no Executive Government can act on any other principle. With respect to an observation which fell from my right hon. Friend the Member for the University of Oxford, it seems to me that his very acute mind must have been refreshed by the recent study of certain logical puzzles printed at the end of a work on logic, which both he and I were in the habit of reading when we were members of the University of Oxford. He certainly appears to me to have perplexed a very simple subject by a very unnecessary amount of refinement. I will restate what I have already said on the point in question. I did not take any credit for making a reduction to the public. I merely described what would be the effect if the Resolution I proposed were agreed to by Parliament. What I stated was this, that if a duty which is now 1s. 9d. a pound were fixed at 1s. 5d. it would be a reduction, although it would not be so great as if it were fixed at 1s. 3d. That is a plain statement of fact. The duty at present is 1s. 9d. a pound. I propose a Resolution under which, if it receive the force of law, the duty will be 1s. 5d. My right hon. Friend may refine on the subject as much as he pleases; but, nevertheless, a trader who has to pay the duty will come to the conclusion that that duty is a reduced duty. Unquestionably the duty will not be so much reduced as it would be if it were reduced to 1s. 3d.; and I still maintain that I was right, in describing the objection of my right hon. Friend to my proposition, when I stated that he held that a reduction which is a less reduction than a greater reduction is no reduction at all.

MR. HENLEY said, that as he differed from those near him, he wished to explain that, although he objected to that amount of duty, still he had greater objections to leaving the revenue in a deficiency for the year. The proposal now was, to strike off £500,000; but the Chancellor of the Exchequer had himself reckoned his surplus at only £800,000 or £900,000, and from that he had taken £500,000 already, leaving only £300,000; and therefore another £500,000 off it would, he feared, leave a serious deficiency for the year.

The Committee should pause, therefore, before they agreed to such a hand-over-head Resolution as that before it.

MR. CHAIRMAN inquired whether the right hon. Gentleman the Member for the University of Oxford wished his Amendment to be put separately?

MR. GLADSTONE replied that his object was to maintain the existing law, and he would propose a Resolution to that effect if it should be deemed the most regular course.

THE CHANCELLOR OF THE EXCHEQUER suggested that the right hon. Gentleman's object would be attained by simply negating his (the Chancellor of the Exchequer's) Resolution.

MR. GLADSTONE did not concur in that view, as a simple negative to the Resolution would leave it open to any other hon. Member to propose another Amendment.

Question put, "That '1s. 3d.' be there inserted."

The Committee divided:—Ayes 125; Noes 187: Majority 62.

Original Question put, and *agreed to*.

MR. GLADSTONE said, that after the division which had just taken place, he should not trouble the House to divide on the sugar duties he had intended to propose, but should allow them to be negatived.

(2.) Motion made, and Question proposed—

"That, towards raising the Supply granted to Her Majesty, in lieu of the Duties of Customs now chargeable on Sugar imported into the United Kingdom, the following Duties shall be charged, from and after 5th April 1857 to 5th April 1858, inclusive:—

"Sugar, viz:— s. d.

"Candy, brown or white, refined sugar, or sugar rendered by any process equal in quality thereto the cwt. . . . 18 4."

Amendment proposed, to leave out "18s. 4d." and to insert "16s. 8d."—instead thereof.

Question, "That '16s. 8d.' be there inserted," put, and *negatived*.

Original Question put, and *agreed to*.

s. d.

"White clayed sugar, or sugar rendered by any process equal in quality to white clayed, not being refined, or equal in quality to refined the cwt. 18 0."

Amendment proposed, to leave out "16s. 0d." and to insert "14s. 7d."—instead thereof.

Question, "That '14s. 7d.' be there inserted," put, and *negatived*.

Original Question put, and *agreed to*.

s. d.

"Yellow Muscovado and brown clayed sugar, or sugar rendered by any process equal in quality to yellow Muscovado or brown clayed, and not equal to white clayed the cwt. 13 10."

Amendment proposed, to leave out "13s. 10d." and to insert "12s. 9d."—instead thereof.

Question, "That '12s. 9d.' be there inserted," put, and *negatived*.

Original Question put, and *agreed to*.

s. d.

"Brown Muscovado, or any other sugar, not being equal in quality to yellow Muscovado or brown clayed sugar the cwt. 12 8."

Amendment proposed, to leave out "12s. 8d." and to insert "11s. 8d."—instead thereof.

Question, "That '11s. 8d.' be there inserted," put, and *negatived*.

Original Question put, and *agreed to*.

s. d.

"Molasses the cwt. 5 0."

Amendment proposed, to leave out "5s." and insert "4s. 6d."—instead thereof.

Question, "That '4s. 6d.' be there inserted," put, and *negatived*.

Original Question put, and *agreed to*.

3. *Resolved*, "That, towards raising the Supply granted to Her Majesty, in lieu of the Duties now chargeable on the following articles imported into the United Kingdom, the following Duties shall be charged.

					To 5th April, 1857, inclusive.	From and after 5th April, 1857, to 5th April, 1858, inclusive.
					£ s. d.	£ s. d.
Cherries, dried	.	.	.	.	the pound	0 0 2
Comfits, dry	.	.	.	.		
Confectionery	.	.	.	.		
Ginger, preserved	.	.	.	.		
Marmalade	.	.	.	.		
Plums, preserved in sugar	.	.	.	.		
Succades, including all fruits and vegetables preserved in sugar, not otherwise enumerated						

Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

House resumed.

INDUSTRIAL SCHOOLS BILL.

COMMITTEE.

Order for Committee read.

SIR STAFFORD NORTHCOTE moved that this Bill should be committed *pro formâ*, in order that certain Amendments which he proposed to introduce into it might be printed.

MR. BOWYER objected to the Bill being proceeded with in the present Session. The measure might be employed as an instrument for proselytism, and he contended that they could not devote that attention which its importance merited. He had come down to the House that evening with the impression that they were to have nothing but "tea and turn out," and he hoped that they would not be asked to consider any new and disputed measure. He warned Her Majesty's Government that any persistence in an attempt to carry the Bill in the present Session would injuriously affect their interests at the approaching elections in Ireland.

SIR GEORGE GREY said, he could see no reason why the Motion for committing the Bill *pro formâ* should not at once be agreed to. The only effect of the adoption of that Motion would be that the measure would be printed in its amended form; and it would afterwards be competent to any hon. Member to move that it should not be further proceeded with in the present Session.

SIR JOHN PAKINGTON thought that after the discussion on the Bill which they had on Wednesday, the hon. Member ought to have the opportunity of reprinting his Bill, to show the country what it was he proposed. He could not sit down without expressing his regret that the hon. Member for Dundalk said he thought the Bill was brought in for the purpose of proselytising. [Mr. Bowyer: No!] He was glad the hon. Member denied it, for any charge more groundless he could not conceive.

SIR STAFFORD NORTHCOTE was only anxious to reprint the Bill in the shape in which it might be circulated through the country.

Bill considered in Committee, reported, and recommitted for *Wednesday* next.

House resumed.

INCOME TAX BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I beg to move for leave to bring in a Bill which I think will not be objected to by any hon. Gentleman on either side of the House—namely, a Bill to reduce the present income tax to the rate of 7*d.* in the pound for the next year on incomes above £150 a year, and to 5*d.* on incomes between £100 and £150 a year.

Leave given.

Bill to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices, ordered to be brought in by the CHANCELLOR of the EXCHEQUER, Viscount PALMERSTON, and Mr. WILSON.

Bill read 1^o.

The House adjourned at a quarter before Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 9, 1857.

MINUTES.] PUBLIC BILLS.—1st Commissioners of Supply (Scotland) Act, 1856, Amendment.

ROYAL ASSENT—Royal Marine Forces; Chief Constables; Public Health Supplemental (1857); Ionian Subjects' Commissions.

THE DIVORCE AND TESTAMENTARY JURISDICTION BILLS—QUESTION.

LORD LYNDHURST asked the noble and learned Lord on the woolsack what course he meant to pursue with respect to the Divorce and Testamentary Jurisdiction Bills.

THE LORD CHANCELLOR replied, that in the present state of Parliament it was not the intention of the Government to proceed further with either of those Bills during the present Session; but they would be reintroduced, with some alterations, at the very earliest period after the reassembling of Parliament.

CHINA—QUESTION.

THE EARL OF HARDWICKE ventured to hope that the noble Lord the Secretary for War would forgive him for following up the question he had asked him the other evening. The noble Lord stated that certain despatches would be speedily published; and he now wished to know when the noble Lord intended to give those despatches to the public—the more particu-

larly as every hour seemed to thicken the plot in China. It appeared that our authorities had been compelled to receive assistance for the protection of English subjects at Hong Kong from a distinguished nation—the French—for whose assistance they must always feel grateful. It was certainly very painful for Englishmen to feel that they were obliged to seek the assistance of a foreign nation, however great and distinguished, for the protection of British subjects. He did not say that that statement was true, but he was anxious to know what the public had a right to know—whether at the present juncture of affairs the British subjects in that part of the world were in jeopardy, and whether the recent state of affairs in China was something like, he would not say defeat, but great difficulty; and whether the English had, to a certain extent, been obliged to receive assistance from a foreign nation.

LORD PANMURE said, that what he had stated the other evening was that he had received despatches from Colonel Dunlop, stating that certain operations had taken place in the neighbourhood of Canton, and that some casualties had occurred, a return of which had since appeared in the *Gazette*. He had also stated that he received a communication respecting the manner in which a company of infantry had acted in the performance of an important duty in which they were engaged.

OPIMUM TRADE WITH CHINA.

MOTION FOR OPINION OF THE JUDGES.

THE EARL OF SHAFTESBURY said, that, as he had some reason to believe that the Government would accept the proposition that he was about to make with certain modifications, it would not be necessary to weary their Lordships with a long preliminary statement. His object was to draw attention to the evils arising from the opium trade, and to ascertain the state of the law on that subject; and, having ascertained what the law was, and whether the opium trade, as at present carried on, was legal or illegal, their Lordships would then be able to devise a remedy for the evil. Their Lordships must all have heard a great deal of the opium trade between India and China. He knew of nothing that had of late more occupied the public mind and more scandalized the public conscience than that most immoral system, which was one of the most flagitious in-

stances of unscrupulousness in the pursuit of wealth that mankind had ever witnessed. So long as that trade existed it would be impossible that peace, honour, quiet, and good order should prevail between our territories in India and the Government of the Emperor of China. This trade was in every point of view scandalous and perilous. Commercially it was the greatest impediment to legitimate traffic with China; it imposed the most severe restrictions upon the export of manufactures from this country; it impoverished alike both China and India; while it deprived this country of one of the greatest sources and most profitable outlets that could be found for the products of our commercial industry. If their Lordships looked at the question financially, they would find that the opium trade inflicted a great and permanent injustice upon the revenue of India by the interruption it occasioned to her commerce with China, and that a better system would not only tend to the benefit and happiness of the ryot, but would also greatly increase the legitimate revenue of the East India Company. In a political point of view the opium trade was a source of perpetual irritation and conflict upon the south-eastern coast of China, and so long as it existed a state of constant war would be carried on between the opium smugglers and the Custom-house authorities of the coast of China. It could not be denied that it was a most immoral traffic; its existence was most disgraceful to the national character of England, and the testimony of those who knew China best was, that opium and Christianity could not enter China together. He sincerely believed that the existence of the opium traffic had done more to discredit Christianity in China than anything else could possibly do, while the existence of opium cultivation and the ravages it produced had a similar effect on the people of India. No one Government was more responsible for the existing state of things than another. The evil had existed for more than half a century, and it had been encouraged and connived at by successive Governments; yet no Parliament had ever ventured to give a legislative sanction and positive enactment authorizing the monopoly and the trade in opium. There had been a growing sentiment for many years past, both in this country and in India, that the whole of this traffic from beginning to end was illegal. If their Lordships examined the various petitions which

had been presented from India on this subject they would find that every one of them asserted that the traffic was altogether illegal, and was not only inconsistent with statute law, but was in direct contravention of the law of the realm. The point to which he wished to direct their Lordships' attention was that the connection between the Government and the monopoly and the trade in opium was inconsistent with the Act of 1833, which declared that the East India Company was to cease to be a commercial and trading company. When he first gave notice of his intention to bring this subject under the consideration of the House, he had intended to move an address to the Crown praying that a Commission of Inquiry should be issued. Upon further consideration he had determined to move a Resolution condemnatory of the traffic; but upon going still further into the question and examining the law he thought it better to ask their Lordships to refer the question for the opinion of the Judges. He had been charged in letters—some with names and some without—in articles in the newspapers and in private conversation—for taking the course he had adopted on this occasion, and it had been alleged that he had adopted this course for the purpose of giving facilities to the Government and causing delay. Now he declared upon the honour of a gentleman that there was not a shadow of truth in these charges, and that he had adopted this particular form of Motion, not to give facilities to the Government, but because he thought it would embarrass them the most. If he had proposed a Resolution he should be told, as he had been told by the late Sir Robert Peel, that these abstract Resolutions were very inconvenient and meant little or nothing. If, on the other hand, he had proposed an Address to the Crown for a Commission of Inquiry he should have been told that Commissions were very expensive, very long in their operation, and that it could not be expected in so important a matter that the Crown and Parliament would be bound by the appointment of such a Commission. Having been convinced that the whole system was illegal, he had determined to take his present course, and to move their Lordships to submit the question to the decision of the Judges. He believed that this course would be most likely to be successful. He assumed that the Government and the House would accept his proposition for a

reference to the Judges, and he held that this was the best course for the question itself. If the Judges declared the monopoly and trade illegal, he should have carried his point, and it would then be for Parliament to devise a remedy and provide a substitute for any loss of revenue. If, on the contrary, the Judges declared the trade to be legal, he should have an entirely new starting point, and he could then appeal to the people of England to consider this great national sin, that had reduced our character and restricted our operations, and brought the name of the British people upon the south-east coast of China to a level in morals and conduct with the old detestable buccaneers of America. He could then make a ten times more forcible appeal to the public. It would then be declared that the East India Company carried on this traffic under Acts of Parliament, and that the nation alone was responsible for the sin. The doubts about the legality of the opium trade arose out of the Act of 1833, which gave the possession and government of India for a limited time to the East India Company. The passages out of which the doubt arose, were the preamble and the fourth section of the Act. Their Lordships would observe, that no question was raised upon the right of the East India Company to levy duties upon the growth or transit of opium growing on their own territory, or passing through their own territory. The question presented itself in two aspects—the territorial and the commercial. The territorial aspect was the levying a duty on all opium passing through the country. The commercial aspect was the Government of India being the manufacturers and vendors of opium: they prepared it in their factories, their mills, and boiling houses, and then carried it down to Calcutta, sold it by public auction, and went through the whole of these operations with as much zeal and activity as any shopkeeper. There was no more objection to the Government levying a duty on opium than on spirits; but there was a great difference between levying a duty and preparing and selling the article, when, moreover, they knew its destination, and the use that would be made of it in the territories of a friendly empire. The Act of 1833 referred to the Act of 1813; the Act of 1813 referred to the Act of 1793, and that Act again referred to the Act of 1781; but in none of those Acts was any mention whatever made of opium. The

fourth section of the Act of 1834 declared that the East India Company should cease altogether to be a trading company. It said:—

“And be it enacted, that the said Company shall, with all convenient speed after the said 22nd day of April, 1854, close their commercial business, and make sale of all the merchandise, stores, and effects, at home and abroad, distinguished in their account books as commercial assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever which may not be retained for the purposes of the Government of the said territories, and get in all debts due to them on account of the commercial branch of their affairs, and reduce their commercial establishments as the same shall become unnecessary, and discontinue and abstain from all commercial business.”

Could any one venture to contend that the whole system of the monopoly of opium in India, as carried on by the East India Company, was not, to all intents and purposes, a trading business? The poppy juice was purchased of the ryot by prepayment, the ryot was compelled to sell to the East India Company alone at a fixed rate; the Company manufactured the poppy juice into the drug for exportation, and so careful were they of pleasing their customers that, in the true style of shopkeeping, letters were sent from the seat of Government to the superintendents of factories, directing them to give the drug this or that flavour, to make it as racy and seductive as possible for the Chinese trade. Having manufactured the article, the Government had it carried down to Calcutta, and there put it up to auction in their own name. Could any one contend that it was not a commercial transaction simply because, when the opium was put on board the clippers, the Government had no share in the clippers? It was as clear a commercial business as dealing in tea, or anything else in which traders engaged. The section then went on to say:—

“They shall discontinue and abstain from all commercial business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purposes of the said Government.”

Those were the exceptional words on which the case for the Company rested; but if their Lordships gave to the words “commercial business” for the purposes of the said Government all the force claimed for them by the East India Company, the Company might undertake any commercial transaction, however extended, provided

they could take on themselves to say it was for the purposes of the Government. The object of the Act of Parliament was to make them wind up their affairs as a trading company, and continue only what was indispensably necessary for a time, for the purposes of their Government. Could it be supposed that those words were sufficient to cover so great a grant as the monopolies of salt and opium, yielding a revenue of £6,000,000 or £7,000,000 a year, or that the words “commercial business” thrust in at the end of a section were meant to have so wide a signification? He was very much inclined to think the Legislature never contemplated anything of the kind. Powers of monopoly were given by the Act of 1793, and what were those powers?—

“Nor shall it be lawful for any of His Majesty’s subjects to engage, intermeddle, or be in anywise concerned, directly or indirectly, in the inland trade—in salt, betel-nut, tobacco, &c., except on account of the said Company or with their permission.”

There was no mention of opium in this Act. The Company could not establish a monopoly; a monopoly could only be established by Act of Parliament. Here was an Act of Parliament giving the Company monopoly in salt, betel-nut, and tobacco, and opium was not mentioned. He defied any one to show any statute which gave the Company the monopoly of the trade in opium. In 1834 the House of Commons touched very delicately on the subject. All they said was, that it had existed so long they were not prepared to disturb it. But they did not venture to put into the Act continuing the government in the East India Company a clause authorizing the opium monopoly. The only words on which the Company claimed to exercise so mighty a power, which was productive of fearful results both in India and China, were the exceptional words he had already quoted; and he ventured to submit no grant of a monopoly could be implied from the words “commercial business which shall be carried on for the purposes of the said Government.” As to the question of revenue, did anybody conceive that that could be extended into the right of trading? Many persons were convinced the whole system was illegal. It ought to be submitted to most searching inquiry, and with a view to have a more calm and deliberate inquiry than could be obtained by reference to a Commission or a Committee, he hoped their Lordships would adopt his proposition—that the questions

he had laid on the table should be submitted to the Judges of the land. His own belief was, that the Judges would declare the traffic altogether unlawful; but should they declare such an abomination existed by Act of Parliament, he should then, if life were spared him, in the next Parliament bring the whole subject under the consideration of their Lordships. The noble Earl concluded by moving—

“1st. Whether, having regard to the Fourth Section of an Act passed in a Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intitled ‘An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty’s Indian Territories ’till the Thirtieth Day of April One thousand eight hundred and fifty-four,’ and other the Laws bearing on this Question, it is lawful for the East India Company to derive a Revenue from Opium by the following System; that is to say, by prohibiting and preventing the Growth of the Poppy, from which Opium is made, within their Territories, except as grown on their Account and under their Licence and Superintendency, Advances of Money being annually made by them to the Cultivators of the Poppy by way of Prepayment of the Price of all the Juice of the Poppy of a specified Consistence, to be produced from the Land in respect of which such Advances are made, such Price being estimated according to a Price fixed by the Company for the District in which the Land happens to be situated; the Cultivators delivering to the Company as much of such Juice as the Cultivators can produce, such Juice being afterwards sent by the Company to their Factories, and there manufactured by them into Opium; afterwards sent by them from those Factories to Calcutta, and there sold by them by Auction at their Sales; the Excess of the Sale Prices over and above the first Cost constituting the Revenue in question?”

2nd. Whether, having regard also to the Supplemental Treaty between Her Majesty and The Emperor of China, bearing Date the Eighth Day of October, 1843, which contains the following words:—‘A fair and regular Tariff of Duties and other Dues having now been established, it is to be hoped that the System of Smuggling will entirely cease,’ it is lawful for the East India Company to deal with such Opium in the Manner stated in the First Question, with the full Knowledge that it is so purchased at the above-mentioned Sales for the Purpose of being smuggled into China, in contravention of the Laws of that Empire; and so to cultivate and manufacture the same with a view principally to the China Market, and to its being so purchased for such Purposes as aforesaid; the Company with that view manufacturing the Opium into the Form which the Company consider best adapted to facilitate and promote that contraband Trade?”

THE LORD CHANCELLOR admitted that the subject to which the noble Earl had called the attention of the House was one of deep importance; but he put it to his noble Friend and to the House whether the course which he asked them to pursue was

one consistent with the ordinary principles of justice, and one, therefore, which their Lordships would sanction. His noble Friend proposed that it should be referred to the Judges to say, first, whether, according to the true construction of an Act of Parliament, the 3 & 4 Wm. IV., it was the opinion of the Judges that “it is lawful for the East India Company to derive a revenue from opium by the following system,” that was to say, by the monopoly of the manufacture and sale of the drug. Now, the Judges were summoned to their Lordships’ House to advise them in any matter on which they thought fit to ask their opinion; but he did not believe there was any case in which that opinion had been asked except with a view to some judicial business in which their Lordships had to decide, or to guide them in some pending or approaching legislation. The ordinary cases on which they were consulted every Session involved points of law, to assist their Lordships in cases submitted to that House as an ultimate court of appeal. Their Lordships also consulted them pending legislation as to whether or not there was anything in the state of the law that could influence legislation on subjects then under the consideration of the House, or which would shortly be brought before them. The latter course was adopted in 1840 at the instance of a right rev. Prelate, who desired to ascertain from the Judges whether a proposed measure as to the appropriation of the Canada reserves would or not be consistent with existing Acts of Parliament. The question having been submitted to the Judges they gave their opinion upon it, and their Lordships’ legislation was guided by that opinion. In such a state of circumstances it was perfectly right and proper to obtain the opinion of the Judges; but what would be the consequence of adopting a similar course upon the present occasion? The hypothesis of his noble Friend was, that for the last twenty years the East India Company, by their *employés*, had systematically gone on violating the law of the land, illegally obtaining revenue to the extent of millions in the year. If that were so, every one of the persons so engaged was liable to be tried and punished. It would be most inconvenient, therefore, that their Lordships should be called upon to prejudge the persons accused without giving them an opportunity of defending themselves, and that the Judges should be

called upon behind their backs to say that the law had been habitually violated. So circumstanced, how could the Judges answer the questions? He could not help thinking that when his noble Friend saw the consequences which would result he would not persist in his Motion, nor would their Lordships, he thought, sanction it if he did. These matters, however, having been called to their attention, he was prepared to say on the part of the Government, that when they shall have ascertained clearly and distinctly what were the facts as to the manufacture of opium by the East India Company—how it was done, who were concerned in it, how it was disposed of—everything, in short, being distinctly stated as matter of fact, the Government would have no objection to submitting, though not in the terms in which his noble Friend had drawn them up, the question to the highest legal authorities whom they could properly consult, the law officers of the Crown; and that with respect to the second question, which related to the construction of the treaty concluded with China in 1843, he would say that they would consult the law officers of the Crown, with the addition of the Queen's Advocate, and their opinion the Government would communicate to their Lordships. Beyond that he had nothing to add. It was impossible to accede to the proposal that the legality or illegality of this question should be ascertained by a reference to the Judges. Without committing himself to the extent of saying that what had been done by the East India Company was or was not of an illegal character, he would remind the noble Earl that the object of the statute to which he referred was to discontinue commercial trading on the part of the East India Company, and it was so stated in express terms. Perhaps his noble Friend did not know so familiarly as noble Lords accustomed to legal questions, that by innumerable decisions, supported by the practice of two or three centuries, it had been held that dealing with the produce of one's own land, no matter to what extent, was not trading in the eye of the law. The very question of salt, to which the noble Earl had referred, had already been before the courts, and it had been decided that owners of salt pits, if they made the salt on their premises, were not traders. If the East India Company, in order to make the most of their land, raised and made opium

or salt upon it, and sold it, the noble Earl must not suppose, in ignorance as they were of all the facts, that that was necessarily a violation of the statute of 1833. But the noble Earl assumed further, that in the cultivation of opium they exercised a monopoly, and had referred to previous Acts of Parliament with a view to show that they had no monopoly by statute. Whether the monopoly in opium, if it existed, was legal or not, he could not pretend to say without knowing the facts of the case, which at present he did not. It would materially depend upon what the course of dealing with the East India Company was. But he did not know how his noble Friend was to get out of the words at the end of the fourth section, cessation of commercial dealings except so far as relating to what should be carried on "for the purposes of the said Government." If he could not, then whether this manufacture was exercised by way of monopoly or not, or whether it was adopted as the best mode of raising the revenue, were questions not material—the question was, was it or not a dealing "for the purposes of the Government" within the meaning of the Act? He confessed it appeared to him to be hardly a matter worthy of being discussed. However, he had had too much experience in the profession not to know that difficulties often arose when least expected, and there might be difficulties here also. He should keep his mind suspended in reference to the question, though he could not anticipate that any ground could be stated upon which a decision would be made that this proceeding on the part of the Company was illegal. For these reasons he ventured to express a hope that the noble Earl would not embarrass—not the Government but rather their Lordships—by pressing his Motion. If, however, the noble Earl would rely on his (the Lord Chancellor's) word, he would undertake that the question should be referred to the law advisers of the Crown.

THE EARL OF SHAFTESBURY said, he had not intended to make a Motion which should have the effect of laying open to a criminal indictment the living and the dead for the last fifty years; and if it really involved such consequences he was ready to withdraw it upon an assurance that the whole subject should be submitted to the law officers of the Crown, and that their opinions should be given after a full

investigation of all the facts. By that investigation his point would be really gained.

EARL GREY said, he thought the noble Earl had exercised a wise discretion in not pressing his Motion. He had heard with extreme astonishment the statement of the noble Earl that the Government acceded to his proposition with some modifications; but he found that the Government altogether objected to the Motion. He could not see that submitting a question to the law officers of the Crown was the same thing as taking the opinion of the Judges upon a matter which involved great political interests. He altogether objected to such a subject being sent to the law officers of the Crown, as it was a subject far beyond the reach of lawyers, and a decision upon it could not be obtained by mere special pleading and legal technicalities. The question was—and it was one of far too great importance to be adequately considered on this occasion—did their Lordships regard the system now pursued as being consistent with real justice and equity towards the Chinese and with our own treaty obligations? That was a question on which he was not at that moment prepared to express any opinion. Undoubtedly it was impossible not to feel painfully that the transactions in question were liable to some of the observations which his noble Friend (the Earl of Shaftesbury) had applied to them. It was impossible—considering that in 1842 and 1843 this country became solemnly bound to the Chinese Government to discourage smuggling of all descriptions—not painfully to feel that the East India Government had been mixed up in those transactions in a manner which it was difficult to justify by a reference to the ordinary principles of right and wrong. He acknowledged that; but at the same time he could not shut his eyes to the fact that it was not always quite clear that their Lordships could prevent the practice of vice by attempting to deal with it by direct legislation. There was, and had been for some time, a question of extreme difficulty in this country. There were many well-meaning, but, as he thought, ill-judging persons who thought the sale of intoxicating liquors ought to be altogether prohibited. He had always been persuaded that any legislation of that kind would be entirely ineffectual and unwise. It ought to be remembered that while opium was a drug liable to abuse it was also a medicine of the utmost importance to the welfare of

mankind. Their Lordships could not altogether prohibit the production of it without inflicting the greatest possible evils, not only upon one part of the world but upon the whole world; and, if they were not to prohibit the production of it, he questioned whether it was in the power of any Government, when opium was produced and allowed to be sold, to regulate the manner in which it should be sold. When it once passed into the hands of the private consumer, he (Earl Grey) could not understand how by any machinery a Government could prevent it being applied to bad purposes instead of good, or how they could limit the use of it to what might be considered lawful purposes. For himself, he did not perceive that great difference which his noble Friend had endeavoured to establish between levying an export duty on opium and levying revenue by means of a monopoly. At the same time the question remained—had we, or had we not, after the opium had passed from the hands of the Indian Government, wilfully encouraged smuggling? Upon that point he had expected to hear some more remarks from his noble Friend. He (Earl Grey) used to think that they did not; but that opinion had been considerably shaken by an incidental observation of the British Resident at Hong Kong—he could not help reminding their Lordships that they had learnt from the papers laid before the House that the passing of the recent colonial ordinance had been of great advantage to the colony, because it had increased the coasting trade in that colony “in cotton, opium, and other products.” He could not help thinking that that observation was pregnant with significance. He had always been under the impression that it was the manifest duty of the colonial authorities there, under the treaty, strictly to abstain from anything calculated to violate that treaty by encouraging the smuggling trade to which allusion had been made. If that was a correct impression, he entirely concurred with his noble Friend in the opinion that nothing could justify that smuggling trade. Our obligations under that treaty were clear and positive; and, when we were visiting the Chinese with punishment for what was a doubtful infraction of the treaty on their part, how should we stand if it turned out to be a fact that, while we were doing that, we ourselves, on a point of vital importance, and one in which the Chinese themselves took the deepest interest, had by means of

our local authorities deliberately violated, not only the spirit, but the express terms of the treaty? He considered that was a matter of the greatest importance, and one which called for inquiry, but not inquiry of the kind suggested by his noble Friend—namely, by the law officers of the Crown, whose opinion on such a subject, when their Lordships got it, would not be worth the paper on which it was written. He could not help suggesting that the Government should now see that the time had come when this and other matters of a like kind ought to be most carefully considered. It had been announced that a negotiator was to be sent to China virtually to supersede Sir John Bowring, and to enter into negotiations with the Chinese Government with reference to the future conduct of our trade in that country. That announcement was a somewhat tardy one, and it had the appearance of having been extorted from the Government, as if those who had supported them during the recent discussions had intimated that they were not prepared to support them in retaining Sir John Bowring in the management of British affairs at Canton. But tardy as it was he (Earl Grey) hailed the announcement with great satisfaction, and he trusted that the name of the person to be selected would meet with the general approbation of the country and command the confidence both of their Lordships and of the other House of Parliament. He trusted also such person would be sent out with the view to ascertain, not only upon the matters now in dispute, but also upon all other questions, what were the best means of establishing peaceful relations with the Chinese. He remained of the opinion which he had already expressed, that our proceedings at Canton had been utterly inconsistent with every principle of justice and humanity. But assuming the very reverse—assuming those proceedings had been as right as he believed them to have been wrong, and that the Government could justify every step they had taken—still he said the occurrence of this Chinese war was a fearful calamity to this country and to the world; and their Lordships ought to be most anxious to put an end to it. He hoped the Government in sending out their instructions on this subject were not going to be actuated by that spirit which he was afraid was somewhat too prevalent in the country—a spirit which he could not describe as otherwise than unreasoning, and characterized by animosity and revenge,

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and which had been fostered in a manner which he, for one, must strongly condemn. He repeated that the hostilities with China had been a fearful calamity to this country and the world. He must call on their Lordships to observe the results which those events had produced. On the 8th of October last, when this unhappy occurrence took place, we had for more than ten years been carrying on, without the slightest interruption of any kind, a most advantageous trade. There had been no difficulty whatever in carrying on that trade. The commercial facilities at the five ports were equal to the facilities we found at New York, or at any of the other great commercial *emporia* of the world. We had no disputes of any consequence on the one hand or on the other; the slight grievances we had experienced had every one been redressed; and the Chinese had gone much further towards producing a feeling of reconciliation than we had. Did their Lordships remember that not a great many years ago a distinguished Austrian general was most grievously insulted and assaulted by some disreputable persons in this metropolis of England? Urgent application was made by the Austrian authorities for redress; in reply to which it was stated that the English Government were very sorry, that they condemned this proceeding, but unfortunately they could not help it; that they could not discover who were the culprits, and that by the English law they could not punish any persons until proof of their complicity was forthcoming. When, however, similar occurrences took place in China, what had happened? In the blue-book lately published there was a correspondence regarding some gentlemen who, shooting beyond the bounds assigned by the treaty, were in danger of their lives from a mob, but were protected by a Mandarin at the risk of his own life, some of his soldiers being wounded in repelling the assault. The English authorities, however, would not on that occasion listen to any excuse offered by the Chinese Government, to the effect that they could not find the offenders. They said, "We must have redress, or else we will take it ourselves. Some people must be punished for what has been done." That was the spirit in which we had habitually dealt with the Chinese. Our only real grievance now was the exclusion of British subjects without the walls of Canton. Englishmen were allowed to go into the suburbs; they were allowed to go into the country, far beyond

the limits fixed by the treaty; but the Chinese said they could not protect foreigners inside the town. With that single exception, everything was going on quietly at Canton. Trade had increased so rapidly than in less than ten years our imports had more than doubled, and a very large revenue had been produced to the country. What had been the result of our recent acts at Canton? He would not talk now of the sufferings of the Chinese, though he could not (as some persons did) treat with absolute unconcern the sufferings of many thousands of the people of any nation, however ignorant or however much in the wrong they might be. Passing over this point, however, he would pray their Lordships to observe what had been the result of the attack on Canton, even as regarded our own interests. In the first place a most valuable trade had been interrupted. It was stated that the exports of tea had already fallen off to an extent which would entail a loss of between £1,000,000 and £2,000,000 to the revenue. Besides this, there had been a vast amount of British property destroyed, though he dared say the owners of this property would find compensation for this in the enhanced price of their tea. England was, moreover, embarked in a war—not against the Chinese Government in which, as in a former case, the population were inclined on our side, but one in which the people of China (whether with or without reason he did not stop to inquire) had been excited to so intense an animosity against us that in our own colony of Hong Kong the British residents were exposed to the utmost danger. The flame had even extended so far as Singapore, and the European inhabitants at that most valuable emporium of British trade were, as they were informed, in most serious alarm for their lives and property from the acts of the Chinese there. Already, too, the Government had been compelled to have recourse to measures which must be attended with so heavy an expense that, joined to the loss of revenue from the diminished imports of tea, it must inevitably disturb the whole financial arrangements of the year, and must compel Her Majesty's Government either to check that diminution in the expenditure to which the country confidently looked at the close of the Russian war, or to have recourse to that most improvident expedient, a loan. One or other of these measures must be resorted to, even now, at the commencement of the

war. He maintained, then, that the Plenipotentiary sent out to China, whoever he might be, should receive instructions, drawn up in no vindictive spirit, but of such a nature as should lead him to make peace at the earliest moment consistent with the substantial interests of this country. That was the point to which he thought their Lordships ought to look, and he had made these remarks upon this occasion because he thought that Parliament was not likely to sit much longer, and because this was perhaps the only opportunity he should have of speaking upon this subject. Almost for the first time in our history, as he believed, we were engaged in a war which had not been formally made known to their Lordships by a Message from the Crown, and which Parliament had not been called upon to consider up to the moment when a large force was being despatched from this country. He very much doubted whether another instance would be found in which very considerable armaments had been sent out and a heavy expenditure incurred, and yet Parliament had not been called upon to support these measures; and every one knew that before their Lordships could meet again to discuss this subject the time would have passed by when they could do so with advantage. For these reasons he could not support any Motion for referring to the law advisers of the Crown a question which he thought far too high a one to be decided by mere technical law. Such a subject ought to be considered by Her Majesty's Government, and by those whom they employed in China, not as a technical point of law, but upon higher principles of policy and of equity, and as connected with the general state of our relations with China.

THE EARL OF ALBEMARLE rose to recall the attention of the House to the subject under debate. It was not his duty to decide whether the conduct of the East India Company in regard to this trade was legal or illegal, though, if his noble Friend who had brought forward this question had spoken of the impolicy of a monopoly, he should have been inclined to agree with him that a more impolitic act could hardly be perpetrated. His noble Friend had used harsh terms towards those who might differ from himself; but he (the Earl of Albemarle) wished to offer a few observations upon this subject, more especially as he had addressed large meetings in the rural districts, setting forth the social and moral

evils resulting from the immoderate use of spirituous liquors in this country, and he should not like to have it supposed that he would advocate another cause when it concerned a foreign country. And, first, a few words as to this very much abused commodity, opium. He contended that it was the abuse, not the use, of opium which was pernicious. In this respect it differed not at all from those other narcotics with which we were more familiar in England—namely, ardent spirits, wine, beer, or cider—all these commodities had been abused, and the abuse of them had been productive of vast mischief. Drunkenness was the great source of crime in this country; and yet no one seriously thought of suppressing the use of intoxicating drinks by legislative enactment. With regard to opium, the effects, whether beneficial or deleterious, were but little understood. He should like to draw a comparison, and he did not consider that it would be irrelevant to the subject, between the effects produced by opium and those produced by the narcotics which were used in this country. In the first place, the ardent spirits which were used for purposes of intoxication by the poorer classes of this country incited to crime, while opium incapacitated the person who used it for the commission of crime. As regarded the crime produced by intoxication in this country, he might cite all the addresses of the criminal Judges to grand juries in the course of their assizes. Mr. Justice Coleridge said, "There is scarcely a crime comes before me that is not directly or indirectly caused by strong drink." Then, again, Mr. Gurney testified that every crime had its origin more or less in drunkenness; and Mr. Clay, the chaplain to the Preston House of Correction, asserted that, "If every prisoner's habits and history were fully inquired into, it would be placed beyond all doubt that nine-tenths of the English crime requiring to be dealt with by the law arises from this English sin." He would beg their Lordships' attention while, on the other hand, he quoted the authority of Mr. John Crawford, who in his descriptive history of the Indian Islands said,—

"The deleterious character of opium has been much insisted upon, but generally by parties who have had no experience of its effects. Like any other narcotic or stimulant, the habitual use of it is amenable to abuse, as being more seductive than other stimulants; but this is certainly the utmost that can be safely charged to it. Thousands consume it without any pernicious result,

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as thousands do wine and spirits without any evil consequences. I know no person of long experience who has not come to this common-sense conclusion."

Another high authority, Dr. Oxley, said that—

"The inordinate use or rather abuse of the drug most decidedly does bring on early decrepitude, loss of appetite, and a morbid state of all the secretions; but I have seen a man who had used the drug for fifty years in moderation without any evil effects; and one man I recollect in Malacca who had so used it was upwards of eighty. Several in the habit of smoking it have assured me that, in moderation, it neither impaired the functions nor shortened life; at the same time fully admitting the deleterious effects of too much."

And finally, Sir Benjamin Brodie declared that—

"The effect of opium when taken into the stomach is not to stimulate but to soothe the nervous system. It may be otherwise in some instances, but these are rare exceptions to the general rule. The opium-eater is in a passive state, satisfied with his own dreamy condition while under the influence of the drug. He is useless, but not mischievous. It is quite otherwise with alcoholic liquors."

Now, what was the effect produced by the ardent spirits employed in this country? It appeared that in seventy-eight weeks there had been, arising from drunkenness, 252 serious accidents, or cases of striking bodily peril; 167 robberies of or by drunken persons, 1,153 brawls or violent assaults, and 337 cases of cruelty to wives or children, and 172 murders or manslaughters. Now, all the Chinese were dram drinkers, but they preferred the milder to the stronger spirit, and, certainly, if they could not get opium he believed that drunkenness, and the crimes attendant upon the drunkenness produced by ardent spirits, would increase, the one ten and the other a hundredfold. Much had been said about the opium being smuggled into China; but, even if it were, surely it was the duty of the Chinese, and not ours, to prevent that taking place, and not to give rise to it by their stupidity in attempting to prohibit that which it was impossible to put an end to, instead of attempting to regulate the traffic by the establishment of moderate duties. Now, was it really true that there was any actual smuggling? No doubt legally smuggling was prohibited, but virtually it was openly carried on. Sir John Davis, late Plenipotentiary in China during the war and since the peace of 1852, respecting legalizing the opium trade, had remarked to Commissioner Lin, that since the peace not a single edict had been

issued against opium, which was openly carried about the streets and sold like any unprohibited article ; but the Chinese Government appeared to think that it was less undignified to connive silently at the practice than directly contradict all its former principles, by openly legalizing it. He had also been informed by a gentleman, who had recently arrived from China, that it was a common thing to see labouring men in the purlieus of Canton playing with opium balls, which before the treaty would have cost them their heads. How was such a prohibition as the noble Earl wished for to be carried out? Was it intended to prohibit the growth of opium in our Indian territory? If that were proposed, it would be also necessary to put in practice the meddling principle which had of late unfortunately been frequently displayed, and to prohibit its growth in neighbouring States. Then, again, the opium question was not an isolated one. If the growth of a drug in itself comparatively innocuous was prohibited in India, their Lordships must be prepared to do away with the growth of that which produced the more crime-creating spirit called gin ; and would they propose to do away with two of the staple products of this country—barley and oats—because people were in the habit of abusing the use of beer and gin? If so, were France, Italy, and Spain also to be asked to uproot their vines? and was the sugarcane likewise to be got rid of—for that produced rum? Here would be a loss of about £1,000,000 to the revenue, and with the sugarcane the sugar duties must go, which would involve another loss of £5,000,000 of revenue. But he presumed that their Lordships would not meddle with the English colonies nor with their neighbours' vines, but would be content to make unhappy India the subject of legislation. But India was not the only opium-growing country. Turkey grew opium also, a large quantity of which was consumed by the Chinese. China had also taken to growing opium. He had said nothing of the Indian revenue, which must be sacrificed if the views of the noble Earl were carried. In spite of every attempt which was made, there was a constantly decreasing revenue in India, and the subversion of the Indian revenue was connected with the success of the noble Earl's scheme. He believed it to be a complete hallucination to suppose that if the opium trade was done away the Chinese would take our manufactures instead ; because,

with respect to all the articles with which the British supplied them, they had similar articles of their own, and they took the British articles simply because they were in certain localities cheaper. They would only take as much of British articles as they needed, and no more. Whenever habit had induced a people to desire a certain commodity it was not in the power of a Government or a Legislature to prohibit the general use of that commodity. The only way to check the consumption of a deleterious article was by the diffusion of education or the imposition of moderate duties. It was now about 130 years since the feelings of the religious and benevolent portion of the community were outraged by the increase of drunkenness in consequence of the cheapness of ardent spirits. In an evil hour the Legislature was induced in 1736 to pass a prohibitory law in respect to ardent spirits. Great encouragement was held out by this to the common informer, who, with the revenue officers, was insulted and hunted down in the streets of London. Drunkenness and immorality increased to a fearful degree in consequence, and the Earl Cholmondeley of that day stated (the population of the metropolis being one-fifth of its present amount) that 7,000,000 gallons of ardent spirits were consumed at the very time when the Legislature declared its consumption illegal. In reference to Ireland, the Rev. Mr. Chichester said—

“The calamities of civilized warfare are in general inferior to those produced by the Irish distillery laws, and I doubt whether any nation of modern Europe, which is not in a state of actual revolution, can furnish instances of legal cruelty commensurate with those I have represented.”

Such was the result of prohibitory legislation on this subject.

EARL GRANVILLE thought that the statements which had been made to their Lordships tended to show that, with respect to the subject under discussion, various considerations must be regarded before a final determination was come to, and he rose only to make a few observations on one or two points raised by the noble Earl who spoke the last but one (Earl Grey). The noble Earl objected to the course which the Government were about to take in referring this question to the law officers of the Crown. Now, considering that the noble Earl himself was not prepared to form any opinion on this important matter, and considering that the question had been brought forward by a noble Earl representing a strong

opinion, whether right or wrong, in this country, he did not think that the Government was much to be blamed for referring the matter to the law officers of the Crown. Considering the frequent occasions upon which his noble Friend (Earl Grey) had had to consult the law officers of the Crown, he could not understand why, unless he meant to convey a personal insinuation against those Gentlemen, he should declare that he did not care twopence for their opinion upon this point.

EARL GREY said, he had been misunderstood by his noble Friend. What he said was that he would give nothing for the opinion of the law officers of the Crown upon this subject, because it was not a question of technicalities, but one involving higher and superior considerations, and not depending upon the words of an Act of Parliament.

EARL GRANVILLE said, that the opinion of the noble Earl who had brought forward this Motion, and who had for years taken a great interest in this question, and who represented the feelings of a very large and very worthy class of persons in this country, ought to go for something. That noble Earl thought it of the utmost importance that the technicalities connected with this question should be cleared up before their Lordships proceeded to the practical points involved in it, and it was not unreasonable that the Government should comply with such a wish, and should endeavour, before any other steps were taken in the case, to ascertain what was the precise nature of the existing law. He regretted to hear his noble Friend express an opinion that the British authorities in China were encouraging the opium trade.

EARL GREY had said that until lately he felt assured that the British officials in China had not encouraged the opium trade; but that some of the despatches recently published seemed to show that they now regarded it with a more favourable eye.

EARL GRANVILLE: His noble Friend had not contradicted the impression he had derived from his noble Friend's speech, which was that the feeling of the British authorities in regard to the opium trade at present was different from that which existed when he (Earl Grey) was Colonial Secretary. That was, he thought, a most unfair assumption. The British officers in China thought the ordinance to which reference had been made useful to the coast-

ing trade of China; but there were about sixty articles which formed the staple of that trade, of which opium was only one. He did not think his noble Friend's inference a just one, when opposed to the declaration that the object of this ordinance was to restrict smuggling and to assist the Chinese authorities in its detection and repression. The present Government had a right to believe, as the noble Earl believed when Colonial Secretary, that the smuggling trade was not encouraged by the British authorities in China. If it were so encouraged it was in direct opposition to the wishes and instructions of the Government. His noble Friend had deprecated a renewal of the China debate to-night, and had then proceeded to deliver a portion of his speech which he must have forgotten when he addressed the House on that occasion. It was always important to know the views of his noble Friend on questions of public policy, and if his noble Friend would bring forward a Motion to reverse the decision to which their Lordships had come, he would listen and endeavour to answer him. It was, therefore, from no want of respect that he did not follow his noble Friend into considerations wholly extraneous to the question before the House. With respect to the sending out a Plenipotentiary to China, he had to state that the noble Earl did not appear to be correctly informed as to the motives which had induced the Government to take the course they had adopted upon that subject. His noble Friend seemed to concur in the propriety of the course; and although it would not be right that he should then state what were the precise instructions which the Government would give to that Plenipotentiary, he could say that they did not in effect differ from the opinions of the noble Earl, and that they would have for their object to put on a satisfactory footing our relations with the Chinese Empire, and to maintain at the same time the substantial interests of this country.

THE EARL OF MALMESBURY said, the only point to which he would then allude was the sending out of a successor to Sir John Bowring. He took it for granted that Her Majesty's Government had considered that step inevitable after what had taken place in another assembly. But there was another point in connection with that matter to which he deemed it advisable to direct their attention. The treaty which regulated the relations of France with China was about to expire,

and the French Government were about to send out a Plenipotentiary to that country for the re-establishment of their international engagements. Now, this country had a considerable interest in the negotiations which were thus about to be opened, as we should be entitled to any privileges which the Chinese might concede to the most favoured foreign nation. Under these circumstances he hoped that Her Majesty's Ministers would take care that Great Britain should at once be represented in China by a man accustomed to diplomatic business, capable of acting discreetly, wisely, and temperately; and, in fact, a man differing in every respect as regarded experience and character from Sir John Bowring.

THE EARL OF SHAFTESBURY replied. He had never said one word in favour of a prohibition on the part of the East India Company against the growth of opium. Nothing, on the contrary, could be more useless than to endeavour to prohibit the growth of opium. What he had indicated was the necessity of disconnecting the Government from the traffic in opium. Other people might grow it if they liked, and the Government might impose duties either upon its growth or transit; but let not the Governor General stand behind the counter, with a brown-paper cap and white apron on, to deal in this article and see that it had the requisite consistency and colour. He had explained to their Lordships the reasons why he thought the technical legal question should be set at rest. If the answer of the law officers of the Crown was that the traffic was legal, he pledged himself, if life were spared him, to bring forward next Session the whole question in its largest and most ample latitude, and he would then appeal to their Lordships to wipe out such an abomination from the statute law of this country.

THE EARL OF ELLENBOROUGH understood now that the objection of the noble Earl (the Earl of Shaftesbury) was not to the sale, but to the monopoly, that he particularly desired inquiry should be made into the legal point, and that he had entirely thrown over the moral part of the question. If the Government of India might place what tax they pleased on opium, and opium so taxed went from India to China, it was difficult to see what advantage the Chinese would reap from any alteration of the present system. He wished the Lord Chancellor would explain

what he meant to submit to the law officers of the Crown.

THE LORD CHANCELLOR thought he had explained very clearly already that his noble Friend, having proposed certain questions to be submitted to the Judges, he asked his noble Friend to withdraw his Motion, upon a pledge being given to consult the law officers of the Crown as to the legality or illegality of the traffic, having regard to the facts and the Acts of Parliament.

THE EARL OF ELLENBOROUGH asked how the law officers would ascertain the facts. Would they call witnesses?

THE DUKE OF ARGYLL said, it was very easy to ascertain the facts, and he was not aware that they were erroneously stated in the paper laid on the table by the noble Earl for reference to the Judges.

THE EARL OF DERBY said, the Government had come to a private understanding with the noble Earl to put certain questions to the law officers, and obtain their opinion on the questions so put. He hoped the House of Lords would not be supposed to be responsible for the answers given, or for the manner in which the questions were proposed.

EARL GRANVILLE said, the noble Earl was mistaken in supposing there had been any private understanding. He had told the noble Earl (the Earl of Shaftesbury) that if he withdrew his Motion, the Government would think it their duty to consult the law officers on the legality of the traffic, although it had never before been questioned. The noble Earl could not withdraw his Motion without the consent of the House, and if any noble Peer chose to insist upon it, they must vote upon the question. If the noble Earl was satisfied with the good faith of the Government that the opinion of the law officers would be taken, he could see no reasonable objection to that course.

THE EARL OF DERBY said, the House might agree with the withdrawal of the Motion absolutely; but they had nothing whatever to do with the condition of referring any questions to the law officers of the Crown.

THE MARQUESS OF CLANRICARDE said, this discussion showed very clearly how ignorant was the British Legislature, if not the British Government, regarding the state of our Indian Empire.

Motion, by leave of the House, *withdrawn*.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 9, 1857.

MINUTES.] NEW MEMBER SWORN.—For Sussex (Eastern Division), Viscount Pevensey.
 PUBLIC BILLS.—1° Ecclesiastical Jurisdiction; Customs' Duties; Portland Harbour; Indemnity; Copyhold and Inclosure Commissions, &c.; Municipal Corporations Act Amendment.
 2° Income Tax.

COURT OF SESSION (SCOTLAND).

QUESTION.

MR. BAILLIE COCHRANE said, in the absence of the Lord Advocate, he would beg to ask the right hon. Baronet the Home Secretary whether it was intended to take measures, either by arrangement for the division of the business, or by the creation of a new Court, to relieve the Court of Session of business which was unequally thrown upon one branch of it?

SIR GEORGE GREY said, his right hon. and learned Friend the Lord Advocate was aware of the inconvenience arising out of the unequal division of business in the Court in question. Last year his right hon. and learned Friend had brought in a Bill on the subject, which, however, had not met with general favour. The subject had since been under his right hon. and learned Friend's consideration, and he believed that, had the Session continued in the ordinary course, it was his right hon. and learned Friend's intention to have re-introduced that measure.

THE NESTORIAN CHRISTIANS IN PERSIA.

QUESTION.

MR. PELLATT said, he would beg to ask the right hon. Gentleman the President of the Board of Control whether, in the event of peace with Persia, any representations would be made to the Persian Government by the English Government in favour of the Nestorian Christians, who, since the withdrawal of the British Legation, had suffered severe persecution, had had fifty schools suppressed, the teaching of the English language prohibited, and people ordered, on pain of imprisonment or the bastinado, not to enter their own churches?

MR. VERNON SMITH said, that no information had been received at the Foreign Office relative to any persecution of the Nestorian Christians. Instructions, however, had been sent out to Mr. Murray,

requesting him to use endeavours to ameliorate the condition of those Nestorian Christians. As soon as the treaty of peace was ratified, fresh instructions would be sent out on the subject.

MR. WARNER said, he wished to know whether any influence hitherto exercised for the protection of native Christians in Persia would be in any way restricted or interfered with by the recent treaty? Was there any clause in the treaty binding the British Government to abstain from such protection for the future?

MR. VERNON SMITH said, he could not now go into the terms of the treaty, which would shortly be laid before Parliament.

PUBLIC ACCOUNTS—QUESTION.

SIR HENRY WILLOUGHBY said, he would beg to ask the Chancellor of the Exchequer when the detailed Accounts of the Army, Navy, and Ordnance for the year ended March 31, 1856, would be laid on the table of the House?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said that the accounts for the navy had already been presented, and he believed that the detailed accounts would shortly appear. The time fixed by the law for the returns of the accounts of the army had not yet arrived. The abstracts would not be due until June next, when they would be laid on the table, together with the detailed returns.

THE SOUND AND TRANSIT DUES.

QUESTION.

MR. G. DUNDAS said, he wished to know whether it was the intention of the Government, in negotiating the question of the settlement of the Sound Dues, to stipulate for the settlement of the Danish Transit Dues on the same basis?

THE CHANCELLOR OF THE EXCHEQUER: Sir, a treaty has been negotiated with Denmark for the remission of the Sound Dues by the principal Powers of Europe, including Austria, Belgium, France, Great Britain, Hanover, Mecklenburg-Schwerin, the Netherlands, Prussia, Russia, Sweden, Norway, and the Hanse Towns. It is anticipated that that treaty will be signed in the course of the present week. It contains stipulations not only with regard to the remission of the Sound Dues, but also for a remission of the transit dues; and, although I am not able to state

the precise amount of the remission of transit dues, I believe it will be less than a reduction of four-fifths of their present amount.

NAVIGATION OF THE DANUBE.

QUESTION.

MR. MEAGHER said, he rose to ask the First Lord of the Treasury whether he could afford any information as to the present state of the river Danube, as far as its safe and proper navigation is concerned; and whether there be any reasonable hopes that the river now may be sufficiently clear to allow of spring shipments being made to and from the Danubian Provinces.

VISCOUNT PALMERSTON: Two Commissions have been appointed with regard to the Danube—the one a permanent Commission, consisting of delegates from the river-bordering Powers, in accordance with the article of the Treaty of Vienna; the other a temporary European Commission, composed of members deputed by Powers which are not river-bordering, but whose duty it is to take measures to keep the mouths of the river open for navigation by removing obstructions. This last Commission has met, but it has not been able to settle any measures for clearing away the obstructions which now exist. Some of the sand-banks within the delta have been removed, but there is one material point now under consideration—namely, as to which branch of the Danube is the one best calculated to be useful for the navigation of the river. Many think that the Sulina branch is not the best, but that the St. George's branch might be rendered so. No time, however, will be lost in making the necessary investigations incidental to the attainment of the object in view.

BUSINESS OF THE HOUSE—MOTION.

VISCOUNT PALMERSTON said, that, with a view to facilitate the progress of public business, he should move that Orders of the day take precedence of Notices of Motion on Thursday.

MR. MUNTZ said, he must complain of the hardship which the proposition of the noble Lord would inflict on private Members, who had very few opportunities for bringing forward important questions in which they were interested.

Motion agreed to.

MR. SPEAKER'S RETIREMENT.

MR. SPEAKER addressed the House as follows:—

Before I call upon the Clerk to proceed with the Orders of the Day, I hope the House will permit me to occupy their attention for a very few moments.

After the Statement made by the noble Lord at the head of the Government to the House on Thursday last, it is quite evident that a Dissolution of Parliament is rapidly approaching; and I feel it to be only consistent with that respect which is especially due from me to the House, that I should inform them that it is my intention to retire from Parliament at the close of the present Session.

It is very nearly eighteen years since I first had the honour of being elected Speaker of this House, and I cannot contemplate the termination of my official career without great pain; nor can I allow it to close without offering to the House my sincere and grateful acknowledgments for that uniform confidence and support which I have received, not only from all parties in the House, but I may say, with perfect truth, from every individual Member of the House. I am quite aware that, in the discharge of the delicate, and very onerous duties of this chair, I have had great need of that kind indulgence which has always been extended to me; especially of late, when I have been too frequently reminded of my increasing inability to do full justice to the task which has devolved upon me.

It has been my constant endeavour, as is well known to the House, to improve and simplify their forms of proceeding, but at the same time I have endeavoured to maintain unimpaired all those rights and privileges, and those rules and orders, sanctioned by ancient usage, which long experience has taught me to respect and venerate, and which I believe never can be relaxed, or materially altered, without prejudice to the freedom and independence of the House of Commons. And if I have been in the least degree instrumental in promoting objects so desirable, and so essential to the public interests, I am perfectly aware that I owe that success to the cordial co-operation I have always received from the House, and for which I never can be sufficiently grateful. [This announcement of MR. SPEAKER was received with the strongest marks of feeling from every part of the House.]

VISCOUNT PALMERSTON: Mr. Speak-

er, I am sure that I am the faithful organ of the feelings of every Member of this House when I assure you that it is with the deepest regret [*loud cheers*] that we have heard the announcement which has just fallen from you. It is no compliment to you, Mr. Speaker, no flattery, to say that I believe there never sat in that chair any man who combined in a greater degree all those various qualities which should constitute the Speaker of this House [*cheers*]; and that with the regret which I am sure every Member must feel at losing your services must be mingled a sentiment of deep gratitude for those services which you have rendered [*cheers*]. I trust the House will not on the present occasion enter into any expression of those feelings which every man among us must entertain; but I will now give notice that I shall deem it my duty to-morrow, before proceeding to public business, to move an expression of thanks to you, Sir, and also an appropriate Address to the Crown, bearing upon what we have just heard [*continued cheers*].

INCOME TAX BILL.

SECOND READING.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER moved that the Income Tax Bill be now read a Second Time.

MR. DISRAELI: It was my intention, Sir, to have offered to the House a proposal with respect to the income tax. But it appears from what I have read in the accredited organs of the day that we really are at war with China—at least I do not suppose that any one will now pretend that we are not at war, when we are told that 7000 troops are about to leave our shores for the scene of action. I think, therefore, we had better at once face our position and not indulge in those dreams which I had hoped might have been realised this year—dreams of economy and of administrative improvement. These, I am afraid, are passed; and I do not therefore feel myself justified in offering any opposition to the measure now before the House, because I consider it is absolutely necessary that the Ministers of the Crown, whatever party may form the Administration, should have sufficient supplies to carry on the struggle in which we are now actually embarked. There is, however, another reason why I feel some difficulty in pressing upon the House that modification in the income

tax which I felt it my duty to announce. The House, I think unfortunately, agreed the other night to an increase in the indirect taxation of the country, and in the face of that I should be sorry to urge a diminution of our direct taxation. That, however, is a consideration of very secondary importance when connected with the position in which we are now placed with respect to our external relations. The policy pursued with respect to China, has, as I feared it would, involved this country in a war which may be of some length, and which must be necessarily attended with considerable expense. Now, I wish that our constituents, who are always pressing upon us the reduction of taxation, would carefully consider how the amount of our taxation must depend on the system which we adopt with reference to our external affairs. We have been at war with Persia without the knowledge of Parliament, and we have now the satisfaction of hearing that peace has been concluded. So far as we can attain information on the subject these are the facts. First, that the war with Persia was occasioned by a cause really too contemptible and too shameful to be mentioned. Now, either that cause was the real cause or it was not. If it was the genuine cause the House can at once draw the inevitable inference. But if it was merely a pretext, then I say this war is part of that general system which appears in every quarter of the globe, and which shows a general determination to distract the attention of the country from its domestic arrangements by a turbulent and aggressive diplomacy. Well, admitting it was a mere pretext, and that this shameful incident was not the absolute reason of our hostilities—what then has occurred? In consequence of our going to war with Persia, negotiations have taken place between the British and Persian Ambassadors at Constantinople, and certain terms were offered for our acceptance, which we refused. This refusal having put an end to the negotiations, these transactions in good time, Parliament being assembled, are brought under our notice, and the feeling of Parliament with respect to the Persian war, commenced without our knowledge, being evinced in a manner not to be mistaken, fresh negotiations then occur. These negotiations are successful. But by what means, and in what manner? As I am informed by our accepting at Paris the terms which we had rejected at Constanti-

nople. What I want the country to consider is how much the rejection of these reasonable terms at Constantinople has cost us,—how much this quarrel with Persia has cost us in all. If we take this quarrel with Persia at £500,000—and from what I have heard we can scarcely take it at less—and if we have half-a-dozen of these difficulties every year and average them at £500,000 each, how is the remaining 7*d.* of the income tax ever to be taken off? Four difficulties at half-a-million each make up 2*d.* in the pound of the income tax, and not only will the tax remain at 7*d.*, but we shall probably have the popular 9*d.* reintroduced to our notice in a very short time. After the Persian difficulty we have now the China difficulty, which may cost us no one knows how much—no one supposes it can be settled for 1*d.* in the pound of the income tax; indeed, if we get out of it for a million we may think ourselves very lucky. As we are going to the hustings, where we shall be asked to review expenditure and to reduce the burdens of taxation—when we find our constituents complaining of the increased duties upon tea and sugar, and desire to explain how it happens that the income tax, which was to have expired in 1860, appears likely to affect them for a longer period—let us ask them quietly to consider, before they complain of these burdens, whether they have sanctioned the turbulent and aggressive system of diplomacy which has drawn us into these quarrels, and which really is the cause of our not being able to reduce the income tax in the first instance to that more moderate assessment which the country expects. But, however we may disapprove of the policy, however we may lament the expenditure which it entails, we have a clear duty to perform. We have to support the Government, of whatever elements it may be formed, which has plunged the country into a difficulty of this kind. We are now at war with China, and, however we may lament the policy which has occasioned that war, we must pursue it until an opening is afforded of bringing these calamitous proceedings to a close more consonant with those principles which we have endeavoured to vindicate in the course of the late debate. Under these circumstances I no longer feel justified in opposing this Bill, nor, indeed, in supporting any Motion which can have the effect of reducing the resources which are at the disposal of the Government. I lament the necessity of

the course which I have to pursue, and I indulge in the hope that the feeling of the country will at last force the Government to pursue a policy more conciliatory to foreign countries than that which it appears to me to adopt on every occasion—a policy which, while it maintains the honour, the dignity, and the true interests of the country, at the same time is not calculated to outrage the feelings of every foreign State which is brought into connexion with us. Then we may look for economy, for reduction of expenditure, and for reduction of taxation; but until a policy of that kind is adopted and sanctioned by this House and the country I am convinced that the expenditure of the country will increase, and its burdens also will increase in proportion.

MR. BAILLIE COCHRANE said, the right hon. Gentleman having made allusion to the foreign policy of Her Majesty's Government, he must take the liberty of expressing his deep regret that they should go to the country without receiving an assurance that that policy should in some degree at least be changed. However, he principally rose now to put a question to the noble Lord relative to our policy towards Naples. When he put a question to the noble Lord the other day relative to the same subject, the noble Lord answered him in a manner which he must say was not very courteous. Now he would put it to the House whether or not it would not be leaving our relations with Naples in a most dangerous condition if things were allowed to rest as at present. At that moment there was no British legation at Naples, and if any difficulties were to arise there this country might in consequence become seriously involved. In putting that question, let him explain that he had no sympathy or feeling whatever for the King of Naples, such as was implied by the noble Lord the other evening. He was influenced solely by a feeling that the policy which the noble Lord pursued towards Naples was attended with an aggravation of the sufferings of those poor prisoners instead of an alleviation of them. He hoped, therefore, that the noble Lord would take an opportunity before the present Parliament was dissolved of assuring the House that there was some chance of the renewal of diplomatic relations between Her Majesty and the King of the Two Sicilies.

MR. W. WILLIAMS regretted that the income tax was still to be levied upon incomes between £100 and £150 a year,

The proposal was regarded as odious by every class of the community, and when they got into Committee he should endeavour to obtain its rejection.

SIR HENRY WILLOUGHBY wished to direct the attention of the Chancellor of the Exchequer to two evils connected with the income tax well deserving of consideration. The first was that in the case of a defaulting collector every person in his district had to pay the tax over again, those who could show receipts as well as those who could not. Several cases involving great hardship had come to his knowledge. Now, he thought that a clause ought to be introduced into the Bill, providing against the recurrence of so glaring an injustice. Another point to which his attention had been particularly directed was the very improper manner in which the income-tax returns were allowed to get abroad. He remembered Lord Brougham proposing, on the cessation of the great income tax in 1816, that all the papers connected with the income-tax returns should be burned. He (Mr. Cochrane) thought that at least more stringent instructions ought to be given to the Income Tax Commissioners, respecting the disposal of the assessment, and other papers connected with the tax. He himself had in his possession a lot of those papers which had got into public circulation through the shops; so that in various towns of the kingdom most respectable inhabitants had the pleasure of receiving their butter wrapped up in paper recording the details of their private affairs. He wished also to call the Chancellor of the Exchequer's attention to the great injustice inflicted on a particular class of fundholders who at the present moment paid at least 30 per cent income tax. He alluded to persons who held what were formerly Long Annuities, but were now short annuities. Those Annuities would expire in 1860; but the public creditors holding such securities were taxed on incomes only worth three years' purchase equally with the possessors of perpetual annuities, worth thirty years' purchase. He thought the Government had done all they could with regard to the reduction of the war income tax, and that they were entitled on that ground to fair consideration on the part of the House and of the country.

MAJOR REED said, he had intended to submit a Motion to the House with reference to the more equitable assessment of the income tax, but under existing circum-

Mr. W. Williams

stances he thought it would not be advisable to do so. He must say, however, as the chairman of an association which had taken up the question, that he considered it most unjust to levy the same rate of taxation upon incomes derived from fixed and funded property and upon those derived from such precarious sources as trades and professions—the value of the one kind being from twenty-eight to thirty years' purchase, and of the other from only two and a half to three. Again, the mode of assessment was grossly unjust. A man who had paid a tax on £500 one year was compelled to return himself at the same rate the next year, although he might in reality have earned only half that amount, otherwise he would be compelled to disclose the state of his affairs to his neighbours. The next year this man might become insolvent, and then, when the Court of Bankruptcy ascertained the fact, it would brand him as a swindler. Again, if a tradesman showed his books, and it should appear from them that he was making large profits from any particular branch of his business, the result might be that he would immediately see rivals springing up around him. The result was that tradesmen were compelled to submit to any injustice rather than appeal. He hoped that if the continuance of this iniquitous impost should be proposed to a new Parliament measures would be taken to relieve persons deriving incomes from trades and professions from the injustice to which they were at present subjected.

MR. HEADLAM said, that any person who had hitherto listened to the discussion would have thought that the Chancellor of the Exchequer was increasing or renewing the former rate of the income tax, whereas the question before the House was really one for its reduction. He believed that if the House was sincerely desirous of getting rid of the income tax the best plan would be to endeavour to reduce it whenever the opportunity occurred, and, in order to do that, Parliament should keep the tax continually under their control by only granting it for a year at a time. He had intended to propose the limitation of the tax to a year, but as by the present Bill the tax would only be continued for that period it was unnecessary to press his Motion.

MR. MUNTZ wished to caution the Government not to expect that the people would be satisfied simply with a reduction in the amount of this tax, which was op-

posed rather on account of its inquisitorial nature than of its mere amount. In many instances the tax was accompanied with great injustice and discomfort, and in some cases it was levied in a mode which almost amounted to robbery. If the tax was imposed upon tolerably just principles it would be less objectionable. Nobody expected to be able to make it perfect; but an attempt might at least be made to approach perfection. An extraordinary case had occurred recently before the magistrates of a midland county, in which a man who had been assessor of income tax, and who had been surcharging right and left, had been called to account, and coolly alleged that he had burnt his books. The surveyor said it was usual to burn the books after the lapse of two years; but ought such laxity to be permitted in the administration of a law which worked so much injustice? Some time ago, when he brought forward a Motion on this subject, a leading article referring to it appeared in the leading journal. He had no right to find fault with that article, which intimated that if he had let the matter alone it was probable the tax would have been got rid of in three years. When the tax was imposed in 1842 it was on the understanding that it was to cease at the end of three years, but they had it now in prospect for three years, and he did not doubt it would be continued for three years more. If no attempt was made to render the operation of the tax more just and equitable they would always be told, "We can't get rid of this tax, and we must continue it as it is." He did not object to the tax *per se*, but he objected to the manner in which it was imposed and collected.

SIR GEORGE STRICKLAND asked how the income tax was to be levied so as to render it just and equitable as proposed by the hon. Member for Birmingham. The tax was an odious one in itself, and its unequal and inquisitorial character could never be got rid of. All great financiers, from Pitt down to Peel, had argued that it was impossible to make such a tax perfectly equitable. It was a tax suitable only for a state of war and a period of great emergency, when the people would pay it without reference to its inequalities; but it was not adapted for a time of peace.

MR. MICHELL said that as he might not have the honour of a seat in the new Parliament, he should wish to make a few observations upon the subject of the income tax. To an income tax *per se* he had no

objection—that is, to an income tax placed upon a fair footing, such as that of 1816. He objected, however, very much to the mode in which the present tax was sometimes assessed. As, for example, in the case of mines; there the proprietor paid not only upon income but upon capital; and, supposing that he had two mines, one a paying, the other a losing concern, he was not permitted to set off the losses upon one against the gains of the other, and thus reduce the balance. No; he was assessed upon each separately, and made to pay accordingly. On the other hand, bankers and large companies were comparatively relieved under the tax. The hon. Baronet the Member for Evesham (Sir H. Willoughby) had complained of the want of secrecy with reference to details connected with the tax; that undoubtedly was a very serious grievance. He himself knew of a case where a young man having appealed against his assessment, on the ground that he was actually an insolvent, in proof, pulled out seven writs from his pocket, with which he had been served, and showed them to the commissioner; well, next morning it was known all over the town, not only that this young man had been served with seven writs, but likewise the names of those who had served him. The only tax which he should prefer to an income tax was a stamp tax upon all receipts. A stamp tax of 4*d.* in the pound upon all receipts would enable them to do away with all the other taxes, and thus get rid of the charge of £4,000,000 or £5,000,000, which we paid as the cost of collection. It certainly had been his intention to have opposed the imposition of the income tax unless its anomalies had been made to disappear; but under the circumstances he would not oppose the vote.

VISCOUNT PALMERSTON: Sir, I cannot avoid saying a few words in reply to the observations made by the right hon. Gentleman the Member for Buckinghamshire at the beginning of this discussion. I thank him for the vote he is about to give us on this occasion, though I cannot say that I thank him much for the reasons he gave in support of that vote; for he said he should vote for a continuous income tax, because the turbulent and aggressive foreign policy of the Government might render such a description of tax necessary. What he has said reminds one of what we have been told of a gentleman who was appointed Chief Justice of Canada, and who was not very learned in

the law. He asked a friend what he should do, and the answer was, "Give your decisions; you are a man of good sense, and they will probably be right; but take care not to give your reasons, for they will probably be wrong." I shall be glad if the right hon. Gentleman will tell us what he means exactly by the "turbulent and aggressive" foreign policy of the Government? Does he mean that the war in which we were lately engaged, with many allies, against Russia, and which was sanctioned and borne out by the deliberate opinion of the whole nation, was an instance of "turbulent and aggressive" policy on the part of the Government? Does he mean that the peace which was concluded at the termination of that war was an instance of "turbulent and aggressive" policy? Does he mean that the present state of our relations, by which we are on a friendly footing with France, with Austria, with Sardinia, and with the United States, are a proof of the "turbulent and aggressive" policy of the Government? Does he mean that the treaty which we have concluded with the United States, and which I trust will settle all points of difference between the two countries, is a proof of our "turbulent and aggressive" policy? The right hon. Gentleman referred to the war with Persia, and declared that it arose from what he called contemptible and shameful causes. Why, Sir, that war arose from the "turbulent and aggressive" policy of Persia, which invaded and seized upon Herat in violation of a distinct and solemn engagement which had been made with England at a former period; and every one who knows anything of our Indian Empire and its interests must be aware that it was a matter of great importance to us to prevent Persia from acquiring dominion over Herat and the surrounding country. Am I to suppose, then, that the "turbulent and aggressive" policy of Her Majesty's Government rests entirely upon what has been passing in China? Is it the "turbulent and aggressive" policy of Her Majesty's Government which has been exemplified by the burnings, the poisonings, the assassinations, and all those crimes that have been committed by the Chinese against British residents? In fact, as the right hon. Gentleman told us, we are about to meet our constituents, and no doubt his reference to the "turbulent and aggressive" policy of Her Majesty's Government was made with a view to the hustings.

Viscount Palmerston

But I beg to warn the right hon. Gentleman that the "turbulent and aggressive" policy of Her Majesty's Government will not be a convenient or successful election-cry for him or his friends. The people of England are too clear-sighted and too straightforward to be led away by any such declamation as that. They know what are the grounds upon which it will be their duty to exercise their franchise, and I have no doubt in my own mind that they will give an answer to the questions put to them which will not be altogether agreeable to the right hon. Gentleman and his Friends.

MR. GLADSTONE: I was not aware, Sir, that the discussion on the second reading of the Income Tax Bill was likely to embrace so wide a range. Many subjects of great importance have been introduced into it; and the noble Viscount at the head of the Government, while replying to the right hon. Gentleman the Member for Buckinghamshire, has addressed something like a general challenge to the House. I do not think it is the wish of any portion of the House that we should now enter upon the consideration of the foreign policy of Her Majesty's Government, nor do I desire to lead to a renewal of those warm and keen debates in which we have been recently engaged. At the same time, as a challenge has been thrown out to the House, I cannot refrain from stating that—while allowing to everybody else the right of expressing his opinions freely—my own opinion is that there is a very material connection between the foreign policy of Her Majesty's Government and the excessive taxation and high expenditure of the country. The noble Viscount has put this question on the basis of the different branches of his foreign policy, and has triumphantly anticipated the reply to the appeal that he is about to make to the country. He told us that the speech of the right hon. Gentleman opposite (Mr. Disraeli) had evidently been made with reference to the hustings, and I suppose it would not be a cruel, or an unwarrantable charge, to say that the reply of the noble Viscount had a similar object in view. It is not well to discuss these questions now. With regard to Persia, I must say, I am sorry for the sake of all the parties concerned—for the sake of fairness to Her Majesty's Government, and for the sake of the interests of the country—that Ministers have not shown a greater disposition for the thorough sifting and ventilation of

that question in this House upon a proper opportunity. The noble Viscount, it is true, assures us that the war has arisen from the "turbulent and aggressive" policy of Persia; but he is aware that a very different opinion prevails among a great portion, if not a large majority, of this House; and my firm belief is that a very different sentiment as to the Persian war prevails among a large majority of the people of England. I think, then, it is to be regretted, for the sake of justice, that the question has not been discussed in the House of Commons. I am bound, also, to say that the course which has been pursued by Her Majesty's Government, especially the withholding the estimates for the charge of the Persian war, involves a very great derogation from the rights and privileges of this House. To pass to another point, the hon. Member for Lanarkshire (Mr. B. Cochrane) has expressed a great anxiety that there should be a speedy renewal of diplomatic relations with Naples. Considering the state of ignorance in which we remain after the production of what are called "Neapolitan papers,"—ignorance not much less than that which existed before the papers were produced,—I do not undertake to make any recommendation, or to join in any recommendation, upon that subject. For all the proceedings with respect to Naples Her Majesty's Government are responsible. I have not the smallest doubt of the humanity of the motives which have prompted their course, and regret very much the miscarriage of their measures. I am afraid they were founded upon an inadequate consideration of the difficulties with which they had to deal, and I have the deepest conviction, springing from authentic and most painful evidence, that those measures have led to no mitigation of the severest evils endured by sufferers in the kingdom of Naples. Perhaps there never was a moment when we had more cause to deplore, in the interests alike of humanity, of liberty, and of order, the undue and miserable afflictions that are endured by innocent persons in the dungeons of Naples. I deeply regret the failure of the efforts which have been made to lighten those afflictions. I think, acknowledging the goodness of the motives which prompted them, that they were undertaken with inadequate means and upon an ill-defined basis. There was apparently a want of adequate knowledge, on the part of those who interfered, of their own intentions, and of the length to which they

were prepared to carry their interference; so that, in point of fact, as was stated by the noble Lord the Member for the City, either too much was done, or too little;—too little to make success in the particular instance certain; too much if we desired to guard against the great danger that attends all such acts of intervention: and that consequently affords the strongest of reasons against attempting them unless when the end is evident and its attainment can reasonably be expected. It is not my intention, Sir, to refer to China—I think that that and other questions had much better be avoided at the present moment. But when the noble Viscount makes an ironical reference to the treaty recently concluded with America, as if its wisdom and moderation vindicated the conduct of Her Majesty's Government in its American policy, I am bound respectfully to demur to the conclusion which he draws. I read that treaty when it appeared in the newspapers with the greatest satisfaction. I learnt that it had been rejected in America—or, at least, that assent had been withheld from it—with the deepest regret. At the same time I cannot say that the previous proceedings of Her Majesty's Government with respect to the Central American question were such as might be supposed by those who derived from the treaty their whole acquaintance with the subject. In my opinion, nothing could be more unwise than the manner in which the whole controversy with regard to Ruatan, and several other points, was conducted. The treaty I heartily approve, because it gives up the matter in dispute by making over the island of Ruatan to Honduras; but the treaty and the previous policy of Her Majesty's Government are inconsistent with each other. Having thus referred to the points upon which the noble Viscount challenged the approbation of the House, I refrain from introducing aggressive matter into this discussion. We shall soon have opportunities of defending the part we have taken in the deliberations of this House, and I trust that we shall be prepared to perform that duty without shrinking from responsibility either for our words or for our acts. Let me now, Sir, make a few observations upon the Bill before the House. It was with satisfaction that I heard the right hon. Gentleman the Member for Buckinghamshire say that he did not intend to make any Motion for the purpose of obstructing the progress of this Bill.

My own view is that which was stated on a former evening by the hon. and learned Member for Wallingford (Mr. Malins). The hon. and learned Gentleman, addressing the Government, said, "All we protest against is your standing upon your legal advantage; do not levy a 16*d.* income tax because the Act happens to be so worded; surrender that advantage gracefully and at once, tell us what the necessities of the public service are, and then we shall vote whatever taxes you may require." I think the hon. and learned Gentleman put the question upon the only true, solid, and substantial ground. I am sorry to say that neither Her Majesty's Government nor the House have taken his advice. We have not considered the wants of the country. They have been stated to us, no doubt, by the Government, but we have given no judgment upon them; and we are now—I know not for what reason or with what view of public convenience—certainly in opposition to all those rules and usages of Parliament upon which you, Sir, in your address from the chair this evening, have justly laid so much stress—about to vote the Ways and Means for the year before we have taken into our consideration any portion of the public expenditure. My own ideas on the course of financial proceedings in this House are entirely at variance with the present mode of conducting the affairs of that department; in truth, a system of contradictory arrangements upon almost every point seems now to be in vogue. I have no wish, however, to run counter to the views or decisions of the House, but merely desire to record the sentiments I entertain, and to protest, if I may use that term in an informal sense, on behalf of what I regard as sound, straightforward, and, if I may venture the expression without offence, honest modes of dealing with taxation and expenditure. The hon. and learned Member for Newcastle (Mr. Headlam) says that the only way to keep the income tax under our control is to vote it from year to year. Now I beg leave to differ in opinion altogether from the hon. and learned Member. I believe that the transition from voting it for a term of years to that of voting it from year to year is the sign of another transition which we should endeavour by all means to shun—namely, a transition from a solid and steady system of finance to a vacillating and merely provisional system of finance. When did we take to this? In 1852, because we felt that we were justified by the

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circumstances, for it was eminently unsatisfactory to the country; and so far from finding that the control of the House of Commons was increased by the method of voting the income tax from year to year, on the contrary, that control was diminished; and the result was this—when you voted the income tax in 1842 for three years, and again in 1845 for three years, you voted it for three years in order that it might be made the instrument of great, wise, and beneficial changes. When you took to voting the income tax for one year you entirely dissociated it from any such public improvements, and you treated it merely as one of the ordinary means of meeting the regular and standing necessities of the country. On both these grounds—because the annual voting of the income tax tends to take away the solidity and stability of our finance, and because it cripples and maims the income tax with reference to those most useful temporary purposes for which it was originally proposed—I deeply regret that it should be proposed for one single year only. I make no objection to the arrangement at the present moment; I speak only in reference to what has been said by the hon. and learned Member for Newcastle, who appears to see a positive merit in this mode of treating the income tax. The Bill which we have before us I regard as a Bill proposed entirely and exclusively upon the responsibility of Her Majesty's Government. It is quite true that the right hon. Gentleman the Member for Buckinghamshire gave notice at the commencement of the Session that he would move the repeal of the war income tax; but that notice, of course, does not remove the responsibility of Her Majesty's Government. And this Bill is not in point of fact a repeal of the war income tax. We are going to repeal, from the 5th of April onwards, a sum of 9*d.* out of 16*d.*; but the war income tax from the 5th of April onwards is 11*d.*, and not 9*d.* I am not finding fault with the Government for not repealing more than 9*d.* On the contrary, when I remember that they have made inadequate provision for the public service, I hold myself free to arraign Her Majesty's Government, hereafter for having dispensed with so much money from the public revenue. We are now voting Ways and Means before the House has given judgment upon the subject of Supply, and it is perfectly impossible for independent Members of Parliament to say what amount they ought to vote, because they have not at-

tained a knowledge of the standard by which that amount ought to be adjusted. The hon. Member for Birmingham (Mr. Muntz) has adverted to a matter in which I know he takes a deep interest—namely, the reconstruction of the income tax. Ever since he has been in Parliament I think he has held the same doctrines. Ever since he has been in Parliament those doctrines have been most popular. The people, if I may say so, have been tickled and amused with the notion that some day or other the income tax would be reconstructed. Now, what I want to submit to the hon. Gentleman is this, that those speeches made in popular assemblages in favour of a reconstruction of the income tax, and of varying the rate according to the nature of the source from which the income proceeds, and made as I believe by him as well as by many others with perfectly honest intentions, have practically operated as a delusion upon the country; because we go on voting the income tax from year to year, or from three years to three years, on precisely the same principle and arrangement. No Government can be found that will propose its reconstruction; nor is there any Member of Parliament sufficiently confident in any plan that he may have to submit it to Parliament and bring the question to a positive issue; or, if there has been any such Member possessed of that extraordinary degree of confidence in his own plan, he has not received adequate encouragement from the House of Commons, because the House has always declined to entertain that question and has given an unfavourable reception to the proposal. I confess I think it would be well if, instead of following this will-o'-the-wisp proposition for a reconstruction of the income tax, the people of this country would take another question into their hands. I do not want them to give up its reconstruction if it can be effected, though I believe it cannot; but I wish them to consider whether they wish to have a perpetual uniform income tax or not, whether reconstructed or pressing alike upon all incomes. I must confess that is the consummation to which, as it appears to me, we are rapidly approaching. In 1853 it appeared to be perfectly practicable to bring the income tax to a close. In 1857, although the circumstances have altered and are more unfavourable than in 1853, yet I, in my place in Parliament, declare that I am convinced that it is still

practicable to bring the income tax to a close. But if we are really to bring the income tax to a close—which I presume is the wish of many on general grounds, and of many others who presume that it cannot be reconstructed—if we are to contemplate the attainment of that end at all, it is necessary undoubtedly that we should adopt new rules of proceeding. Yet I should scarcely say new rules of proceeding; but we should entertain the whole question of our public expenditure in a stricter temper of mind than we have evinced for some years past. I will not, however, enter upon a consideration of that subject now, but I venture to say that—with the state of the Estimates that are before the House, and above all with the tendencies of those Estimates and of the House, the Government, and the country with respect to expenditure, although it still remains possible—the moment at which the bringing of the income tax to a termination may be regarded as practicable is very rapidly passing away, and that, unless we bethink and bestir ourselves, in the course of two or three years it will be much too late and a sheer waste of time to entertain that question, because the relation between the demands of the public service and every provision for meeting them, independently of the income tax, will leave no room for maintaining the public credit and satisfying the wants of the country except through the means which that tax provides.

MR. MALINS: The right hon. Member for the University of Oxford having correctly stated what he (Mr. Malins) had said on a former occasion upon this subject, and having stated what he conceived to be the duty of the Government in respect to the war income tax, he (Mr. Malins) thought he might be allowed to make a few observations. He thought it a fair matter for congratulation that the Government had not availed themselves of the accidental wording of the Act to continue the whole of that tax for another year, but had, on the contrary, freely abandoned all attempts to levy the additional portion of that tax. The right hon. Gentleman, while concurring in the views he (Mr. Malins) expressed in respect to this tax, said he was not always able to agree with him upon questions of finance. He was happy that he and the right hon. Gentleman could agree, at all events, in the anxious desire to get rid of this disagreeable and improper impost as soon as

it was practicable; and consequently it would have been a gratifying circumstance to him if the Government had been able to carry out the repeal of the whole of the war tax, thereby reducing it not to 7*d.* but to 5*d.* He was glad to hear the right hon. Gentleman the Member for Buckinghamshire say it was not his intention to offer any opposition to the Bill; because, however anxious he might be to repeal the tax and to reduce the burdens of the country, there were duties imposed upon this House which they were bound, under all circumstances, faithfully to fulfil—namely, to keep the Government in a position that would enable them to meet all demands that might be made upon them in a manner consistent with the honour and greatness of the country. He therefore intended to give his vote in favour of the Bill as it now stood. He thought that during the present year they could scarcely consider themselves free from the war expenditure; but in supporting the proposition before them he wished it to be understood that he adhered to the opinion he had before expressed, that the tax should be at as early a period as possible brought to a termination, because he believed it to be a most burdensome tax to the people. It was of course not very burdensome to the rich, or to any man who could at once draw a cheque for the payment of the tax, and if it were confined to such a class of persons he believed it would be the best tax that could be imposed. But as society was composed mostly of a poorer class of persons, he did not think that they could impose anything more odious, more inconvenient, or more detrimental to the best interests of the country than any increase of direct taxation. An hon. Gentleman expressed his preference for direct taxation over indirect taxation. He (Mr. Malins) confessed he had no great desire for either. But there was very little doubt that the admirers of both direct and indirect taxation would have their respective tastes fully gratified for many years to come. While the world was constituted as it was, taxes must be paid; so that the peculiar taste of each person in respect to the form of taxation would be perfectly gratified. He was determinedly opposed to any increase of direct taxation, and thought it wise that there should be such an adjustment made between direct and indirect taxation as would lighten the burdens of the country. As he might or might not

Mr. Malins

have a seat in that House in the new Parliament he wished to say a word as to the inequalities of the income tax. He believed it to be impossible to provide against the inequalities and the injustice of this tax. They might argue in favour of a distinction being made between precarious and fixed property. Well, the great bulk of his income was of a precarious character, being derived from his profession. Now, an income derived from a profession was much more precarious than that arising from business, because in the latter the owner might employ a deputy, and even in the case of his death it might still be carried on; but a professional man's income was dependent on his ability to perform his daily personal duties, and no deputy could discharge them for him. He was, therefore, entitled to speak in respect to the taxation of precarious incomes. Now, he could not say it would be fair that he should be taxed only say 3*d.* in the pound, when another man whose income was derivable from real property, but which was not, perhaps, one-fourth as much in amount, was to be burdened with a rate of 7*d.* in the pound. The income tax was about one-tenth of the whole revenue, taking the excise duties and the house tax. Now, if they were to recognize the principle of a distinction between precarious and other incomes in regard to the income tax, being the one-tenth of the revenue, why should not the principle be extended to the other nine-tenths? For example, why should those with precarious incomes pay as much as other incomes in the shape of house duties or tea duties? It was his opinion that no human sagacity could meet those cases of difficulty. They never could adapt a scale that would meet the justice of the case of every man who paid taxes. He had had numerous communications with parties desirous of remedying the injustice of the income tax, and he had come to the conclusion that it was absolutely impossible to remedy that injustice by any human sagacity. In the autumn of last year he was honoured by an interview with a body of gentlemen forming a deputation from a society of which the hon. Member for Abingdon (Major Reed) was president. They requested his co-operation to remedy the injustice of the income tax. He told that deputation that as far as the removal of the war 9*d.* was concerned he was heart and soul with them; but as to their efforts to remedy the in-

equalities of the tax, they were utterly useless. He must do those gentlemen the justice of saying that they discussed the question most reasonably with him; but the arguments which he advanced as to the impracticability of finding such a remedy, he believed, had due effect, inasmuch as they were not competent to answer them. He concurred with the hon. Member for Preston (Sir J. Strickland), as to the inquisitorial nature of the tax. He ventured to say that no one man out of ten could tell the profits of his trade. So distasteful was this tax in principle, so inconvenient and so burdensome was it to the people generally, that he believed a greater boon could scarcely be conferred upon the middle classes of England than its removal altogether. The right hon. Member for the University of Oxford had pressed strongly upon the attention of the House the necessity of the Government fulfilling the compact which was entered into in 1853. He (Mr. Malins) could never forget the discussion that took place in that House in 1853 on the Budget. He had agreed with the right hon. Gentleman, who was at that period Chancellor of the Exchequer, in respect to some of his propositions—but he dissented from others. The right hon. Gentleman in 1853 held out great expectations as to the result of his succession duty, which had since been disappointed. He quite agreed with him in thinking that if there had not been an absolute compact between the Parliament and the nation, there were at all events expectations held out that the income tax should cease in 1860, and that Parliament was, therefore, bound to make every effort to bring about that result. He would not, however, be a party to any measures that would tend to impair the efficiency of the public service, and he should be sorry, if the country again became engaged in war, if this House should be unprepared to meet the emergency with energy and spirit. In reference to the proposition of the hon. Member for Lambeth (Mr. Williams) to spare all incomes under £150, it should be recollected that the present Bill was only for one year; but after the present year, he should be very reluctant to assent to the continuance of the tax upon incomes below £150. In respect to the question of Naples, which had been touched upon in the course of this debate, he must say he was much struck by a speech made on a former occasion by the right hon. Gentleman the Member for Bucking-

hamshire in regard to the affairs of that country. The right hon. Gentleman in the course of that speech impressed upon the House the impropriety of interfering with Naples, or the Italian States generally, unless they interfered effectually; and remarked, “if you hold out expectations which you cannot realize, instead of benefiting the Italians you will be doing them positive injury.” Well, it so happened that by an accidental circumstance he (Mr. Malins) was able to give personal testimony to the soundness of the opinion then expressed by the right hon. Gentleman. He happened to be one of the very few Englishmen who were in Naples, in the month of October last. He was stopping for a few days at Sorrento in the Bay of Naples, when he read in *Galignani* the announcement that there would shortly arrive in the Bay of Naples an English and French squadron. He returned to Naples immediately after this announcement was made, and witnessed the effects which it had produced there. It would be impossible for him to describe the feelings of hope and expectation which were raised by the anticipated arrival of the squadron. The people were upon the tiptoe of expectation, and joy gladdened every countenance. He remained in Naples about eight days, during which time it transpired that those expectations were not likely to be realized. He witnessed the extraordinary revulsion of feeling that took place and the great injury that had been done to the people by the raising of expectations which were not to be realized. He was perfectly satisfied from his own personal observation, that his right hon. Friend the Member for Buckinghamshire had laid down a sound principle while making the speech to which he had referred. He did hope, whatever Government might be in power, that they would pursue a policy of complete non-interference, or if they did interfere that it would be in a manner to give effect to their interference.

MR. VERNON SMITH said, he agreed with the right hon. Gentleman the Member for the University of Oxford, that it was very inconvenient that such subjects as the foreign policy of the Government should be unexpectedly introduced, and particularly into such a discussion as that upon the second reading of an income tax Bill; more especially at a time when some hon. Members made speeches in the hope that they might be sent back to that House, and others who did not expect to return

made speeches in the nature of valedictory addresses. But he rose to reply to the statement made by the right hon. Gentleman (Mr. Gladstone) with regard to the Persian war. That right hon. Gentleman had rather unfairly attacked his noble Friend at the head of the Government for throwing out what he called a general challenge to the House to discuss his foreign policy, for the right hon. Gentleman must have known that his noble Friend was but answering a challenge which had been given by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who had spoken of the foreign policy of the Government as being "turbulent and aggressive." Were those epithets which it would become a Prime Minister to listen to without repudiating them? The right hon. Gentleman (Mr. Disraeli) also said that the Persian war had been undertaken for a shameful cause. Was not the noble Lord justified in getting up and asserting that this "shameful" cause was the "turbulent and aggressive" march of the Persians upon Herat? A juster cause of war he (Mr. Vernon Smith) believed had never existed; and he should not scruple to submit to any Oriental authority who might be named the question whether we could with safety or propriety have permitted the Persians to march upon and occupy Herat in defiance of a specific treaty by which they engaged to abstain from any such proceedings. The right hon. Gentleman (Mr. Gladstone) had also asserted or insinuated that the Government had in some manner shrunk from the discussion of this question. This was not the case. On the contrary, so far as he (Mr. Vernon Smith) was concerned, he was most anxious and most desirous that the question should be discussed. When Parliament met it was intended that the Persian papers should be presented, and they were mentioned in the Queen's Speech. The papers were being prepared when negotiations commenced at Paris, and there being some probability of a settlement Her Majesty's Government then wisely and prudently, as had been shown by the sanction which that course had received from the House, abstained from their production lest it should interfere with those negotiations. When the hon. Member for Aylesbury (Mr. Layard) had last asked a question upon this subject, he (Mr. Vernon Smith) had informed him that, acting upon the ordinary, usual, and,

Mr. Vernon Smith

he believed, constant practice of Parliament, the papers would not be produced until the treaty had been ratified. It was clear that it would be impossible to discuss this subject without going into details which might lead to charges and criminalations against Persia, the result of which might be to irritate the Persian Government and prevent the ratification of the treaty; and it would, therefore, be most unwise to raise such a discussion so long as there was any possibility of the negotiations being broken off. Therefore in refusing to produce these papers the Government had followed a precedent which was a most proper one, as they thereby avoided further misunderstandings with the States with which we were in negotiation. The right hon. Gentleman (Mr. Gladstone) had also repeated, what had frequently been asserted, that in the declaration of this war the Government had not shown due deference to Parliament. He did not know at what moment the right hon. Gentleman would have had Parliament consulted, but he (Mr. Vernon Smith) had already stated that the orders for the Persian expedition were not sent out until the 26th of September, at which time Parliament was not sitting; and that the declaration of war was not published in India until the 1st of October, and was not received in this country until the middle of December, at which time Parliament had already been summoned for a particular day in February. To have called it together earlier would have been most inexpedient, because such a course would have not only produced great inconvenience to Members—a consideration which he would put aside—but also would have produced great alarm in the country. The funds would probably have fallen, and there would have been much more excitement in the country than could have been justified by such an event as a war with Persia. Neither did he believe that there was on record any instance in which, in the case of a war undertaken by armies sent exclusively from India, Parliament had been called together for the purpose of its declaration. The adoption of such a course would be most prejudicial to the public service. Had it been adopted in this instance, the Persians would have obtained telegraphic information of the declaration of war long before we could send any expedition against them. He, therefore, considered that it would be prejudicial to the public service to take such a

course except in very aggravated or alarming cases; and surely the case of the Persian war could not be said to belong to that category. The other evening the hon. and learned Member for Enniskillen (Mr. Whiteside), after he (Mr. Vernon Smith) had replied to a question, and therefore could not speak again, said that he was surprised at his answer, because in the course of the debate upon the capture of Kars he had said that Persia was not in a state of commotion, and that there was no idea of an attack upon Herat. He (Mr. Vernon Smith) shook his head in denial; but, to his surprise, the hon. and learned Gentleman said that it was in vain to deny it, because it was recorded in the pages of *Hansard*. He (Mr. Vernon Smith) was at first dumbfounded by this assertion; but he had since referred to *Hansard* and had found that he had stated no such thing. He had stated, and to that he was prepared to adhere, that he did not believe the Russians could be successful in an expedition against Asia, and that India had nothing to fear from Russian aggressions. At the same time he added, with a caution with which he had since had reason to be well satisfied, that they should be watched with the greatest vigilance. That was anything but what had been stated by the hon. and learned Member for Enniskillen. As regarded the discussion of this question of the Persian war, he for one should have been most glad that it should have taken place. He did not believe that a majority of that House would have declared that it had arisen from a "shameful" cause, or that a majority of the people of England would have considered it an unjust, a turbulent, and an aggressive war. On the contrary, he believed that when the circumstances were known, it would be seen that it was as just and as defensible a war as was ever undertaken by this country. He rejoiced at the conclusion of peace, but at the same time he was not sorry that this demonstration had been made, because it had shown to Persia how rapidly such an expedition as this to the Persian Gulf could be undertaken, planned, and executed by our authorities in India; and the energy they had displayed had, he believed, added very much to our *prestige* in the East. He, therefore, denied the statement of the right hon. Gentleman as regarded the production of papers, as though Government were unwilling to submit the subject to Parliament; and he would moreover say,

that so far had the Government been from shirking the discussion of this question that they had gone further than any former Government, and had volunteered to ask Parliament to pay a portion of the expenses—the manner in which one could most certainly invite the attention of Parliament to any subject. The production of papers was by no means sure to lead to a discussion, for, although the papers relating to our difference with Naples had been laid upon the table, no hon. Member had taken up the subject, and there had been no debate upon it.

LORD JOHN RUSSELL: Sir, I certainly do not know that it is the most convenient course to discuss the state of foreign politics upon the second reading of the Income Tax Bill; but the House has now entered far into that discussion, and I shall therefore not refrain from making some observations on some of the topics that have been adverted to. In the first place, Sir, as to the proposal to vote the Ways and Means of the year before Supply. I quite agree that, as a general rule, it is contrary to practice and to what ought to be our mode of proceeding; but I think that in the present year there was such uneasiness in the public mind in regard of the income tax, that I think my right hon. Friend the Chancellor of the Exchequer has only done what was unavoidable in bringing forward his proposals. I believe we shall have an opportunity in another Parliament of discussing the financial arrangements for the next three years, and therefore I think it quite unnecessary to follow the hon. and learned Member for Wallingford (Mr. Malins) through the statements which he has made upon that subject.

With regard to foreign politics, I would first say a few words upon the question of Naples. We have heard from the hon. and learned Gentleman another testimony as to the inconvenience of the course which has been pursued. I think it is certainly more and more proved that it is not desirable, in dealing with a people who are suffering, who are impatient, and who look to foreign assistance, to raise hopes and then not to fulfil them; and I therefore regret that those two great ships, the *Wellington* and the *Cressy*, names which are redolent of ancient and modern glory, should have been sent to the Mediterranean merely to go to Malta and then back to Lisbon, without doing anything more. But to the proposal of an hon. Gentleman that

we should now resume our diplomatic relations with Naples, I think there is this obvious objection, that the interruption of those communications is the only measure which has been taken by the Government, and it is understood as at least a moral protest against the conduct of the King of Naples with regard to his own subjects. The only reason for renewing diplomatic relations ought to be, that the King of Naples has changed his system of administration, and that, either by granting an amnesty, or by an exercise of clemency, he has indicated that there is an alteration in his course of proceeding. Now, there has been no such indication. The King of Naples has by no amnesty or acts of clemency shown a desire to improve his mode of Government. The Act for transporting a certain number of his political prisoners to Buenos Ayres is anything but an act of mercy. It is an act evincing, as I think, a determination to continue in the same policy. Therefore I should be very sorry to see a Minister sent to Naples, so as to give the colour or semblance of sanction on the part of Her Majesty's Government to the course which has been pursued there. I do not say whether or not you were right in withdrawing your Minister in the first instance; but, having so withdrawn him, it is quite a different thing to send your Minister there again when the special ground of his withdrawal has not yet been removed by a change in the policy of the King. As to the other subjects of foreign policy which have been touched upon, what happened last year and in the present one has confirmed me in the belief that no advantage to the public is to be derived from the discussion of matters which are still the subject of negotiation between our Government and the Governments of other countries. Last year there was something to be said both as to the proceedings of our Minister in America under the Foreign Enlistment Act, and with regard to the island of Ruatan, and I took the liberty of advising this House, if Mr. Dallas were not sent away from London when Mr. Cramp-ton was sent away from Washington, not to express any opinion on that subject. The House entirely refrained from any expression of its opinion, the irritation consequent on angry discussion was avoided, and we have seen a treaty signed which we shall no doubt be ready to ratify, and which I think will be mutually advantageous to the two countries. This year, again, I ventured to recommend that we should ab-

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stain from discussing our relations with Persia while negotiations were going on on that question; and we have seen that, without any interruption on our part, those negotiations have resulted in the conclusion of a treaty between Her Majesty and the Shah. We have here another instance of the wisdom of this House in refraining from discussions on matters still the subject of negotiation. With respect to the merits of that war—while I do not implicitly subscribe to the opinion of the right hon. Member for Buckinghamshire, I beg equally to withhold my assent from the assertions made from the Treasury Bench. I do not think it sufficient to say that Herat was attacked; because to justify the conduct of our authorities it would also be necessary to prove that the rulers of Herat did not give the Persian Government provocation which it was impossible to overlook; that those rulers did not without excuse assassinate the Persian Envoy; and, likewise, that no means short of hostilities—short of sending an expedition to the Persian Gulf—would have induced the Shah to agree to terms, so far as the city of Herat was concerned, which would have been, or ought to have been, satisfactory to our Government. Whenever the papers are produced, these two points should be borne in mind; because, I repeat, it is not enough to say that the city of Herat was assailed by the Persians. I am happy to find that one article given out by a periodical, supposed sometimes to speak with authority (the *Edinburgh Review*), as necessary for the restoration of peaceful relations with Persia—namely, the dismissal of the Shah's Prime Minister—has not been insisted upon. I trust that, on the contrary, the treaty which has obtained the signature of our Minister is in terms which, while they secure the chief objects which we sought, at the same time tend to satisfy the Persian Government that we have no wish to interfere with their internal affairs.

In regard to another question which has been adverted to, we are not at all in the same position. I have said that, while negotiations are pending, it is not expedient for this House to interfere. But when those negotiations, such as they may be, have been carried to the point of hostilities, and when the papers giving an account of those hostilities are laid upon the table, I think it is impossible for this House not either to signify by its silence that it approves the course which has been

adopted, or, if it disapproves that course, not to express its disapproval. I think this House would have abandoned its functions if, when papers were laid before it showing that hostilities had occurred such as those which lately took place in China, and when it was unfavourable to those hostilities, it had shrunk from declaring that opinion, because Her Majesty's Government had come to a different conclusion. What was proposed, and in very courteous terms, by the hon. Member for the West Riding, and is now adopted as the deliberate judgment of this House, is this—that our authorities at Canton were not justified in the measures to which they had recourse. The decision was not, as it has been attempted to represent it here, that Her Majesty's Government have been wrong in ordering hostilities of which they knew nothing. It was a decision of this House that those hostilities were not justified. The opinion of Her Majesty's Government had been expressed, indeed, in a different sense; but there would be a total end of the independence of this House, an entire end of our right of judgment, if on any measures, especially on measures which had gone the length of hostilities, and involving the lives of thousands of human beings, this House was absolutely and for ever precluded from expressing an opinion, because Her Majesty's Government had already pronounced theirs. I have no wish to discuss the merits of this question now, but I think the House was fully justified in the course it pursued. I certainly understood throughout the late debate that the despatch of the 10th of January, declaring that the proceedings of Sir John Bowring and our other authorities at Hong Kong and Canton were entirely approved contained the final decision of Her Majesty's Government. But when pressed the other day with respect to his intentions, my noble Friend at the head of the Government stated that the intention of the Government was to send out a person—not, indeed, to supersede the authority of Sir John Bowring, but certainly to have superior and, in fact, the chief authority at Canton—having the confidence and instructions of Her Majesty's Government, and intrusted with certain powers for entering into negotiations. Sir, I deem that a declaration of the utmost importance. I understood my noble Friend to state that this person, being, of course, a man of rank, character, and consideration, would have first to determine what orders should

be given for the protection of the lives and property of British subjects. Any Government that possessed the confidence of Her Majesty would, no doubt, give such directions. His next business would, no doubt, be to obtain the fulfilment of rights which we have acquired by treaty. On that point I have only to repeat what I said in the former debate—that if it is the opinion of Her Majesty's Government that it is necessary to our relations with China that stipulations to which the Emperor gave his assent should be fulfilled, they have a fair right to pursue that object, and to insist on their being carried out. But they ought to do so in the usual diplomatic manner by communication—not with the Commissioner of Canton, but with the Supreme Government at Peking. There is, however, a matter that should not be neglected. Treaties, like property, have their duties as well as their rights. If we insist that stipulations likely to be advantageous to us shall be executed, we ought at the same time to be ready to concede that the stipulations favourable to China and conformable with her policy shall be executed with reciprocal fidelity. That seems to me nothing but plain justice. I am sorry to refer again to the word *prestige*, which has been used to-night by my right hon. Friend (Mr. V. Smith); but I hold all *prestige* to be of no account which is not founded on truth and justice. I cannot conceive that it would be right to insist rigorously on treaty stipulations which you think useful and favourable to yourselves, and not to agree to the enforcement of stipulations favourable to others. Then there is the question of the improvement of our commercial relations with China by negotiation. My noble Friend laid great stress upon that, and I was glad to hear it. Nothing can be fairer or more desirable than such a proceeding. I have no doubt that proposals might be made that would be mutually beneficial. I greatly question whether the stipulations with regard to the opium trade are really advantageous to China. We are bound to carry them into effect if they are so; but other advantages might, perhaps, be given to China in lieu of these. It is a very great inconvenience that we should have to carry out a sort of custom-house police for other nations; and therefore I should be happy to see attempts made by a person of character—by a dispassionate man, who should arrive out there without having had any part in the ill-blood and dissensions which have unfortu-

nately arisen—upon fair and moderate terms to improve our commercial relations with China. That this should be done in concert with the Government of the Emperor of the French and with the Government of the United States would be so much the more advantageous. I have another word to offer to the Committee. If Sir John Bowring's despatch of the 3rd of January had received from Her Majesty's Government a full and fair consideration, and if their answer, instead of saying that everything which had been done was approved, had been this,—“No doubt you have acted with the intention to defend the interests of Great Britain; but the matter is of so grave a nature that we desire you to suspend all further operations, and a person of eminence and character will be sent out immediately with a view to negotiation,”—if that had been done, and a despatch to that effect had been written with the usual ability of the Secretary of State for Foreign Affairs, and had been laid upon the table at the commencement of the Session, I believe there would not have been much difference of opinion in this House. I can only hope, whatever dissensions may have arisen—whatever differences of opinion among parties may have been occasioned—whatever accusations those who gave a conscientious vote in favour of the Motion of the hon. Member for the West Riding may be liable to—that the result of all these proceedings may be that, instead of carrying on a disgraceful and discreditable kind of hostilities in China, using our great power as a civilized State on the one side, and the Chinese resorting to the most barbarous modes of assassination and poisoning on the other, the questions in dispute will be taken up in a different tone and spirit and by different persons; and that thus ultimately the country will have no reason to regret the debates which have occurred, or that the hon. Member for the West Riding was successful in carrying his Resolution.

I am now, Sir, going to refer to a different matter; yet so much of foreign policy has been introduced on the present occasion, that I think the subject to which I am about to allude is a fair matter of observation, more especially as we are going into the Navy Estimates. The House is aware that the naval superiority of this country has rested in a great degree upon a certain power which we made use of, in entire conformity, I believe, with the law

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of nations, upon which was based what was called in the last century the rule of 1756, and also during our tremendous contest with Napoleon those Orders in Council which, however severe upon neutrals, were absolutely destructive to the commerce of belligerents engaged in hostilities with us. During the late war, when we were acting in connection with France, which had always taken a different view of these subjects, we were naturally obliged to adopt the maxims of France, and the principles upon which we had usually acted were for a time abandoned. Her Majesty's Government, however, thought proper at the Conferences of Paris to enter into a general engagement, by which the views of France and Russia and the neutral Powers sharing in that Conference were confirmed, and the adverse views on which we had always acted were given up. That convention was not the subject of any discussion in this House. If there had been any such discussion I dare say the Government would have been able to show that the state of things was such that they had no other course than to agree to the proposal made to them. But, however that may be, it is to be observed that in all books upon this subject it is stated that the rules—“Free bottoms make free goods,” and “The goods of a belligerent are safe in neutral vessels, and the goods of a neutral safe in belligerent vessels,” have always been regarded as injurious to the interests of maritime countries, and especially to the maritime power of England. Every one who has looked at the arguments on this subject will see that the rules were laid down as a blow to the maritime supremacy of this country. Since that time the Secretary of State of the United States has proposed to go a step further than this treaty—that Great Britain should agree that all merchant vessels should be free from capture during time of war. It appears to me, I own, that, although this proposal carries with it an air of philanthropy, it is one which would not tend to prevent war, and which, if it did not tend to prevent war, would greatly cripple the energies of this country in time of war. It is obvious, in the first place, that one reason why foreign nations are unwilling to go to war with this country is that they feel that their commerce is sure to be seized, and that all the valuable property which they may have at sea is sure to fall into the hands of our cruisers

as soon as war is declared. If, on the contrary, they were sure that all their merchant vessels would be allowed to pass in safety one great reason for remaining at peace would be taken away. But look also at the difference there would be in carrying on a war. Suppose the United States were to go to war with us. There would be no impediment in the way of their marching an army into Canada, but we should have no means of carrying on offensive operations against them by sea. They would have no fleet to send out, they would not attempt to send one out, and there would be no war, therefore, upon the high seas. We should have no means of hurting our enemy. But more than this—the Power which can send out a large commercial navy to sea must always have a great number of men fitted for the purposes of war, and ready to take their places in vessels of war. It is said that we should still retain the power of blockade; but that power of blockade has been much limited and restricted by the Convention of Paris. According to the terms of that treaty it must be an effective blockade,—that is to say it must be such a blockade that no merchant vessels could with safety attempt to pass through to any of the blockaded ports. This is so difficult to attain, that during the late war we were for some months without a blockade in the Black Sea in consequence of the necessity of conforming to the French rule. The effect, therefore, of your maritime law is to blockade one port and to leave other ports unblockaded,—that is to say, you might do great injury to New York or Boston, but all the other ports along the coast would be able to carry on their commercial operations as usual. I have thought it necessary to mention this subject for more reasons than one. I have heard that several persons, some of high authority, and among them, I believe, the hon. Member for the West Riding, were disposed to receive this proposal of the United States Government with favour; and I have also read a report, it may be an erroneous one, of a speech of my noble Friend at the head of the Government, at Liverpool, in which he seemed to lean to these views. I may be wrong, but my impression is, that if we were to agree to that proposal, our being a great naval power would be of no use to us in time of war. A stipulation not to use our naval force against a commercial ves-

sel would be a great provocation to war. You would be exposed to more frequent wars; the cause of humanity would not be promoted; and in case of war you would be almost helpless upon the seas: so that the power of Great Britain would be very much weakened. Such being my opinion, Sir, I hope no Minister of Great Britain will set his seal to a treaty containing any stipulations of this kind without the most cautious deliberation, and after consulting with naval officers and others who have had practical experience in these matters.

MR. DRUMMOND rose to state, in confirmation of what had fallen from the noble Lord, that during the debates which took place upon the Orders in Council during the French war, it was expressly stated that they were issued, not merely as measures of retaliation, but because they would have the effect of injuring the enemy's trade; and if they wished for an instance of their effects, he would remind them of the seizure of the four Spanish frigates with immense treasures by Admiral Cornwallis, which, to a great extent, prevented that country from bringing her power to bear against us. If they were to carry the doctrine of not seizing the commercial ships of belligerents to its legitimate consequences they must not stop the conveyance of supplies into a besieged town, for both cases stood on exactly the same footing.

MR. J. G. PHILLIMORE said, he could not believe that the noble Lord at the head of the Government, who had always shown such anxiety to protect the honour and the interests of England, could entertain the opinions upon this subject which had been attributed to him by the noble Lord (Lord J. Russell). The abandonment of our maritime rights would be the abandonment of a power which all the Continental States would continue to possess—the power of levying contributions on an enemy's country. Napoleon had advanced the maxim that a war should support itself, and in pursuance of that doctrine he had always levied contributions largely on the enemy. The only way in his (Mr. Phillimore's) opinion that a maritime Power could carry out that maxim and levy contributions, was by intercepting the property of its enemy on the high seas. The same great authority had said, that to deprive England of this power would be to strike the heaviest blow at her maritime supremacy. Humanity lay rather in crippling

the resources of the enemy as soon as possible, than in making concessions which would enable the enemy to protract the contest to any extent.

SIR CHARLES NAPIER expressed his hope that this country would not abandon her maritime rights by allowing other nations to carry on commerce without restriction during a period of war. What would the consequences of such a system be, supposing a war occurred between this country and France? France would be able to trade to any extent she might think proper, for to suppose that it would be possible to blockade all the ports of France or of any other nation, was simply absurd. The last war had proved what all practical seamen would tell them,—that it was impossible to maintain an effective blockade in the winter season. The application of steam to navigation had placed it in the power of an enemy to leave their ports when they pleased. Consequently, whilst we should have to maintain a large navy to blockade his ports, his fleets would lie snugly and safely in harbour, he would convert his men-of-war into merchantmen, and thus carry on his trade at a comparatively small expense, while England would be at a prodigious expense in maintaining an ineffectual blockade. What was it that prevented nations going to war with us but dread and fear of the British navy? Remove that feeling from their minds, and they would soon find that their commerce thrived better in war than in peace. He trusted, therefore, we should never see the day when England surrendered her maritime rights.

MR. COBDEN thought it would be generally admitted that it was somewhat inconvenient to launch into the discussion of such an important question without previous notice. He had supposed they were about to consider the income tax; but the noble Lord had introduced a very wide question, which would engage the attention of the House on a future occasion. He (Mr. Cobden) altogether differed in opinion from the noble Lord, and he merely rose to say so, that it might not be supposed there was a general acquiescence in the noble Lord's views. He thought the hon. and learned Gentleman (Mr. Phillimore) had treated the question on a ground which was altogether fallacious, because this country had already abandoned its belligerent rights by the treaty of Paris. The question they would hereafter have to discuss was whether, having

taken that irrevocable step, it would be advisable to go a step further in the direction indicated by Mr. Marcy, and altogether to exempt private property from capture at sea in time of war. He did not intend to go into the question on that occasion, but he thought he would be able to urge arguments, based upon our present position, that were calculated to change the noble Lord's opinion. The hon. Member for Tynemouth (Mr. W. S. Lyndsay) had given notice of his intention to move for the papers relating to the treaty of Paris, and for Mr. Marcy's letter, and he (Mr. Cobden) hoped that when those papers were laid officially before the House the hon. Gentleman would found a Motion upon them which would afford an opportunity of fairly discussing the question.

MR. NEWDEGATE: Sir, I wish to take this opportunity of expressing my deep regret at the protocol consented to by the Government, and appended to the Treaty of Paris, which purports to debar us from exercising the power which this country has ever exercised in time of war by means of privateering and letters of marque. When the papers relating to the Conferences were laid upon the table of the House, I was induced to examine the returns which had been furnished to Parliament, with regard to the alleged misconduct of those who were in command of vessels to which letters of marque were issued during the last great European war. I have not those documents by me at this moment; but I must be permitted to say that, instead of finding that that power had been misused, there was direct evidence to show that the instances of the abuse of this power were few, that it had generally been used in the most legitimate manner; that it had fully accomplished the ends for which it was designed: that, in short, the service conducted under those letters of marque was in the highest degree creditable to those who had been entrusted with them. We have now, let me remind the House, revived our militia. We have, in fact, reverted to our ancient means of self-defence and internal preparation for great emergencies, which the country had most unwisely abandoned for several years. We have adopted those measures which render unnecessary the maintenance of enormous standing armies; and if we desire to exempt the country from the necessity of keeping up a large and expensive fleet—a fleet totally disproportioned to the requirements of peace—we must not

abandon the right which, until recently, we have always hitherto exercised—that of arming our maritime citizens, in their own vessels, for the prosecution of any wars in which we may happen to be engaged. This is a question of expense: and depend upon it if this country may not arm her naval militia, she must continue to maintain naval establishments during peace at a cost altogether in excess of her real requirements. So far as the question of humanity is concerned in sparing the trade of an enemy, I say there is no means of curtailing warfare so legitimate as crippling the resources of your enemy, for it saves bloodshed, and brings those to reason who are insensible to anything but the dictates of self-interest. I am glad the noble Lord the Member for London has afforded me this opportunity of entering my protest against the provisions of the Treaty of Paris which purports to have deprived the country of the power to use those means for the defence of her shores and the protection of her commercial marine; the worst of this protocol is that it involves an agreement which will be broken. I do trust that what has been said to me in private will prove true:—"Let them make what agreement they choose, our descendants on the other side of the Atlantic will never be bound by those fatal provisions. Those provisions will be set aside. This attempt to abandon the great weapon which has ever been at our command will be in vain; rely upon it, when the hour arrives, England will free herself from these unworthy shackles."

MR. MONCKTON MILNES thought it would be convenient to proceed as soon as possible to the Motion "that this Bill be committed," in order that an opportunity might be afforded to the noble Lord (Viscount Palmerston) of explaining the statements he was alleged to have made at Liverpool. The foreign policy of this country would be brought prominently before the people at the approaching elections, and it was the policy of the opponents of the Government to encourage the idea that the noble Lord was the real disturber of the peace of Europe. Hitherto it had been left to low journals on the Continent and to persons ignorant of the real progress of affairs to attack the motives and principles which animated the noble Lord's continental policy; but it now seemed that hon. Gentlemen opposite thought they could in that policy find a useful weapon

against the Government. He (Mr. Monckton Milnes) was sure the good sense of the English people would prevent them from being deluded in such a manner. The country would see that the noble Lord had followed on this occasion the course he had always pursued—that, while maintaining the prescriptive rights of England, he had endeavoured by all just and honourable means to promote the cause of liberty throughout the world. It appeared a somewhat difficult matter to please the right hon. Gentleman (Mr. Gladstone) with regard to the affairs of Italy. The right hon. Gentleman had, in the first instance, by his admirable pamphlet, excited the public interest on that subject, and the good that had been effected was mainly attributable to his exertions. He (Mr. Monckton Milnes) thought, therefore, it was scarcely fair on the part of the right hon. Gentleman to turn upon the Government because, in prosecuting the same policy as he had virtually recommended—in carrying out the same principles of justice and humanity—they had not always been successful. It was no fault to have failed of success in dealing with such a man as the King of Naples; but he believed the people of England were of opinion that the Governments of France and England had been right in declaring that the conduct of that monarch had excluded him from European comity, and that, without proceeding to actual hostilities, they were justified in saying to him, "We will not hold intercourse with you on common grounds, because we regard you as a disturber of the peace of nations." Although the immediate consequences of this step might be to increase the sufferings of the victims of his tyranny, the ultimate result must be to promote the greatest moral advantages.

MR. WHITESIDE said, with regard to the foreign policy of the noble Viscount, he would be glad to know how the conduct of his Minister at the Paris Conferences, in respect to Belgium, could be reconciled with the conduct he had pursued towards Naples. It was his (Mr. Whiteside's) lot to spend a portion of last autumn in Belgium, where he had an opportunity of hearing from persons not incompetent to form an opinion the surprise with which the course taken by the Minister of England at Paris, in reference to the freedom of the press in Belgium, was viewed in that country. He likewise found that a speech

which had been delivered by the right hon. Gentleman (Mr. Gladstone) upon that subject had been translated, generally read, and universally admired there. He really must say that the policy which interfered with a free Government because it was free, and with a despotic Government because it was despotic, was altogether beyond his comprehension. He should like to hear the hon. Member for Pontefract (Mr. M. Milnes) reconcile his general observations upon foreign policy with the events that had occurred. If we had a right to interfere with the bad Government of Naples, what was to be done with the Pope of Rome? The King of Naples did not meddle in the affairs of other States; the Pope of Rome did. If, therefore, the Government of Naples were bad, and ought to be condemned, so ought the Government of the Papacy. But no, we did not attempt to do that because it would be somewhat inconvenient. On the same ground that we interfered with Naples, however, we might interfere with the Papal States, with Switzerland, and indeed any other country in Europe. He believed, however, that the noble Lord had no desire to make his policy triumphant in Europe, but that the real object of our interference with Naples was to make political capital. Did any one suppose that if the United States of America were to renew the slave trade we should venture to interfere with them, simply because the traffic was contrary to the principles of humanity and Christianity? No such thing. We should be perfectly civil with them. In order to entitle themselves to the panegyric pronounced upon them by the hon. Gentleman (Mr. Milnes), the Government of the noble Lord should abate the nuisance of despotic government wherever it was found. But, in that event, what would they do with their warm friend the Emperor of Austria, whose government was not the most highly relished in the Italian Peninsula; and what with the Emperor of Russia? He contended that this policy of interfering with foreign States was alike incomprehensible and impracticable, and one which the noble Lord had no intention of carrying out. If they really meant to give assistance to the Italians, why had they not landed an army on their shores, not have instigated the people of Naples to kill a tyrant, and then left the poor fellow who had made the attempt to the mercy of the tyrant? He thought the despotic Govern-

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ments of the world should be left to the slow operation of events; for much as he objected to arbitrary power, his belief was that the English Minister who attempted to remove it would not only perpetuate the income tax—that was a trifle in comparison—but aggravate the evil, and make matters worse than before.

SIR FITZROY KELLY said, he had observed with some alarm that no member of the Government had thought fit to address a word to the House on a subject the most important perhaps that could be brought under its attention. True, the noble Lord at the head of the Government had already spoken in this debate; but he must say he thought some other member of the Government should, without the delay of a single moment, relieve the apprehensions of the House by saying something on the important question to which their attention had been drawn by the noble Lord the Member for London—the question of our maritime supremacy. He (Sir F. Kelly) entertained the opinion which was common to the great majority of the public, that if Ministers were ever induced to enter into a treaty with any state in the world for carrying into effect the views which were indirectly imputed to the noble Lord as having been developed by him in his recent speech at Liverpool, a fatal blow would be given to our naval supremacy and to our power throughout the world. The noble Lord, he hoped, would take the earliest opportunity afforded him of addressing the House on this subject; and, if necessary, he would move the adjournment of the debate to enable him to do so, for he considered it of essential importance that the House should know what were the intentions of the Government on this question before any step was taken that, like the Convention of Paris or the late proceedings in China, would be found to be irrevocable. Before resuming his seat he begged to make an observation with regard to the Bill before the House. To the second reading of that Bill he was not disposed to object, and for this reason chiefly, that if they did not assent to some Bill relating to the income tax, the war tax of 16*d.* would be continued throughout the ensuing year. Although no man was less inclined than he to impair the resources of the Government, or leave them without ample means in providing for the exigencies of the state under circumstances like the present, he for one should certainly,

before the Bill passed, take the sense of the House upon the question whether they were or were not to understand that the arrangement made between the Government and the country by the Act of 1853 was to be deemed a permanent arrangement and compact. He did not mean to say that the word compact was used by the right hon. Gentleman who introduced that Bill, or any other member of the Government; but certainly the general tenor and effect of the debates which took place in 1853 were to satisfy the country that, if they assented to the Bill continuing the income tax for the period of seven years then to come, that arrangement was to be a final one. Now it was among the subjects of complaint which might not be unreasonably addressed to the Government, that no statement had yet been made from which they could judge whether the exigencies of the country were such as to justify the addition of 2*d.* to the amount which would have been levied under the Act of 1853. If the Government would submit enough at least of the Estimates to enable the House to judge whether or not there really existed a necessity for the increase of the income tax from 5*d.* to 7*d.*, before the Bill went into Committee, he did not say that he and others would not be satisfied that such an exigency did exist, and that for one year at least they ought to agree to the increased sum of 7*d.* If, however, Government persisted in going into Committee on the Bill before the Estimates were laid upon the table, or the House had been placed in a situation to judge of the extent of that exigency, he should take the sense of the Committee on the question that the income tax be 5*d.* in the pound, according to the terms of the Act of 1853.

THE CHANCELLOR OF THE EXCHEQUER: Before referring to what the hon. and learned Gentleman has said on the subject of the income tax, I will answer his question with respect to the point which has been raised by the noble Lord the Member for the City of London. In consequence of the convention that was entered into at Paris with regard to neutral rights, a communication was made to the Government of the United States, asking them to accede to the convention. The answer made by that Government was that, provided a certain ulterior change was added, they would be prepared to become a party to the arrangement. That ulterior change consisted in making the

goods of an enemy carried in merchant vessels free from seizure in time of war. No answer has been made to this proposition. It is under the serious consideration of the Government, who are fully aware of its importance, and they will not come to any conclusion on the matter without a full consideration of all the interests involved in it. The hon. and learned Gentleman made some remarks on the subject of the income tax, and said he would take the sense of the Committee as to the fulfilment of a contract which he says was entered into by the Act of 1853. I am not quite sure that I understand what is the nature of the contract that that Act is supposed to have established; but if there was a contract, the first departure from that contract took place in 1854, when the income tax of 7*d.* in the pound was doubled on the proposition of the right hon. Gentleman the Member for the University of Oxford himself; and, therefore, if any alteration of the original terms of the Act is to be counted as a deviation from the contract, he must be considered as having been the first to pull the keystone from his own arch. But I cannot consider that the right hon. Gentleman in any way violated the contract when in obedience to the necessities of the time we made an alteration which was deemed to be advantageous, and, indeed, necessary for the conduct of public affairs. In the present year the Act, if enforced, would enable the Government to levy an income tax of 1*s.* 4*d.* in the pound; and, therefore, by that enactment the Act of Parliament is violated, according to the hon. and learned Gentleman. But, if that be a violation of the Act, it is a violation which will take place by Act of Parliament, for it seems to me that one Act of Parliament can constitute just as valid a contract as a previous one. I cannot distinguish between the validity of the two Acts. All I ask the House to do is to repeal so much of the existing Act as relates to the current year. For the ensuing year I propose no alteration, but leave the matter entirely open to the consideration of another Parliament.

SIR FITZROY KELLY said, he did not consider it any departure from the contract to increase the income tax for the purposes of a war. It was only now that the war was over that he considered there was a breach of contract.

LORD HARRY VANE said, he was glad to find that there was very little disposition to offer any serious opposition to

that part of the propositions of the Chancellor of the Exchequer, which would reduce the income tax nearly to the level it had stood at before the war. He considered that every augmentation of indirect taxation pressed especially on the poor. Now, it was a principle which, in his opinion, ought always to be carried out, that the extra burden of the war should be borne by every portion of the taxation of the country, and should not be thrown entirely on that part which fell more heavily on the humbler classes of society. The arrangements which had been made for the exigencies of the war had appeared to him to be perfectly fair, but he should have regretted to have been a party to an act which would have pressed more than was originally intended on the working classes. It was too much, however, to expect that the expenditure should return to its former comparatively restricted amount. He trusted that on future occasions means would be found to reduce the expenditure, so that at the end of the year the Government would be able to dispense with the extra *2d.* in the pound. It did not appear to him that there had been any violation of the compact referred to; but he trusted that the expenditure of the country would as shortly as was consistent with the public service be so revised and ordered that this tax might be dispensed with in its entirety, and the expenditure be brought within the compass of the ordinary revenue.

Bill read 2^d and *committed*.

SUPPLY—NAVY ESTIMATES.

Order for Committee read.

House in Committee; Mr. FITZROY in the Chair.

MR. GLADSTONE, who had given notice of his intention of moving, on the Motion that Mr. Speaker do leave the Chair, that in order to secure to the Country that relief from taxation which it justly expects, it is necessary, in the judgment of the House, to revise and further reduce the Expenditure of the State, said, that owing to his attention having been called away at the moment by the noble Lord the Member for London, he had accidentally allowed the Question that the Speaker do leave the Chair to escape him. He wished to know whether it was competent for him to make the Motion of which he had given notice?

SIR CHARLES WOOD said, the right

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hon. Gentleman's notice was upon going into Committee of Supply. That question had been put, and the House had gone into Committee. It would be better, therefore, to proceed with the business of the Committee.

THE CHAIRMAN remarked that the Resolution of the right hon. Gentleman the Member for the University of Oxford was one that could not be proposed in Committee of Supply.

SIR CHARLES WOOD said, he had given notice of his intention to move a Committee of Supply and he had done so, and was, he believed, entitled to proceed.

MR. GLADSTONE explained that he had omitted to move his Resolution at the proper moment in consequence of his attention having been engaged by the noble Lord. Three Motions which stood before his own had been withdrawn. He hoped, therefore, the right hon. Baronet (Sir C. Wood) would waive his privilege and allow the House to resume, in order that he (Mr. Gladstone) might make his statement. He had no disposition to interfere unnecessarily with the progress of public business, and therefore trusted that his request would be acceded to; but if the right hon. Gentleman stood upon his privilege it could not be helped.

SIR CHARLES WOOD was sorry to stand in the way of the right hon. Gentleman, but did not think it was desirable to delay the progress of public business. The right hon. Gentleman had already that evening addressed the House at some length, and he (Sir C. Wood) hoped he should not be considered discourteous in proceeding with his statement.

LORD JOHN RUSSELL bore witness that it was by no fault of the right hon. Member for the University that he had allowed the Motion for going into Committee to escape him. He (Lord J. Russell) had gone to the right hon. Gentleman to inquire whether it was his intention to bring forward his Motion, and it was while his right hon. Friend was replying to that inquiry that the Motion for going into Committee was made. Under those circumstances the First Lord of the Admiralty could, of course, take his own course; but as a matter of courtesy, perhaps, he would give way to the right hon. Gentleman's request.

SIR CHARLES WOOD imputed no blame to the right hon. Gentleman for not making his Motion at the proper time, but thought it for the convenience of the House

and the public that he should proceed with his own statement.

I do not, Sir, propose to detain the House at any length upon the present occasion. I believe it is the wish of the House to grant Votes on account and no more, therefore any lengthened statement from me at present is unnecessary. When the whole Votes are taken and the whole Estimates are before the new Parliament will be the proper time for a full and complete statement. I propose now only to take sums on account of each Vote, equal to about one-third of the whole amount of each item. That will cover a sufficient time after the probable meeting of the new Parliament to allow ample and complete discussion of the whole estimates. If the House wishes me now to make any lengthened statement I will do so, but otherwise I will proceed at once to the various items. There is only one point which I wish to mention specifically, and that is in regard to the number of men required for the public service. I have not been able to reduce the number of men employed to as great an extent as I desired; but that has mainly arisen from unwillingness of the seamen to leave the service. A large proportion of the men in our navy consists of continuous-service men who cannot be discharged when the ship is paid off; and, although we have paid off every ship which has served her time, the number of men is still higher than I had wished it to be. Only the other day the *Dauntless* was paid off, and every man on board was a continuous-service man, and, although the whole ship's company was paid off, not a man left the service. More than that, a privilege has long been conceded to the old seamen when their ships are paid off, before taking the leave to which they are entitled, to enter their names upon the books of the flag-ship, and still continue in the service. Considering that these are old men-of-war's men, I think that the House will agree that we did right in not depriving them of this privilege when they desire still to remain in their country's service. This must be a gratifying circumstance to the nation; but, at the same time, it will explain why so large a reduction as was intended has not been made. No ships have been commissioned except for the necessary relief of others whose time of service has expired, and every means has been taken to reduce the number of men employed as far as practicable, having due regard to the valuable old sea-

men whom I have mentioned. Under these circumstances, I trust the House will be as indulgent to us as we have been indulgent to the old seamen. I have no other point to mention now, but am ready to answer any questions which hon. Members may wish to put to me.

1. 53,700 men and boys for the sea and coast-guard services for four months ending on the 31st day of July, 1857, including 15,000 Royal Marines.

MR. W. WILLIAMS wished to call the attention of the Committee to two or three points connected with these Estimates, with a view of having them explained by the right hon. Baronet. He found that in the expenditure of last year there had been several deviations from the Votes of the House—those on some items being greatly extended, on others curtailed. Several items, too, were jumbled up in one Vote, so that it was impossible to know the sum required to be spent on any one of them in particular. He had thought that it would be better to refer the Estimates to a Select Committee, as it was only by such means they would be able to unravel the intricacies with which they abounded. It did not come within the province of the Auditor to correct any over expenditure, and thus Government was enabled to apply the public money without the sanction of Parliament. Under existing circumstances, however, he would not propose a Committee. In one return the Auditor stated that on each one of nineteen items there had been more expended than had been voted, and that on five others the expenditure had been less than that authorised by Parliament, the balance against the nation amounting to £323,000. That indicated a state of things which ought to be inquired into by a Committee. They were now called on to vote 33,000 seamen and 15,000 marines, while during the war they voted 60,000 seamen and 16,000 marines. In 1841, too, the year of peace, in which they had voted the greatest number of men, the seamen numbered 32,500, and the marines 10,500. From a comparison of these figures he was led to think it very extraordinary that in proportion to the number of seamen they should want so many marines. They had now thirty-two Generals of Marines, whereas formerly they used to have only two, one of whom was also an Admiral and the other a military officer, and he had never yet heard of a General of Marines taking the command of a division. It was now proposed to

vote £1,395,000 upon naval stores, and £578,000 upon new works in the dock-yards. During the last four years they had expended on stores no less a sum than £9,800,000, and upon new works £1,395,000, so that the amount now proposed appeared to him extravagant. They had, since the French war, expended £12,000,000 upon their dock-yards, and here was a proposal for half a million in addition. The expenditure upon labourers was very disproportionate to the amount asked for stores and new works. Another point was, that they had now seventeen Admirals in commission, three or four of whom were Commissioners in the Dock-yards, and 270 idle. The total number of ships in commission was 297, so that they had, within ten, an admiral for every ship.

SIR HENRY WILLOUGHBY said, he was not prepared to say that the Estimates, with one exception, were extravagant, or could be much reduced, and as the right hon. Baronet intended to take only one-third of the vote for the year, he should not offer any opposition. He wished to know, however, whether they intended to take a vote for the excess of £211,000 in the expenditure of last year? No less a sum than £828,000 had been expended without the authority of a vote of that House, but solely on the authority of the Treasury. That was a variation which surely ought to have received the confirmation of the House. It was true a larger sum was taken for men than was spent in the wages of men, and there was a saving in that and other respects. There was, under the head of naval stores, £620,000 which had not been spent as appropriated by the House. The authority of the House would be completely set aside in these matters unless some change took place. He trusted the Government would see the necessity of placing such enormous departures from the votes of the House as he had mentioned under some proper check, for otherwise it was perfectly idle to vote Estimates in the ordinary way. Then, with respect to the audit of these accounts, how did the House stand? The Auditor explained the authority he had over the accounts, and in so doing made a most remarkable declaration. He stated that, supposing he found that a sum of money had been spent against the provisions of an Act of Parliament, or against an order of the Treasury or an order in Council, or supposing he discovered that a sum of money had been expended twice,

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no error of that kind, however palpable, came within the scope of his powers. The supposed audit would, in point of fact, appear to be no audit at all, inasmuch as the Auditors had not the power to correct the most manifest blunders.

SIR CHARLES NAPIER said, he did not think, considering we were likely to have a Chinese war, that 53,700 was an extravagant number of men to vote. On the contrary, he should have been glad to see the vote a little larger, because 5,700 of those men were to be employed in the coastguard service, and could not, therefore, be said to increase the efficiency of the navy. That left them 48,000 men—namely, 33,000 seamen and 15,000 marines. He should like to know, however, how many of the 33,000 seamen were what was called “continuous-service men,” and how many were “novices,”—which was a new term, but a very suitable one? He might further observe, that there was now no “Reserve” provided for, and therefore he concluded that these 5,700 men were intended to form a reserve. With respect to the 15,000 marines, to whom the hon. Member for Lambeth (Mr. W. Williams) had referred, he (Sir C. Napier) should like to see a greater number of marines than we had at the present moment, for in times of peace they would form efficient garrisons in seaport towns, and in the event of war might be marched on board ship, while the militia might be sent to replace them in garrison. The hon. Member for Lambeth had complained that there were so many Generals of Marines, not one of whom was employed. He (Sir C. Napier) regretted it was not the custom to employ them, as some of them were young enough for service, and they might be usefully employed in commanding garrisons in seaports manned by marines. With regard to the continuous-service men, he understood they were not always quite so fit for service as they ought to be. They were entered for ten years, and it was proper the Government should keep faith with them; but it often happened that they were not a good class of men, and not likely to be useful to the service hereafter. He should therefore suggest that before a man was entered for ten years he should be submitted to a probationary service for one year. He also begged to draw the attention of the First Lord of the Admiralty to the circumstance that when an “able-bodied” seaman became a petty officer he lost the additional

pay which he had been previously receiving, which he (Sir C. Napier) thought was a hardship. He (Sir C. Napier) would again draw the attention of the Government and the House to the fact that we were now in the fortieth year of peace (with the exception of the Russian war), and had as yet no regular system of manning the navy. Some time ago a rule was established that men should be called out by proclamation, and then receive a bounty—a system which entailed great expense and inconvenience on the country; but whether that rule were altered or not he (Sir C. Napier) was not aware. It was of the utmost importance that some regular system should be established of manning the navy, and if they wished to have that great branch of the public service efficient when war broke out they must commence in time of peace. In Russia, France, Holland, and other countries there were well-organized methods of manning the navy, and unless England also adopted something like a system in the matter the day would come when she would reap the evil consequences of her neglect. The Channel, which was formerly a great protection to us, was now so completely bridged over by steam, that the state of insecurity was alarming, and unworthy a great nation. They might depend upon it that we were not safe in leaving so important a subject to chance, and he urged upon the Government that, taking warning by what occurred during the last war, they should adopt measures which would enable them to fit out a fleet with the greatest alacrity; and he should be very happy to give all the assistance in his power towards carrying out so desirable an object. He had given notice of his intention to bring under the notice of the House the speeches of the hon. Member for Tamworth (Sir R. Peel) at Stafford and elsewhere relative to Cronstadt; but, as he believed that it was the general desire that a dissolution should take place with as little delay as possible, he would not occupy the House with matters personal to himself, and would leave the hon. Baronet to play out his vagaries before his constituents.

Mr. W. S. LINDSAY complained of the large amount which appeared in the Estimates under the head of new works; but he said that the fact was that every succeeding Board of Admiralty had notions of its own to carry out, and that what one Board recommended another countermanded. He had met with a ludicrous example of this the other day at one of

Her Majesty's dockyards, where he saw some men engaged in pulling down a magnificent pile of buildings. He inquired of a person who appeared to be the head of a department what was the meaning of the proceeding, and the man's reply was, that he didn't exactly know, unless it was that the last Lords liked the Elizabethan style, and the present preferred the Corinthian. The man might have intended this for a joke, but there was a good deal of truth in the observation, for it set forth the system to which he had alluded. There was as much difference between the Lords of the Admiralty as to their ships. The iron Lords built a fleet of iron ships, and the wooden Lords came and condemned all the iron Lords had done. The iron ships were then sold for a very small price. He hoped that next year a Committee would be appointed to inquire into the whole subject of the navy, and that the result would be the appointment of one responsible, permanent head, in lieu of Boards changing with the Administration. Manning the navy was undoubtedly an important and a difficult question, but he was persuaded that they must never depart from the voluntary system.

SIR GEORGE TYLER said, he fully agreed with the gallant Admiral opposite (Sir C. Napier) that unless some thorough system were established for manning the navy, in any emergency we should always be at a loss for seamen. He regretted much the discouragement which, he feared, was to be offered to the Naval Coast Volunteers. He had on a former occasion proposed that the force should be considered as a naval militia, to serve, as the general militia served the army, as a nucleus for the navy. Last year there was a provision for 5,000 Naval Coast Volunteers; but they had disappeared from the present Votes; and altogether there was a great reduction in the efficiency of the naval force. He thought that if economy were to be practised it should be in some other part of the public service; for the country had strong proof, in a recent case, that the naval service was not in so efficient a state as it should be; and he, therefore, could not approve of the reductions which it was proposed to make in that force. He thought that some system of manning the navy ought to be adopted, so that an adequate number might be obtained upon any occasion of emergency. He believed that making over the Coast-guard service to the Admiralty was a great

improvement, and he trusted that the number of cruisers attached to the Admiral's flag ships on the coast would be increased so as to afford an inducement to youth to enter the service. As regarded the number of boys, he should be disposed to increase rather than lessen it; and he hoped that they would be readily received on board the receiving ships. He regretted the reduction of £6,000 on the vote for the Coast Volunteers for the reasons he had already stated, and he trusted the Government would give the subject that attention which he thought its importance deserved.

SIR CHARLES WOOD, in reply, said, his hon. Friend the Member for Lambeth (Mr. W. Williams) had adverted to the number of marines kept up. The answer of the hon. and gallant Admiral (Sir C. Napier) to those remarks was just that which he should be inclined to give. The Admiralty hoped to establish before long a large reserve of good and trained seamen, and there must, at the same time, be a corresponding number of marines ready to serve afloat. When this system was brought into full operation they would be prepared, at any emergency, to man a larger number of men-of-war than they had at any time heretofore been enabled to do. As to the Generals of Marines, their retirement was settled by an Order in Council some time ago, and it was not a matter over which the Board of Admiralty had any authority. Then the hon. Gentleman complained that the vote of stores was very large. So it was, in consequence of one or two items only introduced into the Estimates of late years. For example, the substitution of steam for a sailing navy had entailed an enormous expenditure (£200,000) for coals. Another large item was the purchase of steam machinery. Hon. Gentlemen were hardly aware of the enormous increase of expenditure entailed on these and other heads. We were, in point of fact, creating a steam navy, and he hoped before long England would be in the same relative position with regard to her steam navy as she had always been heretofore with regard to her sailing navy. At the present moment we were not in that position in which so great a maritime Power as England ought to be placed, though he would not now go into details on the subject—but we did not possess that superiority which as the first maritime nation in the world we ought to have, and therefore a considerable expenditure must be looked

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for some time to come under the head he had last mentioned. So with regard to works. The greater size of ships at present created the necessity for considerable alterations in our docks. Thus, there not being a dock in the Queen's yards which would take in the *Himalaya*, one of the finest vessels in the service for the transport of troops, it was found necessary, in the course of last summer, to take down the head of the newest dock they had in order to prepare accommodation for this vessel. A large American frigate, the *Mer-rimac*, came to this country the other day, and had doubtless been seen by many hon. Members. Well, there was only one dock in the kingdom which could take in that vessel. His hon. Friend would see that, if the navy were to be maintained in an efficient state, they must have the power of docking ships of this class. The hon. and gallant Admiral (Sir C. Napier) had asked how many continuous-service men there were, and how many "novices?" The number of continuous-service men was, in round numbers, 23,500. As to the other class alluded to, although the men were entered as novices, and were regarded as such as long as they were kept in the training ships, they were not sent afloat until they could be rated as ordinary seamen. There was no intention to diminish the number of boys; on the contrary, the Admiralty felt it most desirable to keep up a full number of youths, whose early training afloat rendered them afterwards highly efficient and valuable. The hon. and gallant Admiral had alluded to compulsory service. No doubt the French and Russians in this respect possessed means of sending men afloat which we did not possess. He believed, however, that, with the reserve of seamen and marines, combined with the number of men to be drawn from the merchant service, we should be able in future in time of war to man a larger number of vessels than we had ever been able to send out heretofore. He should be very sorry to be driven to impressment; nothing but extreme necessity and danger would justify resort to such a system; but it must be remembered that, if compulsory service were surrendered, a substitute must be provided, which would naturally be attended with expense. The country must pay for giving up the forced service, and the system of reserves now adopted was, he believed, as cheap a one as could be devised, whilst, at the same time, it would place this country on such

a footing that we need not be afraid of being caught unprepared on the breaking out of a war. The hon. and gallant Officer (Sir G. Tyler) appeared to think that the efficiency of the Naval Coast Volunteers was diminished in consequence of some proposal made by the Admiralty. He (Sir C. Wood) was not aware to what the hon. and gallant Officer alluded, because, so far from doing anything to diminish, they were taking measures which would increase that efficiency. He quite agreed with the hon. and gallant Officer that the stationing of ships of war at different parts of the coast would be conducive to the popularity of the service. Instead of distributing the Naval Coast Volunteers among six districts, the Admiralty now proposed to divide the coast into as many districts as there were coast-guard districts, and to take the Naval Coast Volunteers to those stations for the purpose of being drilled. The largest number of Naval Coast Volunteers raised was on the east coast of Scotland. Preparations had been made, and orders issued for drilling them, for the first time, in the course of next month, and Captain Fraser, who had been on that station for two years, expressed the greatest confidence in the success of that experiment. As to the story related by the hon. Member for Tynemouth (Mr. Lindsay) he agreed with him that it must be a joke. Where the occurrence happened he did not know; he was not aware that any great building had been pulled down for the purpose of substituting one style of architecture for another; and, for his own part, he certainly had not the slightest preference for the Jorinthian over the Elizabethan order.

SIR HENRY WILLOUGHBY said, that his statement as to the appropriation of large sums without the consent of Parliament remained untouched. He considered that a more efficient audit ought to take place, and he hoped the right hon. Gentleman would give some explanation on the subject, so that the House might have some assurance that these accounts were duly verified.

SIR CHARLES WOOD said, he would not undertake to reply to the hon. Gentleman's question off-hand.

MR. COWAN complained of some transaction that had taken place in regard to these public works. A gentleman named Morton, who desired to tender for the machinery for the slip at Bermuda, had not had an opportunity given to him of ten-

dering for the work. He should like to know who the fortunate individual was who obtained the contract, and also whether the work was certain to be efficiently and economically done. He very much approved of the rigid scrutiny which important Votes of money now underwent at the hands of hon. Members, especially the hon. Member for Evesham (Sir H. Wil- loughby).

SIR GEORGE PECHELL referred to the slave squadron on the coast of Cuba, and its present non-efficiency, stating that the merchants of Jamaica complained that these vessels on the coast of Cuba and coast of Africa were employed in any and every other kind of business than that for which they were specially appointed. He thought the country had a right to expect a far larger result towards the extinction of the slave trade considering the immense sums of money that had been spent, than was the case; and he hoped the attention of Government would be directed to this subject, and more especially to the fresh complaints that had come from the West India stations. The hon. and gallant Officer was reading an extract from a Jamaica newspaper in confirmation of these statements, when,

LORD LOVAINE rose to order. He wished to ask the Chairman whether it was competent for an hon. Member to read a long extract from a newspaper.

MR. CHAIRMAN said, that the House had some time since overruled the decision of the Speaker, that a Member ought not to read from a newspaper.

SIR GEORGE PECHELL continued, and read the statement in question.

MR. BOWYER, as a member of the Committee that sat last Session on Public Moneys, testified that the system of auditing the public accounts was very inefficient. The Board of Audit could merely take cognizance of the fact of certain payments having been made; but they ought to have the power of investigating their legality. He hoped that the First Lord of the Admiralty would give an answer to a question which the Liverpool Financial Reform Association had requested him to put with regard to the ship called the *Royal Frederick*, which was a three-decker, and had been on the stocks at Portsmouth for twenty years. That ship, which was kept on the stocks ten years after it was ready for launching, was about to be converted into a 120-gun steamship. The Committee

ought to have some satisfactory explanation of the detention of a ship of that size so long in a state of idleness. He wished to know what was the total cost of the vessel, and also whether, when her keel was laid, petty officers were appointed to her in the usual manner, and had been kept on pay from that time till now.

ADMIRAL WALCOTT observed, that as the Navy Estimates had been reduced to the extent of £3,000,000, it became the duty of the Admiralty to take especial care that the number of ships in commission should be sufficiently large to enable us to maintain our position in the event of an outbreak. Efficient officers ought to be selected for those ships, and every encouragement given to, and good faith scrupulously kept with, the seamen. He was glad to hear from the First Lord of the Admiralty that the naval service was at present in so much favour, for he (Admiral Walcott) had endeavoured all his life so to improve the condition of the seamen as to make the service attractive. He suggested the desirableness of providing the navy with some sort of uniform—the more simple the better—and of extending to the naval cadets a system of training, similar to that which was practised on board the ship *Illustrious* with the most beneficial results, for young boys destined for the navy. He had been on board that ship—for the grant of which, for the purposes of training, the First Lord of the Admiralty deserved the gratitude of the country—and was highly gratified with the system. He trusted that the Admiralty would speedily adopt a training system for the better instruction of naval cadets in their profession.

SIR MAURICE BERKELEY said, that there was a general uniform throughout the service, and naval cadets would be trained in ships such as the *Illustrious* before they were sent to sea. It was true that in the system of continual-service men there had been, as there would be in all new systems, some difficulty. Some of those who were entered as boys did not grow up sufficiently robust to make able seamen, and were complained of by some captains. The Admiralty were now endeavouring to devise a plan by which such boys should be got rid of. Had the Committee gone into these Estimates, and had any attempt been made to reduce the number of men, he should have felt it his duty to state in the most distinct terms that the reduction of the number of men now voted would be

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the greatest blow that could possibly be given to the British navy. He had taken the greatest possible pains to make himself acquainted with all the details of the manning of the navy, and he could assure the Committee that owing to the change of our maritime laws, and to there being another nation speaking the same language as ourselves, without any distinctive mark, it was and would always be difficult to man the navy properly. The right hon. Baronet the Member for Carlisle (Sir J. Graham) had paid great attention to this subject, and many of his plans for manning the navy were now being acted upon. At one time he (Sir M. Berkeley) fancied that the Coast Volunteer scheme, a child of his own, would be a failure; but he was happy to be able to tell the Committee that he now had reason to believe that in any future war we should be able to draw a large body of men from the Naval Coast Volunteers.

MR. C. W. MARTIN complained of the high rate of wages given to the labourers in the dockyards. The effect had been to increase the value of labour on the coast of Kent, till labourers now got as much as £60 yearly. Of the three classes connected with the soil—the labourers, the farmers, and the landowners—the labourers were the best used and the landowners the worst. The right hon. Gentleman might think of that in carrying out the reduction.

MR. BENTINCK said, that he had been quite prepared to hear that the alteration of the maritime laws had caused a difficulty in finding men for the navy; and he was glad that that difficulty was now surmounted. There was another subject to which he wished to draw attention, which was if any improvement was proposed for the more easy coaling of ships in Plymouth Sound?

CAPTAIN DUNCOMBE said, that the captains of ships, in consequence of the introduction of steam, were gradually becoming coal-heavers and stokers. He wished to know if there were arrangements to lessen the use of steam and increase that of sails in the navy. At present there was a great deal of coal used when it was not required by the exigencies of the service, and where sailing would do just as well.

SIR GEORGE PECHELL concurred with the hon. and gallant Captain that economy would be greatly promoted by the

enforcement of a regulation restricting the use of steam to cases of urgency. He bore testimony to the activity and zeal displayed by the First Naval Lord of the Admiralty (Sir M. Berkeley) in manning the navy, and expressed his opinion that the crews of Her Majesty's ships were now so well off as to pay, provisions, and treatment (in all of which respects their condition had been much improved since he was on active service), that there was no danger of their deserting to foreign ships.

SIR CHARLES WOOD said, he quite agreed with all the observations which had been made as to the necessity of reducing to a minimum the use of steam in the navy. It was a source of great expense, and might be the means of deteriorating the skill of our officers. The subject had for some months engaged the attention of the Board of Admiralty, and very stringent orders had been sent to the commanders on foreign stations, requiring them to enforce upon the officers under their command to limit the use of steam to cases of necessity and emergency. In addition to this all officers in command of vessels were required to state in their logs, not only every occasion in which steam was got up, but the reasons for its use. As to the coaling in Plymouth harbour, and also in that of Portsmouth, nothing but the expense had prevented his asking the House to sanction some additional provision for that purpose. In Portland Roads some such provision had been made; but in the other cases he had been obliged to postpone until another year asking the House to vote any money for this purpose. As to the wages of the labourers in the dockyards he had to state that when the war began the artificers, such as shipwrights, &c., were put upon task and job work instead of daywork. The result of this was greatly to increase the amount of work which they performed and the efficiency of the yard. In order to enable the labourers to keep pace with the artificers and to remunerate them for their extra exertions, there was at the same time given to them a sum of money per week which was called "exertion money." The reduction in the dockyards would be effected by reducing the artificers from task and job work to day-work, which would take effect on the 31st of March; and then, as a result of that, the "exertion money" of the labourers would cease. He could not exactly tell the hon. Member for Dundalk (Mr. Bowyer) what had been the cost of

the *Royal Frederick*; but there were several instances in which large sailing ships had been kept on the stocks, while the construction of steam ships which were more urgently wanted was proceeded with. The great item of the excess to which the hon. Member for Evesham (Sir H. Willoughby) had alluded—namely, between £500,000 and £600,000 was almost entirely owing to the large number of gunboats which the Government had thought it necessary to construct in the previous year. He thought the Government were justified by the circumstances of the time in incurring this expenditure, and he threw himself with the greatest confidence on the judgment of the House.

SIR HENRY WILLOUGHBY had no doubt that this outlay was very judicious, but it was the constitutional question it involved that demanded attention. A sum of £691,000 having been expended as excess under one head alone, he contended that it ought to be brought constitutionally before the House for its sanction and authority.

SIR GEORGE PECHELL reminded the right hon. Gentleman of the question respecting the slave squadron. Mr. Cowan said that Mr. White had stated that he was now appointed slip engineer in Gosport Harbour. He wished to know if this was true, and if he might be allowed to move for copies of any correspondence which had passed between him and the Admiralty on the subject of tenders for the construction of ships.

SIR CHARLES WOOD said, that, as to the slave trade, it was more effectually checked by ships on the coast of Africa, where were its strongest holds. The ships in Cuba were not fit for the service. They were small vessels, and unless there was a depot of coal at Cuba there was no means of making a proper use of them. As to Mr. White, there was a slip director at Gosport, but no slip engineer. As to the correspondence, if the hon. Gentleman would let him know exactly what he wanted, he would give him an answer. As to the slips, they were lengthened as large ships had to be built.

MR. COWAN read a letter from Mr. White, stating that he was appointed consulting engineer at Gosport.

SIR CHARLES WOOD said, that no such person was appointed to that office.

MR. W. WILLIAMS repeated his complaint as to the number of officers of marines appointed to do duty. He had

no wish to interfere with the efficiency of the navy.

SIR CHARLES WOOD said, that the greater part of the Generals of Marines were now retired officers.

ADMIRAL WALCOTT said, that the hon. Member for Lambeth was always complaining of the large lists of Admirals. He had long ago replied to these objections. He himself was sixty-one years old, and only ten out of the list of Admirals were younger than himself.

Vote agreed to; as were also the remaining Votes.

(2.) £800,000, on account, Wages.

(3.) £300,000, on account, Victuals.

(4.) £50,000, on account, Admiralty Office.

(5.) £80,000, on account, Coast Guard Service.

(6.) £30,000, on account, Scientific Departments.

(7.) £60,000, on account, Naval Establishments at Home.

(8.) £10,000, on account, Naval Establishments Abroad.

(9.) £300,000, on account, Wages to Artificers, &c. at Home.

(10.) £20,000, on account, Wages to Artificers, &c. Abroad.

(11.) £500,000, on account, Naval Stores.

(12.) £200,000, on account, New Works and Repairs.

(13.) £20,000, on account, Medicines and Medical Stores.

(14.) £30,000, on account, Miscellaneous Services.

(15.) £250,000, on account, Half Pay.

(16.) £200,000, on account, Military Pensions.

(17.) £60,000, on account, Civil Pensions.

(18.) £80,000, on account, Freight.

(19.) £400,000, on account, Packet Service.

Resolutions to be reported *To-morrow*.

The House resumed.

FRAUDULENT BREACHES OF TRUST.

THE ATTORNEY GENERAL, in reference to his notice of Motion for leave to bring in a Bill to make fraudulent breaches of trust and duty by trustees, directors, and agents criminally punishable, said it had been his particular desire to introduce the Bill; but as it would necessarily be subject to considerable discussion, and as the provisions were of an intricate nature,

Mr. W. Williams

he thought it would be vain to attempt to pass the measure in the present Session. The Bill was prepared, and it would be one of the first measures, if he should have the honour of a seat in the next Parliament, to which his attention would be directed, and he hoped to lay it before the ensuing Parliament in a few days after its meeting.

The House adjourned at a quarter after Ten o'clock.

HOUSE OF LORDS,

Tuesday, March 10, 1857.

MINUTES AND JOURNALS OF THE HOUSE.

REPORT OF SELECT COMMITTEE. RESOLUTIONS.

Order of the Day for considering the Report of the Select Committee on the Minutes and Journals of the House, read.

EARL STANHOPE, in calling attention to the Report of the Select Committee on the Minutes and Journals of the House, said that in the absence of any material difference of opinion on the recommendations of the Committee he need not detain their Lordships at any length. Their Lordships were all agreed that the present mode of taking their divisions was extremely defective and unsatisfactory. The lists at present published in the newspapers contained constant errors and inaccuracies, of which frequent complaints were made, but which could not be avoided under the existing system. Some very interesting divisions were not recorded at all. The other night a division took place upon the Bill for altering the law of divorce. Ten noble Lords voted on one side and twenty-five on the other. The names of many Peers who voted on this division would have carried great weight, but the Lords who acted as tellers did not happen to take the names, and it was therefore impossible to say at present who voted. Great delay sometimes took place in the publication of the division lists. On the first day of the Session a division took place on the Amendment moved by his noble Friend opposite (Earl Grey) upon the Persian war; the list of the majority against it appeared next day, but the names of the Peers who formed the minority were not published until two or three days afterwards. The Com-

mittee had agreed to recommend the adoption of the system which had been tried with such excellent effect in the House of Commons. It had been apprehended that the system in question would take up more time than the present mode; but from the evidence given to the Committee by an experienced and able officer of the other House (Mr. May), it appeared that a positive saving of time would accrue by adopting the House of Commons' mode of taking divisions. The Committee, however, thought it would be desirable to make an exception in the case of those Peers who, from age or infirmity, could not walk into the lobby without pain and inconvenience, and such Peers might be "told" in the House. He would mention a point to which the Committee had not adverted; it had been hitherto held as a rule of the House, that the tellers should always be of equal rank; but he (Earl Stanhope) thought that this rule (for which not a shadow of a reason could be given) was frequently found to be attended with great inconvenience, and he proposed that it should not be necessary that the tellers should be appointed with any regard to their degree. It was also thought desirable that the names of Lords who make Motions for the production of Papers, or Motions of which they have given notice, should be entered on the Minutes. The Minutes of their Lordships' House were inferior to those of the House of Commons in some respects, they were in others superior. For example, they gave full information as to the progress of every Bill before their Lordships, so that the amount of business that had been transacted and the number of Bills still in progress through their Lordships' House could be seen at a glance. It was proposed that to these particulars should be added a notice of such Bills as had passed their Lordships' House, and had reached the House of Commons, with the fate of those Bills as soon as they were disposed of in that House. He trusted that their Lordships' Minutes and Journals would, if the recommendations of the Committee were adopted, become a faithful record of the manner in which their Lordships discharged the duty intrusted to them. The noble Earl concluded by moving that the Resolutions of the Committee be agreed to, and be made Standing Orders; and that the Standing Order No. 25, be vacated.

THE EARL OF EGLINTON said, that he approved generally of the Resolutions
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proposed by the Committee, but wished to point out one or two matters to which their attention did not appear to have been directed. They did not state which of the galleries should be cleared, and which should not be cleared. Now some little delay was caused by the clearing of the gallery between the cessation of the debate and the putting of the Question, which gave time for Peers who might be in the library or lobby to return to the House; but if the galleries were not cleared, he thought there ought to be some fixed interval between the close of the debate and the Question, as in the Commons. The Resolutions recommended that the names of the Peers should be recorded according to the titles by which they sat, the higher titles appearing in brackets. He thought the higher rank ought to appear first, and the lower title to be inserted in brackets. He entirely approved of the Resolution which proposed to put an end to the provision that the tellers should be of equal rank.

THE LORD CHANCELLOR said, he doubted if it would be worth while to take the course proposed in the Resolutions of adopting the House of Commons' practice of going into separate lobbies at divisions. Such a system might answer in the House of Commons, where there were hundreds of Members voting; but in their Lordships' House, where perhaps two or three Peers voted on one side, and half-a-dozen on the other, the formal proceeding of going out at one door and coming in at another might have a ludicrous effect. He doubted whether the desirable object of greater certainty in the taking and recording of divisions might not be attained without resorting to such a formidable process. He also thought that some rule must be adopted as to the time at which the Question should be put, which at present was regulated by the clearance of the galleries. In cases where there was only one Peer on one side, he did not see how two tellers could be appointed.

EARL STANHOPE imagined that the Resolutions, in their present form would enable a division to be taken, even if no second Peer offered as teller. He thought that a trial might be made of the plan of permitting strangers to remain in the gallery during divisions, and if it was not found to answer they could revert to the present arrangement.

LORD REDESDALE moved, that during divisions, unless the House should

order to the contrary, strangers might be allowed to remain, except in the space below the bar and before the throne.

Several other noble Lords suggested Amendments in the proceedings suggested, some of which were adopted.

The following are the Resolutions agreed to.

1. "That upon every Division the House be cleared of Strangers, except the Galleries and the Space within the Rails of the Throne, which shall not be cleared unless the House shall so order :

2. "That after the Question shall have been put, the Contents shall go forth through the Door on the right Side of the House, near the Throne, which leads to the right Lobby, and shall proceed through the right Lobby, and re-enter the House through the Door on the right of the Bar :

3. "That, in like Manner, the Not-Contents shall go forth through the Door on the left of the Bar, which leads to the left Lobby, and shall proceed through the left Lobby, and re-enter the House through the Door on the left Side of the House, near the Throne :

4. "Both Lobbies shall be cleared of Strangers and the Doors locked when the Question hath been entirely put, and shall continue so 'till after the Numbers are declared :

5. "That any Lord may, on the Ground of Infirmary, by Permission of the House, have the Privilege of being told in his Seat ; and that the Votes of such Lords and of the Lord on the Woolsack or in the Chair be taken first :

6. "That Two or more Tellers be appointed for each Division, without respect to their Degree ; and that Two Clerks be in attendance at each Division, to take down or mark the Names of the Contents and Not-Contents respectively ; and that such Clerks be stationed in the respective Lobbies, as near as conveniently may be to the Doors through which the contents and Not-Contents re-enter the House :

7. "That when Proxies shall be called, the Names of the Lords Content and Not-Content who vote by Proxy shall be respectively taken down and marked by Two Clerks in attendance for that Purpose :

8. "That the Tellers shall count the Votes, and announce the Numbers to the Lord on the Woolsack or in the Chair, as at present :

9. "That from the Names of the Lords present and voting, thus taken down or marked by the Clerks, Lists shall be framed, in which the Names shall be inserted in Alphabetical Order ; and in like Manner Alphabetical Lists shall be framed of the Lords who have voted by Proxy :

10. "That such Lists shall be printed, and appended to and circulated with the Minutes of the Day :

11. "That in such Lists the Names of the Lords shall be inserted according to the Titles by which they sit in Parliament ; but in Cases in which they have higher or more ancient Titles or Dignities, the higher or more ancient Title or Dignity shall be added in Brackets :

12. "That each Division, and the Number and Names of the Lords voting thereon, be also inserted in the Journals, the Names of the Lords being placed in the order in which they stand in the Roll, the Proxies being recorded in a separate List :

13. "That the Hour of final Adjournment on each Day be noted in the Minutes, and in the Journals :

14. "That the Names of Lords who make Motions for or in respect of the Production of Papers, or who make Motions, of which they have previously given notice, be entered in the Minutes and in the Journals :

15. "That the Minutes do contain a List of all Bills which have passed this House, and have been sent to the House of Commons, but have not been returned, omitting such Bills as by the Votes of the House of Commons appear to have been disposed of."

Then it was *moved*, That Standing Order No. 25, be vacated : *agreed to*.

PROSELYTISM IN IRELAND.

CASHIN AND SPELLACY v. RYAN.

MOTION FOR A PAPER.

VISCOUNT DUNGANNON : My Lords, I wish to move for return of a "Copy of the Memorial addressed by the Members of the Dublin Protestant Association to The Lord Lieutenant of Ireland relative to the Conduct of E. Smithwick and Thomas Harte, Esqrs., Justices of the Peace for Kilkenny, in a Case of alleged Assault, in which Michael Cashin and Matthew Spellacy, Two Persons in the Employ of the Society for Irish Church Missions, were Plaintiffs, and James Ryan, Defendant, at the Petty Sessions held in the City of Kilkenny on Monday, Jan. 19, 1857 ; together with the Reply from the Castle of Dublin, bearing Date Feb. 13, 1857." My Lords, from the information which has been transmitted to me, it appears that the two persons who were the complainants before the Kilkenny magistrates were employed by the Irish Church Missionary Society to distribute some of its pamphlets, tracts, notices of meetings, and the like, and the defendant, James Ryan, a Roman Catholic, was the servant of one of the justices who took part in the proceedings. One of the complainants, it is admitted, tendered to James Ryan a handbill. Ryan received it, entered into some conversation respecting it, and then, without the slightest provocation or apparent reason, proceeded to assault with a heavy whip, not only the boy who presented the handbill, but also his companion. An information was laid against him, and a summons issued, requiring him to appear before the justices in Kilkenny to answer the charge of assault ; which he did. On that occasion Mr. Smithwick, the person in whose employment Ryan was, came there, as he stated, to give him a charac-

ter, and declare his conviction that he was utterly incapable of committing the offence with which he was charged. Had Mr. Smithwick confined himself to that course undoubtedly he could not have been found fault with, because it was his right, and perhaps just that he should do so; but he took the extraordinary course of sitting upon the bench and adjudicating upon the case. I am convinced that every man in the commission of the peace in your respective counties would agree with me that such a proceeding was wholly irregular. But that is not all. Mr. Harte, one of the other magistrates present, was previously known to have declared that in any case where a Scripture-reader, or any person connected with the Irish Missionary Societies, brought forward any charges against other persons, he never would take the evidence of any such person as proof of the fact unless their evidence was corroborated by that of other witnesses; while Mr. E. Smithwick had been heard to declare that he considered it a great indignity to Roman Catholic constables that they should be directed to protect Protestant Scripture-readers against the attacks of a Roman Catholic mob. I am not going to enter into any argument as to whether it is a judicious proceeding upon the part of Protestant missionaries to circulate tracts among their Roman Catholic fellow-subjects, with the intention of converting them; but it must surely be admitted that so long as they are doing nothing to disturb the public tranquillity, or to provoke a breach of the peace, they are entitled to the protection of the Executive. They have a right to that which every British subject claims—protection from assaults or from any unlawful impediment; and if they are assaulted, and deem it necessary to bring their case before persons to whom is delegated magisterial authority, it is most important for the interests of the public that they should have the protection of at least an impartial hearing. Certainly a different course to that seems to have been pursued upon the occasion to which I have referred. It appears, as I am informed, that the justices who were engaged in hearing this case have, upon more occasions than one in which similar charges have been preferred before them, allowed their party prejudices and religious zeal to get the better of their good sense and sound judgment; and in this case they appeared to have come into the court as prejudiced

men, having prejudged the case. A letter has been written by the stipendiary magistrate at Kilkenny, Mr. Green, stating his opinion that the decision, which was for the dismissal of the charge, was entirely contrary to the evidence. Three magistrates sat together upon the bench, the case was dismissed by a majority of one, and the two magistrates who agreed were both Roman Catholics. I think that the House will agree with me that nothing can be of more importance to the interests of the British Empire than that there shall be an impartial administration of justice, especially in Ireland, where there is a great deal of party and religious feeling; and it is impossible, if cases such as this happen frequently, that the public mind will be satisfied upon this point. A remonstrance was made by the parties to the Dublin Protestant Association, who, having investigated the case, sent a special memorial to the Lord Lieutenant of Ireland, setting forth all the facts of the case, and praying for an investigation. The answer was, as it seemed to me, of a most unsatisfactory character. It stated that an inquiry had been made, that they were satisfied with the reply that had been made, and that they did not think it necessary to investigate the case any further. But what may be considered as sufficiently satisfactory by officials may not be so satisfactory to the Protestant portion of the public in Ireland, who feel that a fair inquiry had not been made, and that such proceedings have a tendency to bring the magisterial bench into contempt. The Dublin Protestant Association having submitted the case to me, I have thought it right to bring it before your Lordships, trusting that no opposition will be made to it. Whether I shall feel myself called upon to bring the matter before the House in another shape I am not at present prepared to say. I shall probably not do so during the very short time that remains of the existence of the present Parliament, but I shall feel myself at liberty to take it up again when your Lordships' House re-assembles. I have had all the facts from the most respectable authorities, and I assure your Lordships that I am animated by no party spirit or religious partizanship, nor am I in any way connected with the Dublin Protestant Association, or Irish Church Missions. I am only anxious that the strictest impartiality should be displayed in all our courts of justice; and in bringing forward an instance in which it is alleged that that

spirit of impartiality has been departed from, I conceive that I am only discharging a duty which I owe to the public.

THE EARL OF DESART hoped that Her Majesty's Government would make no objection to the production of these papers, and said that if the facts of the case turned out to be as stated by the noble Viscount, and no further proceedings were taken by his noble Friend, he himself would bring the whole case before the House. If the information which had reached him was correct, the affair reflected little credit on the Irish Government. As in all probability he should have to refer to the case again, and as he was unwilling in its present stage to make remarks which would not be very complimentary to the magistrates, he should postpone any further observations till the production of the papers.

EARL GRANVILLE said, he did not intend to offer any opposition to the Motion; but was understood to say, that he did not recognise the position which the Dublin Protestant Association had assumed in relation to this business.

Motion agreed to.

House adjourned at Half-past Six o'Clock, to Thursday next, Half-past Ten o'Clock.

HOUSE OF COMMONS,

Tuesday, March 10, 1857.

MINUTES.] PUBLIC BILLS.—1° Racehorse Duty Act Amendment; Pauper Maintenance; Cinque Ports Act Amendment.

2° Ecclesiastical Jurisdiction; Customs' Duties; Indemnity; Copyhold and Inclosure Commissions, &c.; Municipal Corporations Act Amendment.

THE VICTORIA CROSS—QUESTION.

CAPTAIN LEICESTER VERNON said, he would beg to ask the hon. Gentleman the Under Secretary for War whether the list published of the names of the recipients of the Victoria Cross was final, and whether it contained all the Crimean recommendations deemed worthy of decoration; and whether, in such case, there would be any objection to publishing the names of the officers and privates who have been recommended and rejected, with the details of the services for which they were recommended?

MR. FREDERICK PEEL, in reply, said, that the list was final as regarded

officers and men at home; but the names of those recommended for the distinction, who were serving with regiments abroad, had not yet been received. It did not contain the names of all those who had been recommended, because some of their cases did not come within the scope of the warrant, which the hon. and gallant Member knew was exceedingly stringent in its provisions, and to the relaxation of which there would be great objections.

MR. SPEAKER'S RETIREMENT.

VOTE OF THANKS.

VISCOUNT PALMERSTON: Mr. Speaker; It was my duty yesterday, Sir, to be the organ of the regrets of this House at the communication which you felt it your duty to make to them, and of their concern that the next Parliament are not to have the benefit of your assistance in conducting their deliberations. I have to-day a task to perform of a nature more agreeable to myself, and one which I am sure will be more acceptable to the House. I have to propose to this House to return, by their unanimous vote, their Thanks to you, Sir, for your able and distinguished services in the chair during the long period of nearly eighteen years for which you have occupied it. [*General and sustained cries of "Hear, hear!"*] Sir, that man must have been a very superficial observer of the proceedings of Parliament who has not remarked in how essential a degree the usefulness, the respectability, and the influence of this House must depend upon the manner in which the man who occupies that chair performs the duties which he has to discharge. In a great assembly like this, composed of so many persons coming from all parts of the country, it is obvious that unless the person who regulates their proceedings inspires among the Members of the House that temper, forbearance, and equanimity which he himself possesses, this House might be led by the warmth of discussion and by the agitation of public questions to depart from that order, moderation, and regularity of proceeding which are so essential to maintain in the public opinion that respect which is due to this branch of the Legislature. Sir, it is needless, I am sure, to say in how eminent a degree you have performed your functions. It is needless to remind those who have witnessed your proceedings, how you have combined promptitude of decision, justness of judgment,

Viscount Dungan

and firmness of purpose, with the most conciliatory manners—[“Hear, hear!”]—and how that dignity—that natural dignity—which belongs to you, and which is most striking when it is accompanied by simplicity of mind and by the absence of all artificial affectation—[“Hear, hear!”]—how that natural dignity which adorns yourself has been communicated through your direction to the general proceedings of the Commons’ House of Parliament. Sir, not only have you discharged in the most exemplary and useful manner your duties in that chair, but there are other duties, I will not say less important, but nearly as important, which the Speaker of this House has to perform out of the chair. I am sure that I shall meet with the concurrence of every Gentleman who listens to me when I say that no Member ever approached you for the purpose of obtaining that information with respect to our proceedings, either public or private, which it was his wish to receive, without experiencing from you not only the most courteous reception, not only the most ready hearing, but also the most accurate information in regard to the subject upon which it was his desire and his duty to consult you. There is another matter, Sir, in which you have been eminently conducive to the interests of this House. Our forms of procedure are founded upon ancient usage. Many of them were, no doubt, the result of accident, or perhaps of design, at periods when those forms were more essential than at present to maintain the principles on which you, Sir, have had the judgment to discriminate between the principles which ought ever to be upheld and the technical forms which might be varied and modified without detriment to the public, and you have, by the suggestions which you have from time to time made, contributed much to the despatch of business in this House, to the advantage of the country, and the convenience of the Members of this body. [“Hear, hear!”] I am convinced, Sir, that in what I have been saying I have been only expressing the feelings which animate every Gentleman who hears me; and that in moving the Address which I propose to submit to the House I shall only be embodying the sentiments naturally arising in the minds of all who sit in this assembly. [“Hear, hear!”] I therefore, Sir, move—

“That the thanks of this House be given to Mr. Speaker, for his eminent and distinguished services during the period of nearly eighteen

years for which he has filled the Chair of this House; that he be assured that this House fully appreciates the zeal and ability with which he has discharged the duties of Speaker under circumstances requiring unparelleled labour and exertion; and that this House entertains the strongest sense of the firmness and dignity with which he has maintained its privileges, of his unremitting attention to its business, of the care which he has devoted to the improvement of its forms, and of the urbanity and kindness which have uniformly marked his conduct in the Chair, and which have secured for him the esteem and gratitude of every Member of this House.”

[The speech of the noble Viscount was accompanied throughout by general and most cordial indications of assent.]

MR. DISRAELI: Sir, I have the honour to second the Motion of the noble Lord, and to express on behalf of the Gentlemen who sit on the left of the chair their entire concurrence with the description which the noble Lord has given of your high qualities, and in the estimate he has offered of the services which, unfortunately, we are about to lose. Sir, we too can bear witness to the blended firmness and courtesy with which you have regulated our debates, and which, when necessary, have controlled them. We, too, can bear witness to that learning which has guided and enlightened our labours. We, too, can bear witness to that high bearing which at all times and under all circumstances, even the most trying, has sustained the dignity of the exalted office which you have filled. Sir, the eighteen years during which you have occupied the chair have been a memorable period in the history of the Parliament of this country. Some of the greatest measures that have ever been proposed in the councils of the nation have been carried during that period; and some of the greatest men that have ever flourished within these walls have been under your guidance. Sir, I make no doubt that in the page of history your Speakership under those circumstances will figure as no unimportant one in the Parliamentary annals of this country. The severance of ties so long, so intimately, and so cordially maintained between you, Mr. Speaker, and this House cannot be witnessed without deep emotion. I confess myself, Sir, utterly unequal to the language of panegyric—I confess myself, Sir, at this moment unequal to offer you those compliments which you so well deserve; yet I can express to you, for those who sit on this side of the House, and I may perhaps presume to say for all present—[*Cheers*]—certainly for him, Sir, whom you have

often so condescendingly aided and guided by your counsel—the tribute of our affectionate respect—[*loud cries of "Hear! hear!"*—the hope, Sir, that when your name is mentioned in your absence in this House you will believe that it will always be quoted with regard and reverence—[*"Hear! hear!"*—and our anxious and earnest wishes that in the comparative retirement which may await you, you may enjoy that perfect satisfaction which you have so worthily earned.

[The speech of the right hon. Gentleman was also accompanied by continued and general cries of approbation, but markedly from the Opposition side of the House.]

LORD JOHN RUSSELL:—Although, Sir, it is quite unnecessary to add anything to the eloquent speeches in which my noble Friend at the head of the Government and the right hon. Gentleman opposite have expressed the sense entertained by the House of your merits during the long period you have filled that chair, yet for my own gratification it may, perhaps, be permitted to me, having been brought much into personal relation with you, to say a few words. I cannot but feel, Sir, that during the whole of that period, the manner in which you have conducted the business of the House has greatly facilitated the proper transaction of the business. I cannot forget that at the period when you were elected you succeeded to one of the most distinguished Members of this House—a man eminent for his learning, and who for many years had taken a prominent part in the debates of this House, and who spoke, therefore, with the authority which accompanied that learning and that experience of the affairs of Parliament. But, Sir, although you might seem so far to have been placed at a disadvantage, yet your merit so speedily attracted the respect and affection of this House—[*"Hear, hear!"*—I may say you so thoroughly won the heart of the House—[*"Hear, hear!"*—That the exercise of your authority became comparatively easy, and every person was ready, whatever were his previous prepossessions, whatever his previous wish to persevere in some course of which you disapproved, to bow at once to a single word from you. Sir, these qualities have not only been of the greatest advantage in conducting the ordinary business of the House, but you have been able by these means to facilitate, in a great degree, a transition to more speedy forms which had become necessary

Mr. Disraeli

from the increasing pressure of business in this House. You have been able, Sir, to discriminate with nicety and judgment where it was possible to depart from ancient and accustomed forms, without surrendering any important or useful privilege. You have accurately marked out the line where it was advantageous to concede, and where it was necessary to resist innovations on our established forms. Sir, I believe there is nothing in our old institutions more artfully contrived, nor more useful for carrying on the business and debates of a free assembly, than the modes of procedure and the regular order of business of this House; but at the same time it is difficult strictly to keep up all those orders without in some degree delaying business. Further changes may, perhaps, yet have to be made, and I can only hope that, whoever may have the honour to succeed you in that chair, we may find in him the same qualities, the same excellent judgment, the same power of wielding authority, and the same art of conciliating the goodwill and affection of the House, which you have always so conspicuously displayed. [*"Hear, hear!"*] Sir, I beg only further to express my extreme regret, accompanied with that, I am sure, of every Member of this House, that we have on this occasion to take our final leave of you, and that the succeeding Parliament will not have the advantage of your presence. [*Continued cheers.*]

The Question was then put and carried, *Nemine Contradictente*, amid loud cheers.

Then MR. SPEAKER addressed the House as follows:—

[On the right hon. Gentleman rising, the Members, as by spontaneous impulse, took off their hats, and listened to his address uncovered.]

During the long period in which, by God's blessing, I have been enabled to discharge the duties of this Chair, I have had abundant experience of the kindness, forbearance, and indulgence of the House, which they have shown to me under all circumstances, and on all occasions. But I have not words at my command, nor can I sufficiently control my feelings, so as adequately to express my gratitude for this crowning mark of their favour and approbation. I can only assure the House, that I shall cherish to the last moment of my existence, the remembrance of the proceedings of this day, and of the Resolution to which this House has unanimously agreed,—this great and inestimable reward

for public service: and in all sincerity, and from the very bottom of my heart, I thank them for the distinguished honour which they have conferred upon me.

VISCOUNT PALMERSTON: I am sure that the House would not be satisfied if we were to abstain from completely following the precedents which have been set us on occasions of a similar nature. It has been the practice of this House, when it has been deprived of the services of Speakers who have long and ably filled that chair, not to content themselves simply with the expression of their own Thanks, but to give to the Crown an opportunity of going hand in hand with them in the acknowledgment of great and eminent services. I shall, therefore, without further preface, move—

“That an humble Address be presented to Her Majesty, praying Her Majesty, that She will be most graciously pleased to confer some signal mark of Her Royal favour upon the right hon. Charles Shaw Lefevre, Speaker of this House, for his great and eminent services performed to his country, during the long and important period in which he has with such distinguished ability and integrity presided in the Chair of this House; and to assure Her Majesty that whatever expense Her Majesty shall think proper to be incurred upon that account, this House will make good the same.”

SIR JOHN PAKINGTON: Although, like the noble Lord opposite, I feel that it is impossible to add anything to the eloquence with which the last Vote was moved and seconded, yet I hope that I shall be allowed the great gratification of seconding the Motion just proposed. Sir, I am one of those Members—now, comparatively speaking, few in number—who have had the honour of a seat in Parliament throughout the whole of the eighteen years during which you have so honourably filled that chair. Eighteen years ago, when you were elected to it, I sat, as now, on this side of the House. I was not fortunate enough to be one of the majority by which you were chosen, but I believe that I do but express the universal feeling of those who hear me, when I say, that from the day of your election the Members of the minority equally with the Members of that majority have been influenced by one unanimous feeling of gratitude for your kindness, of admiration for the manner in which you have fulfilled your public duties, and of that deep and sincere private friendship which I am sure must animate every one who has the good fortune to approach you. [*Cheers.*] I can, therefore, assure the House, that sharing on this side the House the feelings, and reciprocating the language we have heard

from the noble Lord, I express the deep regret we feel that this House is hereafter to lose the advantage which we have derived from your services, and we sincerely hope that your retirement may be as happy as it is well earned. [*Continued cheers.*]

The Motion was put and carried, *Nemine Contradicente*.

Ordered, That the said Address be presented to Her Majesty by such Members of this House as are of Her Majesty's Most Honourable Privy Council.

VISCOUNT PALMERSTON: I beg now to move, Sir, that the Thanks of the House be given to Mr. Speaker for what he has this day said to the House, and that the same be entered in the Journals of this House.

Resolved, Nemine Contradicente.

THE LAND TRANSPORT CORPS.

PETITIONS.

MR. T. DUNCOMBE rose to call the attention of the House to the grievances complained of in the Petitions of the Non-Commissioned Officers and Drivers of the Land Transport Corps who served during the late war in the Crimea, and to move that such petitions be referred to a Select Committee. The hon. Member observed that he was not surprised that complaints of injustice were made by the army, when he remembered that, instead of placing our military forces under the authority of a military man of knowledge and experience in his profession, they were controlled by a civilian who owed his appointment merely to political influence. He thought it would be just as reasonable to expect a tailor to make a chronometer as it was to place a great army like that of this country under the superintendence of a civilian. The petitions to which he had referred stated that the Land Transport Corps was enlisted and sworn to serve for the term of ten years, but it was provided that the men might claim their discharge at the expiration of five years, or at the end of the war. The petitioners stated, however, that they and their comrades had been most arbitrarily dismissed, without receiving legal parchment discharges, to which every soldier was entitled on quitting the service; secondly, that there were arrears of pay still due to them; and, thirdly, that they had not been supplied with proper rations and clothing, in accordance with the terms of their enlistment. He (Mr. Duncombe) was happy to say that he was speaking in

the presence of the gallant General (Sir William Codrington) who commanded in the Crimea, and who would be able to correct him if he made any inaccurate statements. The petitioners complained that, in consequence of not having received the regular and legal discharges, they were unable to obtain respectable employment, and as they had appealed in vain for redress to the War Department, they were compelled to submit their grievances to that House. They stated that on their discharge they only received the Queen's bounty of 20s., while the Foreign Legion and the Turkish Contingent had been treated with great liberality; but their principal claim was that they were entitled to parchment discharges, with a statement of character, and payment up to the time of such discharges. When the Department for War was created, the House was told that it would be a boon to the army and an advantage to the public. How, then, had they treated these poor men? The petitioners stated that they had in the first instance represented their grievances to the War Department, who referred the application to Colonel M'Murdo, the Director General of the Transport Corps in the Crimea. Colonel M'Murdo, on behalf of the War Department, sent a most extraordinary and amusing reply, which he (Mr. Duncombe) would read to the House. Colonel M'Murdo said:—

"Having had before me a letter, which has been forwarded to me for transmission to Lord Panmure, signed by certain non-commissioned officers, recently discharged from the Land Transport Corps, on the part of a body styling themselves the 'Central Committee,' I have given the three points of complaint therein contained my best consideration:—

"1. The terms of enlistment into the Land Transport Corps were (as stated in the letter, 'Rations and clothing free.' If any man has been charged for his rations for a single day, let him inform me, and the error shall be instantly rectified; but no such claim has reached me.

"With regard to clothing, the men have a clear title to compensation, and they shall have it; it has never been denied to them. But will any reflecting man consider the circumstances under which this corps of 8,000 men were raised, organized, served in a war 3,000 miles from home, and were discharged again—all within fifteen months, and tell me whether it was within human possibility to prevent certain claims accruing on account of a want of supply of uniforms to some and arrears of pay to others? It should be recollected that, though the Land Transport Corps was raised in England, it was organized in the Crimea, in the midst of constant work in the presence of the enemy. The men were sent out 'in bulk,' as the merchants say, with one set of accounts for all, and they were no sooner landed than they were not

only dispersed to battalions occupying—from Baklava round by the camp of the 10th battalion to the 3rd division, and from that again to Kamara—about twenty-five square miles, but they were also sent away or detached to Kertch, Eupatoria, Sinope, Baltchick, Samsoon, Trebizond, Scutari, and Ismid; ay, a party of the corps have actually traversed Asia Minor from Samsoon on the Black Sea to Aleppo and Alexandretta on the Levant, which no other portion of a European army has done, I believe, since the days of Xenophon and his 10,000 Greeks. The first thing required was to get England's work done, and the next to re-arrange the accounts of the men thus of necessity dispersed. The non-commissioned officers and men of the Land Transport Corps have done the former right well; and their officers, who have also had their share of the work, are now assembled at Horfield, closely employed upon the last most important duty, and I call attention to the placard I have published on the subject.

"2. With regard to the discharge certificates furnished to the non-commissioned officers and men of this corps, I have been informed that the document directed to be used on this occasion is termed a 'protecting certificate,' and is a valid document, and I have given orders that any man who desires to have a character from his former officer may have it recorded upon the back of this certificate.

"3. A claim for three months' gratuity has already been made to me, and I forwarded it for the consideration of the Secretary for War, and I was informed in reply that Lord Panmure 'has already had before him the question of granting this indulgence to the Land Transport Artificers, and he decided, and is still of opinion, that no ground existed for so doing;' and I must say that I entirely concur in his Lordship's views of the case, although I did forward the application in behalf of the corps. No people know better than Englishmen the meaning and value of a bargain; and I only desire those men who have preferred this claim to read over the terms of their enlistment, and, if they there find any reference whatever to three months' gratuity on discharge, I will be content to forfeit my commission and become chairman of the 'Central Committee' myself. Men should not forget the parable of the Labourers in the Vineyard; those who have agreed for a penny have no right to seek more because others get it. The Turkish Contingent and the German Legion are irregular corps, and are doubtless made exceptional cases of on that account. But the Land Transport Corps is a part of Her Majesty's regular forces, and as such has to be dealt with by the same rules and regulations as are applied to other soldiers of Her army."

Nothing has been done from that time to this. Colonel M'Murdo said these men had got a legal discharge; but what was the document they had received? It was an old recruiting paper, with certain words scratched out and others introduced, and it bore that the person holding it had been discharged at a certain date. Now, what were the Queen's orders and regulations respecting a discharge? No officer ought to be able to plead ignorance on this point, for one of the orders of the service was that every officer should provide himself

with a copy of the regulations, and make himself acquainted with them; and before any officer embarked for foreign service he was to be required to produce his copy of those regulations. The rule of the service was that no soldier should be discharged without a court sitting on his case, and seeing that justice was done to him; and that every soldier, on being finally discharged, should be furnished with a parchment certificate according to the prescribed form. These men had not received this discharge, and the consequence was that nobody would employ them. They had tried to obtain admission into the City and Metropolitan Police, but were told they could not be taken upon the establishment, because, as they were without their proper legal discharge, they were liable to be called on for military service at any moment. The Chief Commissioner of the City Police told them the document they had was only waste paper; and they received a similar answer when they applied for employment on the railways. These men were walking our streets with good characters and with medals on their breasts, some of them having claims against the Government of £14 and £15 a-head. In the Crimea their conduct had been worthy of all praise, as the hon. and gallant Member for Greenwich (Sir William Codrington) could testify. He asked the Government if they were not entitled to their legal discharge. It was a disgrace to the country that the engagements entered into with these men had not been fulfilled; and if the House granted him a Select Committee he would prove that every sentence in this petition was correct. The hon. Gentleman then moved that the petition be referred to a Select Committee.

SIR WILLIAM CODRINGTON said, that no doubt the formation of the Land Transport Corps took place under circumstances of great difficulty. It was suddenly requisite to embody a large number of men for that peculiar service; and no doubt the men were regularly enlisted in England for a period of ten years. Many of them no doubt were good men, and many of them, on their arrival in the Crimea, were found to be very ignorant of their duties, and therefore some time was occupied with their organization and discipline. Still, as he understood it, there could be no doubt they were regularly enlisted for ten years, and were therefore entitled to a proper parchment discharge. Undoubtedly, also, as far as the amount of their pay was concerned, injustice had been

done the men, unless some arrears had been kept back merely through a delay in making up the accounts. To many of the statements in Colonel M'Murdo's letter he fully subscribed. He did not think, for example, that the men were entitled to any gratuity on their discharge; nothing, at least, in the Mutiny Act justified it. But at the same time, the men having been sent out to the Crimea, and formed there in the midst of such difficulties, having become very efficient in their duties and regularly employed, he thought on their return to England they were entitled to arrears of pay and their discharge; and not only that, but also to fair consideration from the country on their reduction. He hoped, therefore, at all events, that means would be taken to ensure their prompt discharge, even if anything should stand in the way of a gratuity being granted them.

MR. FREDERICK PEEL said, the Motion and speech of the hon. Member for Finsbury illustrated the difficulty in which Government was often placed in being called upon, on the one hand, to consult the feelings and expectations of men who had enlisted in a time of great emergency and who were afterwards disappointed because they had not realized all the hopes they entertained and all the advantages they expected from joining the service; and on the other hand not to pass by those considerations of economy which, when the emergency was over, were pressed on the Government, but to relieve themselves from those for whom they could no longer find employment. It was not true, as the hon. Member had stated, that the Land Transport Corps had, upon the average, claims against the Government amounting to £14 or £15 per man. Very few indeed had any claims at all against the Government.

MR. T. DUNCOMBE: I did not say one word about the average. What I said was, that many men were walking the streets with claims against the Government amounting, in some cases, to £14 or £15.

MR. FREDERICK PEEL: What had been stated by the hon. and gallant Member for Greenwich (Sir William Codrington) with regard to the difficulties under which the corps was raised was perfectly correct. The corps was raised at a time when every one attributed the miscarriages in the Crimea to the want of an organized transport service for the army. It was determined, therefore, to raise a special corps for that purpose. The men were hurriedly engaged, perhaps without that strictness

of scrutiny which would otherwise have been proper in regard to their fitness for the service, and as fast as they were raised they were sent to the Crimea. Upon the termination of the war they were brought home and reduced, as all the other portions of the army raised for special services were. He did not think, therefore, that the hon. Member, founding himself upon proceedings taken under such peculiar circumstances, was justified in making a general attack upon the War Department, and especially upon that able officer, Colonel M'Murdo, to whom the army in the Crimea was so much indebted for his exertions in bringing the Land Transport Corps into order. He was quite confident that whatever advice Colonel M'Murdo gave to the War Department was given by him with a single eye to the public service. Again, the hon. Member had stated that the men complained that they were harshly treated upon the termination of the war. It was undoubtedly true that their services were dispensed with as soon as the war terminated; but the same was the case with regard to many other portions of the army. If the Government were to study economy they could not keep men in their pay when they were unable to find employment for them, and that it was impossible to employ the Land Transport Corps in a time of peace was obvious from the fact that the corps which had succeeded the Land Transport was not one-eighth of its strength. The hon. Member had also referred to the mode in which the men were discharged, stating that they received protecting, instead of parchment certificates. The ordinary practice, when a soldier who had served for any length of time was discharged, was for a board of officers to inquire into and record his services, and thereupon to grant him a parchment certificate; but he contended it was perfectly competent to the Secretary of State to furnish a person who was discharged, and particularly when, as in the present case, his services had been of short duration, and a parchment certificate was not necessary for the receipt of a pension, a certificate of discharge in any form he might think proper. If what the hon. Member had stated was true, that some of the men in consequence of being granted protecting certificates only had been unable to obtain employment, all he could say was that they ought to have applied to the authorities at the Horse Guards or to the War Department to ascertain whether the

quality of their certificates arose from any imputation upon their characters. Had they adopted that very obvious course he was sure that every difficulty would have been removed by a statement from the authorities that protecting certificates were in all respects equivalent to ordinary parchment certificates. What, however, was the fact? He had been informed by the Horse Guards that when an objection to protecting certificates was stated to exist they offered to grant to every man who chose to make application a parchment certificate. Their offer was accepted in some instances, but in others parchment certificates were refused, unless accompanied by a continuation of payment from the time when the protecting certificates were granted to the period when parchment certificates were substituted for them. Of course that demand could not be listened to; but he repeated there was no objection to the men receiving parchment in lieu of protecting certificates. The hon. Member had also stated that the men were dissatisfied because they were not granted a gratuity, and he had cited the Foreign Legion and Turkish Contingent as instances in which gratuities were given. But the hon. Member had overlooked the great difference which existed between these foreign levies and the Land Transport Corps. The latter body was part of the regular army, and was governed by the same regulations; whereas the Foreign Legion and Turkish Contingent were exceptional corps, raised for a special service, and it was competent to the Crown to enter into a special arrangement with them in regard to the advantages which they might receive upon their reduction. If the Government were to give gratuities to the Land Transport Corps upon their reduction, they ought in justice to grant a gratuity to every man connected with the army who had been discharged. The case of the Land Transport Corps, in respect to gratuities, was really the case of the army at large, and he entirely agreed with what the hon. and gallant Member for Greenwich had said upon this point. The hon. Member for Finsbury had stated, that he would press for the appointment of a Committee unless it could be shown that the claims of the men for arrears of pay for certain compensation due to them for clothing not issued, had been satisfactorily adjusted. It was quite true, owing to the hurried manner in which the corps was raised, that the men were not furnished with clothing at the

moment of their enlistment, and undoubtedly, according to the usual practice, they were entitled to compensation. A great number of such claims did exist; but he had been assured by Colone M'Murdo that, with the exception of a very few cases, which were daily being adjusted, the whole of these claims had been settled. Although he thought that, considering the circumstances in which the House was placed, it would be inexpedient to appoint a Committee, yet he would offer no objection to the Motion of the hon. Member for Finsbury.

SIR JOHN TYRELL said, he quite agreed with the hon. Gentleman who had just sat down, that there were great and extraordinary difficulties in the way of a Government who wished to do justice to all parties, when surrounded by those circumstances referred to by the hon. Under-Secretary for War. He knew an instance in his own neighbourhood in which those difficulties were made apparent when the Colchester huts were ordered to be erected for the soldiers. The Estimates for placing those huts in a complete state of efficiency amounted to £14,000. But from the pressure of the peace-at-any-price party and other extreme economists in that House, those Estimates were reduced from £14,000 to £2,000. The result of this reduction was, that only a small number of soldiers could be housed. Some of them who wore medals and clasps upon their breasts for distinguished services in the Crimea were punished in a shameful manner for the most trifling offences. They were to be seen marched through the streets of Colchester as felons, without their muskets, with two men before and two behind them guarding them. The accused soldiers were then placed in gaol, with their faces turned to the wall, and treated precisely like common felons. He had witnessed himself those disgraceful proceedings. He hoped after the next general election the noble Lord at the head of the Government would not find himself so impeded in his efforts to do justice to such corps as that in the Land Transport service, or to the other important departments of the country. The right hon. Gentleman the Member for the University of Oxford was making great efforts to assimilate the present Budget to that of 1853, although the circumstances of the country were as different as it was possible. The right hon. Gentleman might as well take

the Budget of 1792 as his model. He trusted that the House would scout such miserable economy. He, perhaps, might be addressing the House that night for the last time; but before he sat down he must express his belief that the late Government had addressed a letter to Lord Raglan in the Crimea, telling him of the pressing necessity of his observance of the strictest economy. He knew of many miserable examples of that system of economy being pushed to a most disgraceful extent. For example, when our army was at Varna there were some excellent coffee-mills offered for the use of the service. Although they could have been purchased for a small amount of money, our Commissariat declined them. The French, however, immediately bought them up, and our soldiers were obliged to content themselves with green coffee and black bread. He hoped that the Government would never consent to cut down the military establishments.

SIR JAMES FERGUSSON said, that the hon. Under Secretary for War had in the first place denied the existence of the grievances alleged by the hon. Member for Finsbury, and in the next place he denied the remedy that was proposed. He (Sir J. Fergusson) concluded that no man who entered the service during the war for the benefit of his country ought to be allowed to suffer on the return of peace. It now appeared that there were a number of men who had rendered good service in the Land Transport Corps walking the streets without that discharge which they had a right to receive. They had suffered much from the injustice of the Government; their grievances should be redressed by the House. A comparison had been made between the treatment experienced by this corps and the Foreign Legions. He thought it very likely that a different means must be adopted to get rid of the latter men when the war ceased, and the hon. Under Secretary for War had given reasons why it was necessary that the German and Turkish levies were entitled to more favourable terms on being disbanded than were the Land Transport Corps. He, however, submitted that the treatment given to the foreign soldiers should not be such as to contrast more favourably with that given to the regular army. When the Government granted tracts of land in our colonies to the German Legion, and granted them a free

passage out, our own soldiers should not be sent begging about the streets. The hon. Under Secretary had never given any satisfactory answer to the inquiries respecting the intentions of the Government towards the officers of the Land Transport service. He insisted that those officers were entitled to the same treatment as the officers of our regular army. Good faith had not been kept with them. The gallant General opposite paid a high compliment to them. Those officers had a most difficult duty to fulfil, and they had discharged that duty most creditably to themselves as well as to their country. It was stated at the establishment of the corps that it was to be permanent, and in consequence many gentlemen who held commissions in the regular army were induced to join it. Now, however, because they had served in it a few months less than the three years which gave title to a pension, they were informed they had no right to full half-pay. He would certainly support the Motion of the hon. Gentleman, and when the Committee was appointed he would do his best to urge upon them the claims of those men.

MR. T. DUNCOMBE, in reply, said, that he would accept the offer of the hon. Under Secretary; but he would altogether eschew his law as to the discharging of those men. Now, he did not think that the Secretary of State at his discretion could alter the Articles of War, as the hon. Gentleman seemed to think. He never said that the claims of those men upon the Government averaged £14 a man. What he had said was, that there were several men begging about the streets who had claims of £13 or £14 against the Government, who had frequently applied to the Horse Guards in respect of them, but who could obtain no redress. Neither had he stated that those men were entitled to gratuities; but he had stated that the men complained that they had not been treated with the same consideration as the German Legion, the men of which, when the corps was disbanded, each received £22 and an acre of ground at the Cape of Good Hope, together with a free passage. Now, why should our own soldiers be driven to beggary while those foreigners were so well treated by the Government? These Foreign Legions had never served in the Crimea at all, while the Land Transport Corps had seen hard service. Out of 2,100 of the first levy for the Land Transport

Sir James Fergusson

service, only about 600 and odd men returned home from the Crimea. About 1,400 never left that soil, being buried beneath it, and the survivors were turned by the Government penniless and homeless into our streets.

Motion agreed to.

Petitions referred to a Select Committee.

INCOME TAX BILL—COMMITTEE.

Order for Committee read.

On Motion that Mr. Speaker do now leave the Chair.

SIR HENRY WILLOUGHBY called the attention of the Chancellor of the Exchequer to the necessity of the Government making provision in this Bill to exempt persons from having to pay income and property tax twice over, in consequence of defalcations of the collector.

THE CHANCELLOR OF THE EXCHEQUER said, that such a provision was already made by the Act for better securing the collecting and accounting for the land tax, assessed taxes, and income tax by the collectors thereof (17 & 18 Vict., c. 85). By that Act it was provided that the Commissioners of Inland Revenue might require any person appointed a collector of taxes to give security, and in default of security being given, might appoint collectors themselves; and that where security was given, or the collectors appointed by the Commissioners, no parish should be answerable for the defaults of such collectors, nor should be liable to be re-assessed for any arrear or deficiency arising from any default or failure of such collectors.

MR. ALCOCK thought it would be much better if the Government would make it compulsory, and not permissive, for the Inland Revenue officers to collect the income tax.

MR. W. WILLIAMS said, that the working of the Act referred to by the Chancellor of the Exchequer had not been beneficial to the metropolitan parishes, for in three of the parishes in the borough which he represented serious losses had been suffered, owing to the Commissioners not having required security from the collectors.

House in Committee, Mr. FITZROY in the chair.

Clause 1,

SIR FITZROY KELLY said that his chief object in troubling the House with a

few observations upon this clause was, not to obstruct the Government in raising the supplies really necessary for the public service, but to record his protest against this, the first departure from the Act of 1853. The right hon. Gentleman the Chancellor of the Exchequer had on more than one occasion asserted that the Act of 1853 was at an end, and that the tax with which they had now to deal was not that imposed by the Act of that year, but that which the people were now by law liable to pay; and that, in consequence, the proposition of the Government was for a reduction and not an increase of the income tax. To that statement he (Sir F. Kelly) could not subscribe. He would not take upon himself to say that there was a "compact" made between the Government and the people in 1853, because he did not seek to invite a controversy upon the words; but this he did say, that the measure brought forward in 1853 was expressly and emphatically stated to be a settlement of the question. It was now, however, said by the Chancellor of the Exchequer that the arrangement of 1853 was at an end. To that he (Sir F. Kelly) could not agree. Whatever was the arrangement actually made between Parliament and the country in 1853—whether there was a "compact," or what in another place he should call a "contract," between the Government and the people, the consideration for the settlement being the succession duty and the granting of the income tax for seven years—he maintained that the Act of that year was not terminated, but only suspended by the war. No one ever understood that in the event of a war the provisions of that Act were to be adhered to; but the first small and the subsequent large increase of the tax were accepted and agreed to by the country, in the belief that when peace was restored we were to return to the Act of 1853. The war was now happily at an end, and so was the year after the war for which it was intended that the war tax should be continued; and they now had to consider the amount of tax to be paid henceforward. There had been a contention between the right hon. Gentlemen the present and the late Chancellor of the Exchequer as to whether fixing the income tax at the rate of 7*d.* in the pound was, in fact, an increase or a reduction of the tax. This was really a mere question of words, a species of logomachy between these two great Oxford logicians, into which he would not

presume to enter; he would merely suggest that the difference between these two right hon. Gentlemen arose entirely from the fact that one spoke of the war tax of 16*d.*, and the other of the peace tax of 5*d.* in the pound; in the one aspect 7*d.* was a reduction from 16*d.*, and in the other an addition to 5*d.* The House had heard nothing from the right hon. Gentleman by way of ground for calling on the country to pay a higher rate of tax than the Act of 1853 contemplated. He (Sir F. Kelly) would not quote from *Hansard* any of the declarations made during the debate of 1853, but would merely observe that if without any statement from the Chancellor of the Exchequer as to the particular grounds upon which they were called upon to increase this tax, and without any estimate of the Supplies required for the public service they were upon trust and acting merely from their confidence in Her Majesty's Ministers to add 2*d.* in the pound—which meant the sum of £2,000,000 sterling—to the tax leviable under the Act of 1853, he saw no reason why upon any exigency, real or imaginary—existing, or alleged by the Ministers of the Crown—Parliament might not hereafter be called upon to add to and to continue this tax; so that the Act of his right hon. Friend the late Chancellor of the Exchequer (Mr. Gladstone) might really become a dead letter. He would not, at that period of the Session, enter into the many questions connected with the income tax, but there was one subject to which he should briefly advert. In the course of the year 1853, it had been his misfortune to differ upon many points from the right hon. Gentleman who was then Chancellor of the Exchequer, and he had three times proposed Amendments to remedy what the right hon. Gentleman himself had admitted to be grievances. These Amendments had been overruled, but, at the same time, upon the understanding that the tax should expire in seven years from that date. The defects, however, which he had then pointed out, and the arguments which had been then employed by the right hon. Gentleman the Member for Oxford University, afforded a strong reason for making a stand now in favour of the Act of 1853, and he should therefore move an Amendment, that 5*d.* in the pound be substituted for 7*d.* as the rate to be levied in the ensuing year.

Mr. W. WILLIAMS said, he quite agreed with the proposition of the hon. and learned Gentleman. The amount of the Esti-

mates for the year so much exceeded the amount of them before the war, that the Government could well afford to make this reduction of 2*d.*, which would amount to about £2,000,000. He considered that a reduction to that extent might be made in the Estimates without impairing the efficiency of the public service. He could not understand on what grounds this increase in the Estimates was called for. We had two wars, it was true; but in these Estimates no provision had been made for the expense which they would occasion. The Estimates were £4,000,000 over those of the year before the war commenced, and unless the Government showed some reason for this large increase, he could not see that there was any necessity for this expenditure.

THE CHANCELLOR OF THE EXCHEQUER: The hon. and learned Gentleman is not only too distinguished a practical lawyer, but also his mind has been too well trained in the study of jurisprudence, to dispute the position that the existing income tax, being levied under the Act of 1855, is levied under an authority not less binding than the Act of 1853. Nor do I think that he will dispute the fact, that if the present law remains unchanged—that is, if no measure be passed for reducing the rate as established by the existing law—an income tax of 16*d.* would be leviable, and would be levied in the ensuing year. I do not see that any advantage can be derived from continuing the discussion as to whether 16*d.* is higher or lower than 7*d.*, or whether the Bill which I propose is or is not a reduction of the existing tax. I take the law as I find it, and, without going into the question of what the law might have been, I propose a reduction in the rate of the income tax which is now leviable by law. That being the case, I think the legal grounds urged by the hon. and learned Gentleman in support of his proposal are entirely swept away. I now come to the moral grounds. The hon. and learned Gentleman says that, putting aside the question of legality, there was a moral contract entered into in the year 1853 between Parliament and the nation, the consideration for that contract being that Government should impose certain duties on successions, and, in consideration of those additional burdens, that the income tax, after being lessened according to a settled scale, should cease within a fixed period. Now, I admit that if the state of things

upon which the Act of 1853 was founded—namely, an uninterrupted continuance of peace—had continued, and the Government had come forward and proposed a large increase of income tax, the argument of the hon. and learned Gentleman would have been of great weight. He might have said that, although you cannot bind Parliament by a legal obligation, still you have incurred a moral obligation, which you have broken. What has taken place, however, is wholly different. The very foundation of the settlement of 1853 has been subverted by the war, which rendered it necessary not only to provide for its expenditure during the years which it lasted—which we did partly by increasing the income tax, first to 14*d.* and then to 16*d.*—but also to make provision for debts contracted for the purposes of the war payable in subsequent years. The hon. and learned Gentleman asks me how I justify the addition of 2*d.* to the 5*d.* at which the tax ought to stand during the next year according to the settlement of 1853. Well, Sir, during the next year we have £2,000,000 of bonds to meet which have been made payable in May next, to liquidate debts contracted for the purposes of the war, on the very ground that the income tax would take some time to collect. Then, again, there is a sum of £250,000 for the war sinking fund. So that altogether £2,250,000 of war expenditure will have to be defrayed during the next year. If, therefore, we view the case upon legal grounds, nothing can be more simple; and, if we look to the moral ground, I think I have advanced a full justification for the course which is now proposed; and if I have, there can be no reason why the Committee should assent to the Amendment of the hon. and learned Gentleman. The hon. and learned Gentleman says that the Government have shown no reason beyond their own will and pleasure why the House should consent to their proposal; that they have not shown that any need exists of so large a sum for the public service. Well, Sir, I can only say that on a recent occasion I trespassed at considerable length upon the attention of the House, and endeavoured to the best of my ability to show what would be the probable expenditure of the country, and also the means by which we proposed to meet it. The Estimates for the army and navy have been laid upon the table, and although they have not been discussed in

detail, still their details have been exhibited to the House. Then, again, the hon. Member for Lambeth (Mr. W. Williams) says that the Estimates are too large. Now, it is quite clear that I cannot at the same time be amenable to the charge of the hon. and learned Gentleman of having kept the House in ignorance and to that of the hon. Member for Lambeth. Well, Sir, the hon. Member for Lambeth says, if you can show that you have two wars upon your hands, and that you require this money to carry them on, then you have made out a case. I confess, if that is the case which we are called upon to establish, that I am totally unable to meet the view of the hon. Member. In the first place, with regard to the Persian war, a treaty of peace has been negotiated at Paris with the Persian Plenipotentiary, as to whose full powers no doubt can exist. It is well known to the House that no treaty is valid until the ratifications have been exchanged between the contracting Governments; but there is no reason to suppose that this, any more than any other treaty, will not be ratified in due course. At all events, the treaty has been signed, which is a great advance to make, and we are not entitled to anticipate that the war with Persia will continue. As to the expense of that war, I estimated it at a certain sum in the statement which I gave. All that the Exchequer of this country will be called upon to contribute is one-half of the extraordinary expenses of the war. [An hon. Member: "What is the amount?"] Until we know the total expense of the expedition, of which the account can only be prepared by the East India Company, I am unable to answer that question. But, whatever the amount may be, the whole of the ordinary expenses will be paid by the East India Company, and only one-half of the extraordinary expenses will fall on our Exchequer; therefore it is incorrect to say that the entire expenditure for the Persian war has to be defrayed from our Exchequer. With reference to the events that have occurred at Canton it is of course impossible for me, or anybody else, to speak with confidence. I can only say that, as far as Her Majesty's Government are at present informed, they see no cause to anticipate that the ordinary naval and military forces of the year will not be sufficient to afford to British subjects at Hong Kong and Canton the protection which will be required for their lives and property;

and, as at present advised, we do not look forward to the necessity of presenting an estimate of an increased charge for hostilities in that part of the world. At the same time, I cannot pledge myself that such a contingency might not arise. Therefore I cannot claim my hon. Friend's vote on the ground of increased charges for either of the wars to which he referred. The Estimates are on the table; they are justified by the difficulty of making immediate reductions after a great war, a difficulty which has been invariably felt at the close of previous wars, and which, if hon. Members will look to the debates in 1816, they will find was distinctly pointed out by the Government of that day, and was to some extent recognized by this House. Other circumstances have also combined, as I have previously stated, to produce some additional charge for the army and navy. When the Estimates come to be closely and jealously examined in Committee of Supply, which they will be in the course of the summer, it will be found that they have been framed upon reasonable principles; and, therefore, we are not to assume that any further economy could enable us to dispense with another £2,000,000. I trust, then, that the Committee will see that the proposal of the hon. Gentleman to reduce the income tax to 5*d.* would derange the finances of the year, and either lead to a deficiency or prevent you from discharging those war obligations which, under other circumstances, would be discharged. Before I sit down I would merely call the attention of the Committee to this fact,—that since the income tax was first imposed upon the proposition of Sir Robert Peel, in time of peace, it has never been lower than 7*d.* It was renewed at several periods; but it remained always at the same rate until 1853, when it was continued again for two years more at 7*d.*, for another two years at 6*d.*, and for three years more at 5*d.* in the pound. Before the 6*d.* scale came into operation the tax was doubled in consequence of the war; and it never, in fact, fell below 7*d.* in the pound. The general sense and rude appreciation of the country, entirely overlooking the niceties and refinements of the hon. and learned Gentleman, asked from the Government nothing more than the surrender of what was called the "war ninepence"—that is to say, the difference between the 16*d.* rate, which the present Act fixes for the ensuing year, and the 7*d.* rate which existed before

the war. This general desire of the country is adequately met by the Motion now upon the table, and I therefore trust the Committee will find no difficulty in acceding to the scale which we propose.

Amendment Negatived.

MR. W. WILLIAMS said that the Bill consisted of only one clause, and he was desirous of striking out the proviso which imposed a tax of 5*d.* in the pound on all incomes between £150 and £100 a year. When this tax was originally proposed by Sir Robert Peel, that great statesman distinctly stated that £150 was the lowest point to which the impost should descend, otherwise it would inflict the most serious hardship upon a large and deserving class of the community. At each successive renewal of the tax the exemption of incomes below £150 was invariably continued, until the year 1853, when incomes as small as £100 were brought within the range of this impost, thus provoking loud and grievous complaint from those who were for the first time affected by it. The injustice of this provision lay in the fact that those subjected to it consumed as large an amount of the necessities of life charged with excise and custom duties as was consumed by those who possessed the largest incomes in the country. The Chancellor of the Exchequer, possessing a very large income himself, could not appreciate the pressure of this tax upon a man with only £100 a year. It deprived such a person of many of the comforts of life, and seriously interfered with the education they were most anxious to afford to children. The small shopkeeper, struggling to make both ends meet, the artisan, earning weekly in wages, with the aid of overtime, just £100 a year, and the hard-working and scantily paid clerk, striving to maintain a respectable appearance, were all entitled to the Chancellor of the Exchequer's compassion. Moreover, the mode in which the tax was assessed was most oppressive to this class of persons. A striking illustration of this was furnished by the case of a poor man who kept a chandler's shop, the average weekly return of which he swore did not exceed £3 15*s.*, yielding a profit of only 10*s.*, and who, although his entire earnings, with the addition of 10*s.* from precarious employment as a dock labourer, were not more than £40 a year, was nevertheless charged to this tax on an income of £100. This poor person went before the Commissioners, and was put to great trouble before he

obtained redress. He had been told of numerous cases of oppression by working men, and one of his constituents, whose income was a little above £100 a year, but who, having a family in a state of great distress, was absolutely unable to save the amount necessary to pay the income tax, was thrown into prison, where he remained about three weeks, and was then released through the charitable assistance of some friends. Clerks and shopkeepers were obliged to keep up a respectable appearance, and the deduction of £2 or £3 from their small incomes for the purpose of paying the income tax was a very serious matter to them; and he was convinced that the money now required by the Chancellor of the Exchequer might be saved by making a reduction in the expenditure. He concluded by moving the omission of the proviso to which he had referred.

MR. PELLATT seconded the Amendment. Many cases of hardship in connection with this tax on the lower class of incomes had fallen under his consideration. It certainly pressed very heavily on the description of persons alluded to by the hon. Member, and he would instance the case of a poor widow whose goods were seized for income tax due from her deceased husband. Supposing the income tax collector called upon a poor man for £2 at a time when, perhaps, he was out of work, how could he possibly be expected to pay the money? A poor working man might be able to make weekly payments of income tax, but he would find it difficult to answer a demand for the payment of the whole amount of a half year's income tax at once. Though Mr. Pitt's income tax went down to incomes of £60, it nevertheless exhibited in its graduated percentage greater consideration than the present proposition of the Government for the lower class of incomes. He trusted that the Chancellor of the Exchequer would, from motives of humanity, acquiesce in the Motion of the hon. Member for Lambeth, and it would be found that the nation would gain by giving satisfaction to the working classes.

MR. CHILD fully concurred in the observations of the hon. Member for Lambeth with regard to the oppressive nature of this tax on the working classes. He understood that circulars had been sent from the Commissioners in London to the various large manufacturers in the country, requiring them under penalty to make

returns of the incomes of their superior workmen, although there was not, he believed, any section of the Act authorizing them to do so. One of the firms applied to was that of the Messrs. Minton, the celebrated porcelain manufacturers at Stoke-upon-Trent; and he had received a letter from the managing partner in that firm upon the subject, which, with the permission of the Committee, he would take the liberty of reading—

"Stoke-upon-Trent, Feb. 16, 1857.

"My dear Sir,—I should have replied to your note on Saturday, but was anxious to get at the exact facts of the case before doing so. The first application was made to our cashier in the autumn of 1855, by the collector of the district, for a return of all our workpeople whose wages amounted to £80 and upwards per annum, for which printed forms were handed to him to be filled up, giving the name, residence, and amount of earnings. As this involved a considerable amount of labour he at first demurred, upon which he received a peremptory message that it must be done, and that if it was not immediately sent they had the power and would enforce it.

"Upon this a return was made out and sent. It comprised about thirty names, all of whom, I believe, were charged income tax, although most of them were not legally chargeable, but were put to the expense and trouble of appealing, losing in consequence, from one to two days' wages—from 5s. to 10s. as the case might be. If this is not an iniquitous proceeding on the part of the Government (for they ought, like other people, to be held responsible for the acts of their servants), I do not know what is.

"The same application was made the following year, but upon my hearing of it I gave directions that whatever the consequences might be no such return should be made. You are quite at liberty to make use of this and my name in any way you may think proper. It is a simple statement of the facts as they occurred, and points to only one of the objectionable means which are resorted to for the imposition of this tax.—I remain, Sir, yours very truly, M. D. HOLLINS.

"To S. Child, Esq., M.P."

He thought the Committee would agree with him that this showed a very strong case of oppression upon persons whose incomes were derived from the wages of labour, and he wished to know whether the Government would take any steps to prevent the recurrence of such proceedings as he had just narrated to the House?

THE CHANCELLOR OF THE EXCHEQUER: The observation of my hon. Friend the Member for Lambeth, that the case of men with incomes below £150 is not likely to meet with much sympathy from a class of persons whose incomes are of a much larger amount, does not appear to me to have any foundation in fact. Although the Members of this House may

not be included in the class of persons possessing small incomes, yet, I am sure, they have sufficient sympathy with that class, and sufficient appreciation of the position of the working classes, to make the case of a mechanic their own, and to take into their consideration the difficulties to which a man earning small weekly wages is exposed by being made subject to the income tax. It is true that Sir Robert Peel, when he proposed this tax, did not carry it below incomes of £150 a year; that change was of subsequent introduction. But the cases which the hon. Gentleman has brought forward are cases which did not arise when that change was made; they have arisen during the last two or three years, when the increased amount of the tax has pressed heavily upon persons of small incomes. When the tax was extended to incomes of between £150 and £100 it was only at the rate of 5*d.* in the pound, or £2 1*s.* 8*d.* per cent.; but it has since been raised to 11½*d.* in the pound, which is equivalent to £4 15*s.* 10*d.* per cent. Undoubtedly a half-yearly charge of nearly £2 8*s.* is a heavy burden on a man who earns a weekly salary of £2; but the hon. Member for Lambeth entirely overlooks the fact, that by this Bill that half-yearly charge will be reduced from £2 8*s.* to about £1—a sum which a man with £2 a week may not unreasonably be expected to be able to pay. It is not very easy to ascertain precisely the amount paid by this class of incomes, but as nearly as I can calculate the total amount of duty in question is £350,000—a much larger sum than I feel justified in surrendering, especially when it is borne in mind that by this Bill the charge on these incomes is so much reduced. The hon. Gentleman has mentioned the case of a labourer in the docks whose wife kept a chandler's shop, and who was charged with the income tax. That case was carefully examined twice over by the Commissioners, who are officers quite independent of the Government, and after going into the circumstances of his expenditure they were of opinion that his income was more than £100 a year. No doubt it was a case of some hardship, and I believe that on reference to the Commissioners of the Inland Revenue they felt justified in granting him relief. The hon. Member for Southwark (Mr. Pellatt) mentioned the case of a widow whose goods were seized for arrears of income tax owed by her husband; but, from the manner in

which he described that case, it does not appear to have any particular reference to this class of incomes. The same thing might have happened to a widow whose husband had been possessed of an income over £150. If the hon. Gentleman, however, will give me the name and the particulars of the case, I will take care that it is properly investigated. The hon. Member told the Committee that Mr. Pitt's income tax bore less heavily upon small incomes than the present income tax. I am quite ready to meet the hon. Member on that ground, and if he can establish the fact that this income tax is heavier on persons of small incomes than Mr. Pitt's was, I will consent to remodel it. But I find that under the income tax of 1803, which was the second income tax, the rates were as follows:—On incomes of from £60 to £70, 3*d.* in the pound; £70 to £80, 4*d.* in the pound; £80 to £90, 5*d.* in the pound; £90 to £100, 6*d.* in the pound. Under that income-tax, therefore, there were four classes of small incomes chargeable which are now exempt. On the classes of incomes above £100 the rates were these:—from £100 to £110, 7*d.* in the pound; £110 to £120, 8*d.* in the pound; £120 to £130, 9*d.* in the pound; £130 to £140, 10*d.* in the pound; £140 to £150, 11*d.* in the pound; £150 and upwards, 1*s.*, or 5 per cent. On all of these, except the last, the rate imposed by this Bill is only 5*d.* in the pound, and in the last case it is only 7*d.* I think, therefore, that I have satisfactorily established that, as compared with the income tax of 1803, this income tax presses with great indulgence on the small incomes. Looking to the exigences of the public service, and considering that the great reduction which I propose by this Bill to make in the tax on this class of incomes will very much alleviate the cases of hardship complained of, I trust the Committee will agree with me that it is inexpedient to assent to the proposition of the hon. Member for Lambeth.

MR. W. WILLIAMS intimated that he should withdraw the original Amendment, and propose in its place to leave out all the words in the clause after the word "shall," and to substitute in their place these words, "not be chargeable with any income tax on an income of not less than £150."

Clause 1, page 2, line 11:—Amendment proposed, to leave out from the word

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"shall" to the end of the clause, in order to add the words "not be chargeable with any income tax on an income less than £150 a year."

MR. CHILD wished to know if the Commissioners had authority under the Act to direct such inquisitorial proceedings to be taken as those which were referred to in the letter he had read to the House; and whether workmen who had been returned as earning £80 a year were to be surcharged with the income tax?

THE CHANCELLOR OF THE EXCHEQUER said he was not sufficiently acquainted with the details of the machinery of collection to enable him to answer the first portion of the question. He presumed that if the local Commissioners had made such inquiries they possessed the power of doing so; but whether or not it was the general practice he could not take upon himself to state. If persons returned at £80 a year had been charged with income tax he apprehended it must have arisen from their having other sources of income. For instance, a man earned £80 a year in wages, and by keeping a little shop made a profit say of £20 besides. In that case, he would clearly be chargeable to the income tax. If the hon. Gentleman would be kind enough to give him the particulars of the case to which he had referred, he would make inquiries upon the subject.

MR. CHILD: The case, as he had already observed, was that of Messrs. Minton, the celebrated porcelain manufacturers at Stoke-upon-Trent; and their complaint was that 30 of their workmen earning £80 a year wages had been surcharged to the income tax.

MR. WILKINSON said he must oppose the Amendment of his hon. Colleague. All taxes should be made to press as equally as possible. If the House relieved the class of persons with incomes between £150 and £100 a year from this tax, it could only be done at the expense of those whose incomes were still less than that; neither was there any reason why they should excuse persons of incomes of £150, and make those of incomes of £151 pay.

MR. PELLATT thought a large addition to the revenue might be derived from an alteration in the mode of assessing farmers. They were now charged on half their rent, and he saw no reasons why they should not be compelled to show their books and be charged in the same manner as the industrial classes.

THE CHANCELLOR OF THE EXCHEQUER said the justice of the farmers' schedule had frequently been discussed in that House and elsewhere. It was well known that farmers did not keep their accounts in so clear and complete a form as was adopted in mercantile establishments, and he thought, upon the whole, that the existing arrangements with regard to that class of taxpayers were not unreasonable.

MR. PELLATT could not allow such an observation to pass. It was holding out a premium to ignorance. What would the Commissioners of Bankruptcy say to a tradesman who kept no books? He believed that, in point of fact, farmers now kept their accounts as accurately as any other class.

LORD HARRY VANE said that the accounts of farmers might not generally be kept with the accuracy observed in commercial establishments, but he believed that the schedule which applied to them operated with great fairness.

Question put, "That the words 'be chargeable for the year, commencing as aforesaid,' stand part of the clause."

The Committee *divided*:—Ayes 53; Noes 7: Majority 46.

List of the NOES.

Butler, C. S.	Morris, D.
Clay, J.	Oliveira, B.
Duke, Sir J.	TELLERS.
Ferguson, J.	Williams, W.
Hadfield, G.	Pellatt, A.

SIR HENRY WILLOUGHBY pointed out that the word "property" was omitted from the proviso of the first clause, so that only gains and profits were included therein. He wished to know what necessity there was for having £2,000,000 in the present year for paying off the Exchequer bonds.

THE CHANCELLOR OF THE EXCHEQUER said he was not aware that there was any reason for the difference in the phraseology of the clause. He thought that the words gains and profits were sufficient, and would necessarily include gains from "property." The item to which the hon. Baronet had referred, was not merely the charge for the repayment of the principal of the debt, but was also the interest payable for the loans contracted during the war. The sum of £3,671,000 was the increased charge this year upon the increased debt owing to the war. The Exchequer bonds were not charged upon any particular

fund, but came out of the general taxation of the year. If the House would support the proposition of 7d. income tax there would be no difficulty in meeting the Vote, and paying off this £2,000,000.

MR. BARROW agreed with the hon. Baronet that the omission of the word "property" in the latter part of the clause would tend to raise a doubt as to the construction of the Act.

THE CHANCELLOR OF THE EXCHEQUER to avoid uncertainty was willing to insert the word "property," but he believed it could only be done by a recommittal of the Bill.

Clause agreed to.

MR. THORNELY wished to point out to the Chancellor of the Exchequer that great complaints were made of the trouble given to parties who had occasion to appeal to the Commissioners. They had frequently to leave their homes very early in the morning, to travel some distance, and then to wait the greater part of the day for their turn before they could go before the Commissioners. It would give great satisfaction if his right hon. friend would give such instructions to the Board of Inland Revenue as would obviate the inconvenience, expense, and waste of time now incurred.

THE CHANCELLOR OF THE EXCHEQUER said he would communicate with the Commissioners on the subject.

House resumed; Bill *reported*, without Amendment.

THE CHANCELLOR OF THE EXCHEQUER then moved that the Bill be recommitted, with the view to the insertion of the word "property" in the proviso of the first clause.

MR. GLADSTONE wished to know the cause of this change of usage. Why was the Amendment made by the immediate recommittal of the Bill, rather than at a future stage?

MR. SPEAKER said it frequently happened that an error in a clause was not discovered until the clause was agreed to, and the practice was to amend the error by the immediate recommittal of the Bill. Verbal alterations could be made on the third reading, but the insertion of the word "property" was more than a verbal alteration, and could not be made on the third reading.

Bill *recommitted*; House in Committee; Bill *considered* in Committee.

House resumed; Bill *reported*; as amended, to be considered *To-morrow*.

SUPPLY—NAVY ESTIMATES.

RESOLUTIONS REPORTED. AMENDMENT MOVED.

Report of Supply brought up.

Resolutions read.

Motion made, and Question proposed,
 “That the said Resolutions be now read
 a Second Time.”

MR. GLADSTONE: Sir, in rising to discharge what I feel to be a pressing duty I shall endeavour to pay all the respect in my power to what I perceive to be the general impression of the House. I think the right hon. Gentleman the First Lord of the Admiralty was guilty of an imprudence last night when he availed himself of his position to prevent me from addressing the House, and compelled me to postpone my observations till to-day, because it is perfectly well known that intended speeches of Members in this House do not waste by keeping, like spirits in bond, but, on the contrary, rather have a tendency to grow and augment, till the time comes when they can be delivered. I think, therefore, it is better to allow speeches to come out at the moment they are intended to be given rather than incur the risk of such augmentation and growth. However, I will not trespass on the attention of the House at any length. I will confine myself within those limits of observation that are compatible with the discharge of duty, and an earnest desire to respect the impressions as well as the conclusions of the House, even where I differ from them, as I do in this instance, and that with the deepest regret. In fact, nothing but the deep regret I feel, nothing but the thorough conviction that we are entering on a mischievous course that before any long time has elapsed we shall regret the consequences of, could have induced me in this state of the House to make any remarks on a matter of such extent and importance as the expenditure of the country.

I intend to move as an Amendment—

“That, in order to secure to the Country that relief from taxation which it justly expects, it is necessary, in the judgment of this House to revise and further reduce the Expenditure of the State.”

I do not intend, in moving this Amendment, to reopen any of the discussions that have taken place on the more extensive and important propositions which I consider to have been either directly or by implication disposed of by the House in the course of former debates. For exam-

ple, I conceive that the House has given a significant intimation to the country that it does not now consider it an object of public policy to take any measures with a real and substantial view to the cessation of the income tax. The House by a positive vote declared on Friday night that it did not intend to adhere to the arrangement of 1855 with respect to taxation on tea and sugar: and if it is not bound to adhere to the arrangement with respect to those articles it is uncertain how far it may be called to travel. Again, with regard to the income tax, the House has just treated it simply as a mode of providing for the Ways and Means of the year, and it is not disposed to weigh that question in connection with the circumstances under which it was originally imposed—namely, with prospective and further practical reforms in our tariff and in our legislation. The hon. Baronet opposite (Sir H. Willoughby) alluded to another subject on which likewise an important change has come over the opinions of the House—I allude to the £6,000,000 of Exchequer bonds which were levied in 1854. It was then proposed by the Government that these bonds should be provided for out of revenue specifically set apart for that purpose; now, however, the House was told that they would be met by a half-year's income tax—a portion of the general revenue. If the House were willing to enter into the discussion I should ask it to appropriate a specific portion of the revenue for the purpose of redeeming the obligations we then incurred; but, as that in the meantime does not seem to be the wish of the House of Commons, I shall forbear to argue those subjects as already decided by the House, and shall confine myself to the terms of the Resolution which I have placed upon the paper. In doing so let me state why I do not pass over this matter in silence. The position of the House at this moment appears to me to be peculiar, and so far as my experience serves me, unexampled. Great exception was taken in the early part of the Session, not by one, but many Members sitting in every quarter of the House, to the amount of the Estimates now on the table. I need hardly remind those who hear me that the noble Lord the Member for the City of London expressed in the strongest terms, and in very considerable detail—even while he did not withdraw his general support from the Budget—his objections to the

amount of the Estimates. I may truly say, therefore, that strong objections are entertained to the amount of the Estimates now on the table; and I feel considerable confidence that, had the deliberations of the House not been affected by the prospect of a dissolution, it would have been disposed to entertain a Motion that would have had the effect of affirming generally the principle of further reduction in the expenditure, and, in fact, of remitting the Estimates to the Government for further examination with that view. But now the position of the House is peculiar in this respect: it sometimes happens, as in 1841, that we pass Votes on account, to enable Her Majesty to dissolve Parliament, with the view of taking the opinion of the country in respect to confidence in the Government; but the Estimates of which we then sanctioned a portion were Estimates to which the House in general was ready to assent. There was no general complaint against them, or any question raised as to how far they should or should not be reduced. At present there is that disposition. But we are in this predicament, that by the Report now brought up to the table of the House we are about to commence affirming a Vote of four months to Estimates against which strong objections are entertained, and for no other reason than that these Estimates are presented to us by a Government which has been visited with what has been justly called a vote of censure by the House. The Government on that vote of censure appeals to the country; and the House, because the Government is under the vote of censure, is called on to pass, not for the year, but for four months, Estimates to the general scale and formation of which objections are extensively entertained. Now, the effect of my motion, as I understood it, would be, in a legitimate and Parliamentary sense—not to assert a mere abstract principle—not to interpose any obstacle to proceeding with Votes in Supply, but to do exactly that which it appears to me is the right thing to do—viz., to refer back these Estimates to the Government for the purpose of reconsideration, or, if not formally and technically to refer them back, yet to express in practical and indubitable terms the opinion of the House, that it is the duty of Her Majesty's advisers, in the interval that is to elapse before they meet the new Parliament, to apply themselves to the reduction of the Estimates, in order to a reduction of the public expenditure.

To making Votes on account I have no objection. I have no objection to make a Vote on account—we have done so on many former occasions; but I have the greatest objection to make a Vote on account of the Estimates before us, and thereby to appear to approve, either tacitly or by direct sanction, of the plans proposed by Her Majesty's Government, either as relates to the scale or the form in which they have been made up.

I ask the support of the House to this Motion on two grounds. The first ground is that there does not appear to me to be any proposition by which an adequate provision is made for the necessities of the year. The second, and the most important, is that the expenditure of the country has not of late been kept under due control, but, on the contrary, that it has increased to a point which has become embarrassing, and which threatens to become, if due control is not applied, even alarming. With respect to the deficiency, it was shown in former debates that if we are to assume the present expenditure and the present productiveness of the taxes, there will be in 1858-59 a deficiency of £5,500,000, which deficiency three years later would probably be increased to £8,000,000, or £9,000,000. Since those debates, no doubt, material changes have taken place in the proposals of the Government with respect to the coming year—for the Chancellor of the Exchequer has made no proposal as matters now stand for the increase of the tea and sugar duties beyond 1857-58, or for any increase of the income tax beyond that year. We must, therefore, add to the deficiency which it was formerly shown would exist the deficiency that will result from this decrease. If the plan of the Chancellor of the Exchequer had been adopted, as it was proposed in the first instance, it would have made an additional provision for 1858-59 from tea and sugar of £1,400,000, and the income tax for that year would have made a further provision of £2,000,000. As the plan of the right hon. Gentleman at present stands, the duty on tea and sugar will fall to a minimum in April 1857-58, and therefore a loss of £1,400,000 as I have just stated, will accrue to the revenue as compared with the amount which my right hon. Friend calculated his original plan would realize. There is, therefore, about £3,400,000 to be added to the deficiency of permanent provision for the year 1858-59; and I am rather startled to see that, adding that sum

to the deficiency of between £5,000,000 and £6,000,000 formerly shown, on the data I have supposed, there will be a deficiency of between £8,000,000 and £9,000,000. Of course, I have not taken into account any improvement of the revenue from the general prosperity of the country. I have not assumed either that the Chancellor of the Exchequer will fulfil the plan with respect to a sinking fund, because my right hon. Friend opened to himself the other day a retreat by saying that the sinking fund might be postponed. Nor have I taken into consideration any reduction of expenditure. But my object in making a statement showing the immense deficiency to be provided for in the year 1858-59 is to demonstrate how urgent and necessary it is that Parliament should begin to consider seriously, and at the present moment, the expenditure of the country, because otherwise you will be driven to this alternative—either to make loans in time of peace or to impose a large amount of new taxes. That is the case with respect to the next year. But I am bound to say I think the provision is unsatisfactory for the year immediately before us. The surplus of £890,000 has been reduced to £500,000, and against that we have to take all the charges which may arise out of the war in Persia, and out of the war in China, except only £265,000, which is included in these estimates. I was glad to hear my right hon. Friend say—my satisfaction however would be much more lively if I felt more confidence in it—that he did not anticipate any charge on account of the Chinese war. I am afraid that is almost too good to be true. I shall be delighted to see his prediction verified, but I cannot dismiss my scepticism on the subject; and if we have a charge for the Chinese war (as we know we must have for the Parisian war, over and above the trifling sum which appears in these Estimates), and our available surplus stands at only £500,000, or £520,000, I cannot consider it a satisfactory state of the balance between income and expenditure for the coming year. Therefore, it appears to me to be distinctly the duty of this House to make known the views which it may entertain in a shape which will amount to a direction to the Government to reconsider the scale of the expenditure, and to effect a direct reduction in it before they submit Estimates to a new Parliament. I feel the necessity of it for another reason. This Parliament has been doing a most

popular act in remitting what is wrongly called the “war 9d.” It is done in haste, and not under the pressure of necessity. There was no reason why the present Parliament should have considered it at all, because my understanding is, that the Bill which we are now passing for reducing the income tax from 16d. to 7d. will have no practical effect whatever on any payment which is made before the 1st of July; and if that be so, it is pretty plain there was time for the new Parliament to operate on that subject. However, I do not enter on the question whether it would have been better to let that matter stand over or not. A popular act is done, and perhaps it would have required some self-denial to leave the grace of that remission to another Parliament. What I do want however to put to the House is this:—If provision for the expenditure of the financial year is narrow and inadequate, and if the expenditure shows a dangerous tendency to growth, it is material that we should place on record our views on the subject. Although it is more popular to attack taxes than to attack expenditure, yet economy is the only true, real, permanent basis of any plan with respect to taxation which will give satisfaction to the country. I ask the House to come to a resolution of this kind, because the deficiency in the revenue stares us in the face, and likewise because the scale of our expenditure is already too high, and is, moreover, growing in that direction.

I wish to say a word with regard to one particular item of revenue, and that is the succession duty. We have been told during the present Session that the succession duty is at present yielding a very small sum of money. [The CHANCELLOR of the EXCHEQUER: Half a million.] Not only is the full yield of the tax estimated much lower than it was two years ago by those who ought to have been the best judges, but it appears that the period of arriving at the maximum yield of the tax is very seriously retarded; because, while the Succession Duty Act passed in 1853, it appears that we shall not arrive until 1863 at what is called the maximum produce of the tax—namely, £1,300,000. I must express my regret that, considering the deficient yield of this tax, Her Majesty's Government have not thought fit to introduce the necessary supplement to it, announced from the first with almost universal assent—the succession duty on corporations. Why are we to go on from year to year levying the tax on individuals, and not levying a

corresponding and equivalent tax on corporations? It may be said I ought to have done that myself in 1854; but the reason for not doing it was stated at the time. The Act had only come into operation a year. It was thought it might require early amendment, and it was thought better to take the delay of a Session for the sake of presenting the subject of alterations in a combined form. But that reason does not apply with equal force to the year 1855, or the year 1856, or the year 1857, during which we have not had any intimation from Her Majesty's Government of their intention to extend the succession-tax to corporations. I am sorry, too, that no more energetic steps have been taken to strengthen the department of the Board of Inland Revenue, which is conversant with this difficult question, because I know from practical knowledge that department is grievously in arrear. I venture to state that there is at this moment an enormous amount uncollected in the possession of individuals due to the public in respect of the succession and legacy duties, particularly the legacy duty, which is not collected, because the department is not strong enough to keep abreast of its work. If the succession duty is likely to be less productive than was originally supposed, that is not a less, but even a more urgent reason for applying all the strength which can be made available to enable the department to perform its labours with promptitude and alacrity.

I wish to say a few words as to the actual excess of the military and civil service estimates. The total expenditure of the country has increased since 1853 nearly £7,000,000. Striking off a considerable item which is due to the collection of revenue—part of which is productive, while part of it, I should hope, may be got rid of—there is above £6,000,000 net increase in the expenditure since 1853. Out of that amount a very small portion is due to charges of the war. I believe there is only a net increase of £750,000 in the charges of the Funded and Unfunded Debt, taken together since 1853; and, therefore, about £5,500,000 of the total increase is represented by sheer augmentation of expenditure independently of the war—nearly £5,500,000 in the space of four years. My right hon. Friend has said it is difficult to reduce estimates immediately after a war; but this is not immediately after a war. For fifteen months, practically, we have been aware that the war

is at an end. Supposing this to be the end of a financial year, for twelve months we have been absolutely at peace. For those twelve months the House has voted the amount of money asked with the same unquestioning liberality as if we had been in a state of war; for this reason, the House felt it was a year of transition, and the Government ought to have ample means to clear up the charges for the war. I wish I could believe that in the Estimates of the present year a large amount is due to the war. I confess I have heard nothing from any Member of Her Majesty's Government which tends to make good that proposition. It may be true there are some charges, perhaps not inconsiderable, amounting to some hundreds of thousands of pounds, which are arrears and leavings of the war; but I am very doubtful whether they are not more than counterbalanced by other permanent or increasing sources of outlay which are augmenting at an accelerating rate. On the whole, I look at these estimates as peace estimates; I look at these establishments as peace establishments; and, looking at them as peace estimates and as peace establishments, though it is not my intention to challenge a division, I earnestly hope this House may be disposed to record its opinion that these estimates are susceptible of reduction.

Now, as to the general amount of the Estimates, I have a few words to say. I do not wish to go into details, and when I speak of the military estimates I shall confine myself to a rough comparison with the estimates of former years. In 1841 and 1842 the military estimates, including the whole defensive estimates of the country, amounted to £14,700,000. At that period they had been increased by several millions beyond the amount of 1835. In 1846, when very large and extensive military preparations had been made on account of the menacing state of our relations with America, the Estimates rose to £16,500,000. In 1848 they were £17,600,000. But they had then reached a point beyond the patient endurance of Parliament; and, as the noble Lord the Member for the City of London said the other night, the House gave such an undoubted indication of its determination not to entertain those estimates, that the Government withdrew them, reconsidered them, and referred them in their revised shape to a Committee, the result of all which operations was that they were reduced by an extent not far short of

£3,000,000. They began to increase again, and in 1852 they stood at £16,012,000. I am inclined to take that year as the fairest year of comparison, because the charge for 1853 was affected by the cost of preparations for war. I therefore shall take the Estimates of 1852 as a fair standard of comparison—of course, not upon every point—I do not mean to discuss the cost of improvements in our establishments, in barracks, in the comforts of our soldiers—I allow for all these things:—but, on the other hand, when we come to look narrowly into the matter, we shall find the cost of these things compensated with a real diminution in our military necessities. In fact, now, under happier circumstances, under better arrangements, with a better state of the population, with a better police, with Ireland more happy, and the people better employed, the Colonies managed on a different system, you have not the same demand for soldiers which you had in former times. A small but well-paid and well-treated army ought to answer your purpose now better than a larger army in former times, which was frittered away by being employed upon duties not properly military, and which were not calculated to keep it in a high state of efficiency. Without entering upon those questions, I shall take the Estimates of 1852 for comparison. They were £16,012,000. The Estimates now presented, including the estimate of cost of the Persian war of £265,000, which, I imagine, is put down at too low a figure, and a small sum of £60,000 for an increase of the coast-guard, amount to £20,573,000. Thus, in fact, upon the military estimates there is an increase of £4,500,000 over the estimates of 1852. Then, I take the civil estimates, with which, I must confess, I am not disposed to deal more lightly than with the military estimates, but rather it appears to me that we are in more danger from the civil than from the military estimates. The latter come to us in great lumps, and as the amounts are so large, we are compelled to look into them more or less, and if in any particular year any great excess in those estimates is permitted the reaction and retribution are sure to come, and most likely will appear in the shape of undue, unwise, and precipitate reductions. But that is not the case with the civil estimates. They come in 10,000 forms. They grow up by small charges here, small charges there; a little

increase of expenditure in this or that Government department; a few thousands additional voted under Acts of Parliament. They are brought forward in detail, and we do not see them in the total. In my opinion, those estimates require to be rudely overhauled. I do not doubt that the Chancellor of the Exchequer does his best to keep them down. Perhaps I may be allowed to observe here that I am very sorry if on the first night of the Session I misled the House by assuming that the estimates were intended to be proposed upon a scale different to that which was really intended by the Government. If I was misled, it was by the statement of the War Minister, who had so distinctly announced what the military estimates were to be. I hope, however, my right hon. Friend the Chancellor of the Exchequer will consider those who have pestered him *ab extra* as his allies. I know his position is a difficult one; but it is the duty of the House of Commons to strengthen his hands. It is the duty of the House of Commons, when discussing the estimates, to strengthen the hands of the Chancellor of the Exchequer against all the world; against those who are petitioning for favours; against his own colleagues; against this House itself:—because, although he may hope to bring the House to a serious consideration of matters as a whole, yet when we come to the subject of charges in detail it is difficult to control the House and prevent it from encouraging additions to the public expenditure. I will just give one or two most impartial illustrations of that view. There was the immense charge which by a Vote of this House last year we incurred prospectively for the Ordnance survey. That was a charge which I think was inadequately considered. I have not the least doubt that the effect of that Vote, unless it be intercepted, will be to entail a charge of £4,000,000 or £5,000,000 upon the country. That was a most serious matter, which was decided in an hour or two, and I doubt whether a tenth part of those who voted knew the extent of the question with which they were dealing. Then I may mention another matter of expenditure, which I do the more earnestly as it is a popular description of expenditure—I mean the Votes for education. I do not scruple to say that I view with great jealousy the repeated and constant growth of these educational Votes. I do not mean to say that we have reached the proper maximum

of those grants, but I have come to the conclusion that a spirit of extravagance has found its way into many departments of the State. There is an idea that it is a popular thing to announce an increase on the educational Votes. And so, no doubt it is. Some persons regard such increase as a good means of stopping the plans of the hon. Member for the West Riding (Mr. Cobden) and the right hon. Member for Droitwich (Sir J. Pakington), and therefore they are content to vote £500,000 last year, £600,000 this, and £800,000 next year. It is a good stopper to educational movements upon different bases. I am not a friend to the Bills of the right hon. Member for Droitwich or of the hon. Member for the West Riding; but I am not desirous of getting rid of any Bills by illegitimate means, and, although I hold it to be most desirable to assist the efforts of voluntary education, yet I think the administration of sums voted for that purpose ought to be regarded with as much strictness as the application of any other public money. I do not mean to say there has been any laxity of conduct, but it appears to me that a spirit has grown up which has led the officers of that particular department to require fresh means of expending the public money, as if the public money were something of which it was necessary to get rid of as much as possible. That spirit, I think, has led to an unnecessary waste of the public money, and to deducing the country on the subject of the nature and extent of their operations. I have been aware of that fact from the demands made by the officers of the Privy Council upon the local promoters of education for expenses of a kind which appear to be perfectly needless, and, in some instances, almost mischievous, but all sweetened by the promise that if the promoters will find one-half of the outlay the Privy Council will find the rest. Having mentioned that, I come to another matter, which illustrates another class of instances in which I think there has been an undue tendency to extend the public expenditure; and I hope the House will not consider it disrespectful to them when I say that those charges have been incurred under an Act of Parliament, and therefore it is a matter which has received the sanction of this House—I refer to the Act which was passed creating the office of Vice President of the Committee of Privy Council of Education. I

regarded the passing of the Act with great jealousy at the time. I now regard it with increased regret. Objections were raised to the Bill when introduced here that it was a Bill to create an office and grant a salary without defining any duties to be performed. The only answer given to those objections was that it would be more convenient to have a Vice President of the Committee of Council upon Education in this House to answer questions than to have those questions answered by another Minister. Now, I do not think it is a satisfactory mode of dealing with the public money that because three or four times in the course of a Session questions should be asked across the table respecting the subject of education, therefore you should create a State functionary expressly to answer those questions. Assuming, even, that it would be better that those questions should be answered by a Vice President of the Committee of Education, still the work could not be better done by an officer of inferior rank than by a Cabinet Minister. The other day the right hon. Member for Droitwich (Sir J. Pakington) brought in his Bill about education. If any one subject more than another should have attracted the attention of the responsible advisers of the Crown it is the subject of education; and if we had not been guilty of the extravagance of creating an officer with a salary of £2,000 a year and nothing to do, the Secretary for the Home Department—a Cabinet Minister—speaking with the authority of the whole Cabinet, would have risen to give us the views of the Government upon this most important subject. What actually took place? A most irreproachable appointment was made to this office. I have not a word to say against the right hon. Gentleman who fills the situation, but he is not a Minister of the Crown; he delivers his own views on education as an individual, and cannot speak in the name of the Cabinet. The result, therefore, of our having constituted that office is that, instead of hearing at first hand, from the most authentic source, the views of the Government on education, we have delivered, not the views of the Government, but rather the views of a gentleman worthy, it is true, of all respect and regard from this House, yet still a gentleman holding a secondary and inferior position in the Government. So much for the business in this House, because it was alleged as

the reason why this office should be created, but it appears to me that we should have a little regard for the business out of the House. It is not wise, with regard to the right discharge of public business, or to the maintenance of this House in due respect among the people to constitute new offices which are entirely without duties. How does the office of Vice President of the Committee of Council on Education stand with reference to that matter? We asserted that there were no duties to perform out of this House. I am sorry to say that the statements made by myself, among other gentlemen, received an illustration in what was then taking place, and what subsequently took place, more astounding than even I had expected. At the time that this House passed an Act to appoint a Vice President of the Committee of Council on Education, in order to assist the President, the President was abroad. He had been abroad for a considerable time. I think he went in the month of June last. He remained abroad in July, in August, in September. I think he came back in October, and all this time there was neither President nor Vice President of the Committee of Council on Education. Such is the state of that office; such the duties—most important, I admit, but still not requiring the attention of officers of that kind—that while the Government had in their hands, by Act of Parliament, the power of appointing a Vice President they did not exercise that power, although the President was abroad for four months, until the very eve of the meeting of Parliament. Of course, they will not suppose that I am finding fault with the non-exercise of the power. I am grateful to them for not putting the Act into operation until Parliament met; but I should have to be still more grateful, if they had withheld it from operation altogether. I am not making an attack upon the Government, but merely endeavouring to illustrate what appears to me to be the loose and inconsiderate method of performing that which I, for one, shall always hold to be the first and most essential among all the duties of Parliament—namely, the administration of public money. I illustrated it by showing that we have constituted an office without duties, for the purpose ostensibly of discharging some usually called Parliamentary functions, but functions which, when they do ascend to a character of gravity and dignity, are much better placed in the hands of a Cabinet Minister than in those

of any person occupying an inferior situation in the Government.

Having spoken of the tendencies of the country and of the House of Commons in this respect, I do not feel that I shall fulfil my duty entirely unless I frankly state that I am not satisfied with the spirit of Her Majesty's Government in regard to economy in the public expenditure. It does not appear that the public money is administered by them with the fidelity and strictness which ought to be observed. Without drawing a distinction between one Government or one set of men and another—without inquiring how far it is due to men, and how far to the circumstances of the times—it seems to me that we have got quite different notions and rules with regard to the management of the public purse in small details from those which were formerly in vogue, and which had the sanction of all parties and all public men some ten, fifteen, or twenty years ago. Having stated that, I shall give an instance, because then the thing will be open to examination, and no unfairness can be practised. The instance I take is one connected with appointments of the very highest class—I mean appointments to the judicial bench. In the course of the last Session of Parliament the House was pleased to throw a burden of about £160,000 a year upon the public purse in order to alleviate the expenses of suitors in County Courts, and so far to provide for the administration of justice at the public expense. I confess I thought that a very doubtful measure, and was not disposed, without further consideration, to give it my assent. But I venture to say, at any rate, that if the public are to be subjected to so great a charge, let us inquire whether it is or is not true that nearer home—namely in Westminster Hall—the duties of the Judges are falling below and within the strength of the staff appointed to discharge them. I made the same observation at the time, and I believe I spoke in conformity with a strong public impression. There was a strong public impression that the duties of Westminster Hall were no longer such as to require the large and augmented number of fifteen Judges. I believe, also—although here I touch upon a sore subject, but public duty demands it—that similar remarks have been made with regard to some existing equity judgements. Her Majesty's Government, by the mouth of the Home Secretary, gave a pledge that the whole subject would be inquired into during the recess, and that a report

would be presented upon the question whether or not the number of Judges could be reduced. Very late in the recess a Commission was issued for that purpose; but, in the meantime, two judgeships had fallen vacant, and, instead of making any temporary provision for the discharge of essential duties pending the inquiries of the Commissioners, Her Majesty's Government at once filled up those two judgeships. Life salaries, or salaries only terminating in pensions proportioned to the salaries—sums of £5,000, or £6,000 a year—were granted to the two gentlemen who were added to the number that adorn the judicial bench, while a Commission was issued to inquire whether there were any duties which required to be performed. But that was not all. A third vacancy happened by the deeply-lamented death of Baron Alderson, and I am sorry to say that the same course was taken. I am bound, however, to state, in justice to the Government, that I think it was taken without the disapproval of this House. I remember putting a question myself to the Government upon the subject. The Government answered that the vacancy would certainly be filled up without waiting for the result of the inquiries of the Commissioners, and immediately gentlemen were found ready to laud and commend that determination of the Government. I do not mean to say, therefore, that the spirit of laxity respecting which I make my complaint is confined to the Government. My belief is that it affects us all; and if I complain of the Government I do so only because I think the executive Government ought to be among the first and most effectual checks for restraining that spirit of laxity in regard to the administration of the public money. As I have mentioned the name of Baron Alderson, and complained that the seat which he occupied upon the Bench should have been filled up while a Commission was inquiring into the duties of the fifteen Judges, let me render a further tribute to the memory of that lamented man, because I hold in my hand a letter which Baron Alderson himself spontaneously addressed to me in the autumn. He was abroad at the time, and seeing that I had made a proposal to the Government, and the Government had assented to it, that the question of a possible reduction in the number of the Judges should be inquired into, with that high spirit of honour and public duty which animated him, he immediately addressed

to me a letter containing his views upon the subject, and in that letter—I need quote only three lines—he says, “It is indisputable that twelve Judges are sufficient for the term business.” Such was the deliberate opinion expressed by Baron Alderson himself. [Mr. MALINS: He says, “for the term business.”] I am no lawyer, but I know that the Judges have something else besides the term business to do. Baron Alderson knew that, too, and in his letter he enters fully upon the subject of the circuit business. He is disposed to admit that there would be inconvenience in any considerable alteration of the circuits with a view to diminish the number of Judges, and he states the reasons in great detail; but he comes to the conclusion that provision might be made for discharging the circuit business, and at the same time reducing the number of Judges to twelve. I need not say that the letter of Baron Alderson, in which I entirely concur, is at the service of Her Majesty's Government or of any person who may wish to inquire into the subject. I think that what I have stated is not an unfair illustration of the mode in which we are now going to work upon questions relating to the public money. My belief is that if during the Government of Lord Melbourne a Commission had been issued to inquire into the duties of the Judges, and the Government had filled up three Judgeships while the Commission was sitting, Sir Robert Peel, as the leader of the Opposition, would have risen in his place and moved an Address to the Crown on the subject, and that Address would have been carried, not by the Opposition merely, but by a majority consisting of Members belonging to all parties in the House. In the same way, if the Government of Sir Robert Peel had ventured upon such an operation as creating three great officials with life salaries while a Commission was inquiring into the question whether there were any duties to discharge or not, Lord John Russell would have moved an adverse Resolution, and an overwhelming majority in the House of Commons would have supported him. But I feel that I am insulting both the Government of Lord Melbourne and that of Sir Robert Peel in supposing that they ever could have done such a thing, for I am satisfied that the temper, not only of the Governments themselves, but of Parliament also, would have rendered it entirely impossible.

Having thus far illustrated my meaning

by particular instances, I shall not further trouble the House, but shall only say, in addition, that in the Miscellaneous Estimates and other civil services there has been since 1853 an augmentation of no less than £1,700,000. I know that we cannot now get rid of some part of that augmentation, but it is something enormous with regard to the whole sum. With in the recollection of many who now hear me—at least within the recollection of those who sat in Parliament twenty years ago—the Miscellaneous Estimates amounted to only £2,000,000 per annum, and even then they had been greatly increased. Many necessary and beneficial additions have been made to them; but that is no reason why the same strictness of rule and method should not now be applied to the consideration of every question connected with them as used to be applied for almost the whole period which is within the memory of the existing generation. I am convinced, whether it be owing to the war, which engendered a kind of extravagance in trifling sums, or to some other cause, that a very great change, an unhappy and mischievous change, has come over the spirit of Parliament; and the time will come—nay, has come—when it is necessary to make some vigorous effort to return to the wholesome rules and maxims which used to prevail some ten or fifteen years ago. Of one thing at least I feel quite certain—that you will not go on, peace continuing, for twelve months longer without some strong movement in this direction. I defy you to meet the finances of this year without opening up the whole subject of your expenditure; and what I now propose is that we should express our desire, before we go to the country, that Her Majesty's Government should, during the interval of comparative leisure and repose which they will enjoy, employ some portion of it in a careful consideration of the Estimates, which appear to me beyond what the necessities of the country require, I do believe, if the Parliament had continued, that that would have been found to be the genuine and deliberate feeling of the House. At present I only appeal to the Government and those who hear me to give this subject its due consideration, and with no intention of challenging a division. I confess I believe it is one of those subjects which are always handled better when handled early, and with respect to which, if we do what we can by a judicious and well-considered measure, we shall be the

Mr. Gladstone

more likely to give greater satisfaction to the country, and run much less risk of coming to a precipitate conclusion than if we delayed dealing with them to the very last moment, under the pressure of public impatience, when the time for judicious retrenchment has passed away. I beg leave, Sir, to move this Amendment,—stating, at the same time, that I do not wish to interfere with Votes of Credit in the Committee of Supply:—

“That in order to secure to the Country that relief from taxation which it justly expects, it is necessary, in the judgment of this House, to revise and further reduce the Expenditure of the State.”

MR. W. WILLIAMS seconded the Resolution. The right hon. Gentleman (Mr. Gladstone) had made out so clear and urgent a case of necessity for revising the extravagant expenditure of the country for the ensuing year that he could not by any observations of his own hope to strengthen it. He would only remark, reference having been made to the subject of the legacy duty, that he (Mr. Williams) had on several occasions called the attention of the House to that question, and had urged them to impose some such duty on real property as had been imposed on personal property for the last sixty years, and by which he had no doubt a sum of from £1,500,000 to £2,000,000 would be added annually to the revenue of the country.

Amendment proposed, to leave out from the word “That” to the end of the Question, in order to add the words “in order to secure to the Country that relief from taxation which it justly expects, it is necessary, in the judgment of this House, to revise and further reduce the Expenditure of the State,” instead thereof.

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker,—In the wide-ranging survey of the present state of the finances, both of revenue and expenditure, illustrated by his official experience and his extensive knowledge of public affairs, which my right hon. Friend (Mr. Gladstone) has just taken, there is much in which I concur; and, with regard to that part of his address to which I cannot altogether assent, I quite admit that the subjects which he has brought under the attention of the House are fully deserving of its serious consideration. I conceive that the principal object of my right hon. Friend has been to a great extent satisfied by the statement which he has made—that he

wished to bring his views on these important matters under the consideration of the House and the country—and I trust, therefore, that he will not think that I am treating him or the House with any disrespect if I do not follow him item by item through his statement. But I think it my duty to advert to some of the subjects which he has brought under our consideration. The right hon. Gentleman arranged his observations under the two heads of taxation and expenditure. With regard to the question of taxation, as involving an apprehension of a deficiency in future years, I will say at once—since I have put all years after the present out of the question, and have confined the plan I submit to the House to the present year, on account of the position of the Government and the House, it would be mere waste of time if I were to go into an investigation of the probable balance of revenue and expenditure in any year after that which commences on the 1st of April next. It will be the duty of any Government which may be at the head of public affairs in future years to propose to the House means for meeting the expenditure of the country out of the taxation of the year, and not to resort to the method of borrowing in order to defray the current expenditure in a time of peace. How that is to be effected—whether the result is to be attained by a reduction of expenditure or by the imposition of new taxes—it is not now my wish to express any opinion; but I do maintain, in the most confident manner, that in a time of peace it is not a legitimate source of revenue to resort to the credit of the country with the view of making up for insufficiency in taxation. I have now only to deal with the taxation of the present year. Let me observe that this is the first year since 1853 in which it has not been the duty of the Finance Minister to exhibit a great deficiency of revenue as compared with expenditure, and to appeal to the House to have recourse to different means of borrowing on the national credit. This is the first year since 1853 in which it has been possible to show a surplus derived exclusively from the ordinary resources of taxation. My right hon. Friend says my surplus is not a sufficient one, and that he fears, under the augmented expenses of the year, it will be found that it is not adequate to bear those charges. I can only say, judging from my present lights, and looking forward to the proba-

ble revenue and expenditure of the year, that I entertain no such apprehension. It is indeed impossible to be prepared against all contingencies; but I anticipate, as far as my present information and means of judging of the future go, no difficulty with regard to the ensuing year in meeting the expenses by legitimate means. As to the alterations in taxation which I have felt it my duty to propose—if it had not happened that the income tax was fixed for another year at the high rate at which it stood during the war, and if the Government had not felt that that rate was greater than was demanded by the probable expenditure of the year, and that probably much dissatisfaction would be created if they postponed the settlement of the question, undoubtedly they would have abstained from making the proposition which they have submitted to the House. But, believing that so large a sum was not wanted for the service of the year, and seeing what a natural amount of anxiety prevailed in the country lest the income tax should continue at 16*d.* for another year, they felt it their duty in this Parliament to propose the measure which has gone through Committee this evening. I cannot but think that the discretion they have exercised is a sound one, and that in the exercise of that discretion they will be confirmed by the deliberate judgment of the House and the country. With regard to the duties on tea and sugar, unless it had been deemed desirable that they should descend to the rates fixed by the previously existing law from the 1st of April next, the whole stock would have been taken out of bond before April, and it would not have been open to the new Parliament to deal with those questions when they met, as the time would then have passed for their doing so; and therefore we felt it our duty to make the proposals which we did with regard to those two taxes. Those were the reasons which influenced us in our proposals upon the subject of taxation, and I cannot think that the House will regard them as insufficient.

I now come to the subject of expenditure and of the Estimates which have been laid upon the table. My right hon. Friend says, that by granting a Vote on account, the House has expressed a “tacit” approbation of the scale on which those Estimates were framed; but I don’t understand that the House has expressed any approbation, tacit or avowed, upon the subject; and I wish it to be distinctly understood, so

far as the Government are concerned, that they do not consider that the House is in any degree pledged to the amount of those Estimates. I do not understand that the House has given any approbation to them; but I hold that whenever we shall re-assemble, it will be competent for the new Parliament to examine the Estimates as if they were then proposed for the first time. I believe that the course will be to revote the Estimates for the whole amount, and any modification which may be then deemed desirable can at that time be made. At all events, when we propose a Vote on account, I do not see how any Member who agrees to such Supply can be said to give his approbation to the total amount. All that he says is, "I trust the Government with a sum which I believe will be sufficient to carry on the public service until the new Parliament assembles." It is utterly impossible that any other course could be adopted; the public service must be carried on during the interval between the dissolution and the reassembling of Parliament; and if any feasible course can be suggested other than that which we have adopted, I shall be quite willing to try it; but believing that no other can be suggested, all I can say is, that I shall not consider the House in any way pledged by its Votes on account. My right hon. Friend asserts in his Resolution, that "it is necessary to revise and further reduce the expenditure of the State." Now, I do not see how this Parliament, by coming to an abstract Resolution that reduction in the expenditure is necessary, can promote the object which my right hon. Friend has in view. If we were about to go into a Committee of Supply, the Committee might be guided by such a Resolution, and might proceed to reduce the Estimates; but, inasmuch as this Parliament will not vote the Estimates in their final form, the new Parliament might take altogether different views upon the matter, and might decline to be bound by the Resolutions of its predecessor. I altogether approve, however, one portion of the Resolution of my right hon. Friend. Without saying how far it may be possible to reduce the Estimates for the present year—which I believe will be found to be more difficult than is supposed, because they have been very carefully examined with the view of making all practicable reductions—I nevertheless think that it is most important at the termination of a great war, when many agents of the Government

being removed from immediate control, may have acquired habits of lavish expenditure, that the House should at such a period, when they are accessible to the opinion of Parliament, carefully revise the whole of the public expenditure. Whether the result of that revision will be during the present year to make any material reduction I confess I doubt, because I do not believe that the Estimates, in the form in which they are laid upon the table, are extravagant. I admit that they are high Estimates, but I do not think that they are extravagant with reference to the present year. We have reduced the Army and Navy Estimates in the present year by £17,000,000, and the House must remember, that when we deal with millions in the way of reduction, we have to experience great difficulties; so that I think, upon the whole, that when hon. Members come to an examination of the details they will be satisfied that there has been, on the part of the Government, a sincere and honest desire to bring down the war expenditure as speedily as possible to a legitimate peace footing. I do not mean to say that the careful criticism of the House may not discover further sources of economy; but I say that there has been no want of an energetic attempt by the Government to bring the Estimates to a shape which shall entitle them to the favourable consideration of the House during the present Session. If the House will examine the reduction of the expenditure which took place at the end of the last war, they will find that it was not made in one year, but that it was the result of the efforts of successive years and of close Parliamentary investigation, carried on at different times.

My right hon. Friend adverted to some instances of extravagance at present existing. I do not wish to follow him in detail through the examples which he adduced, but there is one to which he referred upon which I will say a few words. I allude to the case of the Ordnance Survey of Scotland. That subject was much pressed upon me and other Members of the Government by Gentlemen connected with Scotland, and it was ultimately referred to a Select Committee. The Committee investigated the matter carefully, and they came to a resolution in favour of the survey of Scotland upon a very large scale. The matter was then debated in Committee of Supply, and the House, upon a division, came to the conclusion to support the Report of the Committee. I freely

avow that my opinion did not agree with the Report of the Select Committee. I yielded my judgment, however, to others whom I thought to be better informed upon the matter than myself, and reluctantly I gave way to their recommendation. My individual opinion is, that all that the Government can be properly called upon to do in such a matter is to make an accurate survey of the country, fixing all the principal points with mathematical accuracy, and thus providing a geographical map which may be used for national purposes. I do not hold that the Government is called upon to produce a plan upon so gigantic a scale that the outline of a single county in Scotland would about cover the floor of Westminster Hall—a scale so large as to be utterly useless for all the ordinary purposes of a map, and only applicable to the objects of estate surveys. That was decided by the House, however; but I still entertain the opinion that a map upon the scale of one inch to the mile, accurately laid down, is all that the Government ought to furnish for national purposes. There is another point with reference to the recent appointment of Judges, upon which I will say a few words. That is not a subject with which I am minutely intimate; but if my right hon. Friend the Secretary for the Home Department were in his place, he would be able to give the fullest information with respect to it. The facts I believe to be these:—A Commission was issued during the recess to inquire into the possibility of diminishing the number of Judges of the Superior Courts of common law. Among the numbers of that Commission are to be found the names of very eminent men; and the issuing of that Commission at least evinces, I think, that the Government had not neglected the question, but that they were willing to entertain the idea of a reduction if it were practicable. Vacancies in the judicial bench have occurred since that Commission was appointed, and my right hon. Friend says that Lord Melbourne's Government, or Sir Robert Peel's Government, would not have been guilty of such an act as filling up those vacancies while the Commission was sitting. It must be remembered, however, that judicial duties cannot remain unperformed, that they are of vast importance to the lives and property of the country, and that this cannot be regarded as a mere question of expenditure so long as the present division of circuits exist, so long as there is a demand for winter cir-

cuits, and while so much continues to be said of the importance of frequent gaol deliveries. It is necessary, in the meantime, until a reconstruction of the circuits can be effected, or until it is shown that a smaller number of Judges than at present exists can perform the duties required of them, that the judicial bench should consist of as many members as now. No temporary arrangements could have been effected in the interval previous to the Commission making their report; and it was for these reasons that the vacancies were filled up. I cannot doubt, then, when the matter shall be more closely examined, that it will be seen that the Government had no other alternative open to them than the course which they have adopted.

There is only one other point to which I will allude, and that is with reference to the increased charge for interest upon the Funded and Unfunded Debt, occasioned by the war. I think that my right hon. Friend underrated the amount—the increased charge for interest caused by the war being rather more than £1,400,000. I believe that I have now gone through the principal subjects which were adverted to by my right hon. Friend; and, although my right hon. Friend will probably not press his Motion to a division, but will be satisfied with what I have stated, I believe that the discussion which has taken place will be likely to be productive of no inconsiderable benefit hereafter.

Mr. GLYN confessed he was one of those who thought that by taking the Committee of Ways and Means before the Committee of Supply the House had fallen into considerable error. He was, however, certainly of opinion that with regard to the Estimates the first year of peace ought not to be taken as the criterion; but he conceived that it would be the duty of the next Parliament to take, not only the question of the Estimates, but the whole question of the public expenditure seriously into their consideration. He believed much good would result by the appointment of a Select Committee for the examination of this expenditure. He was not sure that it would not be right, immediately on the assembling of the new Parliament, to appoint such a Committee, and the Estimates for 1858–9 ought not to be voted until that Committee had reported. Then the House would probably have some certain *data* upon which to proceed, and would be enabled to settle the national expenditure much better than by trusting to the or-

dinary discussions which took place upon the Estimates. He confessed that he had listened with considerable surprise and apprehension to some remarks which had been made as to the mode in which the probable expenditure of the country might be met. In the discussion which took place upon the tea duties, he was astonished to find the hon. Member for Wick (Mr. Laing) allude to an operation which appeared to him the very last which this House ought to sanction. The hon. Gentleman said he objected to the increase of the duties upon tea and sugar, and he hoped the Estimates might be reduced, but that if they were not reduced the House had at its command the means of meeting any excess of expenditure by renewing the obligations entered into during the war, alluding to those floating securities, Exchequer bonds. Now, it appeared to him (Mr. Glyn) that a postponement of that character was one which the House of Commons ought never to entertain. It might be all very well for railway companies to have recourse to such subterfuges, but he hoped the House of Commons would never attend to advice of that description. At the end of the great French war, when the country had to pay a greater taxation with smaller means of doing so than at present, and when therefore there was the more excuse for such a course, the Government resorted to many expedients to relieve the country from the immediate pressure of taxation—expedients from the effect of which we were suffering even at the present moment. Soon after the close of the French war, owing to what was called at that time “an ignorant impatience of taxation,” the Minister of the day had recourse to the expedient of raising that which was commonly known as the “dead weight,” the result being an annuity of £600,000, to which the country was at this time liable. He trusted the next Parliament would benefit by this experience, and, if the Estimates could not be reduced, would meet the expenses of the country by a proper system of taxation. There was another duty incumbent upon them. Both sides of the House should agree in deferring and in opposing Motions for the reduction of particular burdens until the war taxes were fairly got rid of, and they were really in a position to dispense with a certain amount of revenue. If they pursued this plan, at the same time introducing as economical a system of expenditure as possible, the

Mr. Glyn

Chancellor of the Exchequer would soon be able to bring about those remissions of taxation which every one admitted to be so desirable.

Mr. NEWDEGATE said, he concurred with the hon. Member for Kendal (Mr. Glyn) in thinking that no demand for relief from special burdens should be demanded until the Estimates had been reduced to something more nearly approaching their ordinary peace rates; he hoped that the constituents to whom they were about to appeal would bear in mind that they had still to bear some of the burdens of the last war, and that they would not be led away by any promise of relief from taxation to countenance the idea that this country could hastily reduce its establishments to the point at which they were before the war. He thought, also, that a full and rigid inquiry into every item of expenditure was necessary; but he thought it would be useless to turn over the whole Miscellaneous Estimates to a Committee in a lump, for the magnitude and complexity of such an inquiry would defeat the object of it by delay, but every department in which extravagance seemed to prevail, should be submitted to a distinct Committee for investigation. By this means the House would really resume its power of controlling the lavish expenditure which he admitted to exist. He hoped that in another Parliament the right hon. Member for Oxford University would view with more favour than he had done, when Chancellor of the Exchequer, the attempts of those who sought to produce economy in the public service. At that time the hon. Member for Birmingham moved for the appointment of a Committee on the subject of providing small arms for the use of the army. In that Committee it was proved that the factory proposed to be established in 1854 at Enfield, at a cost of £100,000, was not necessary in order to ensure a supply of small arms. The Committee, after a full investigation, recommended that an enlargement of the then existing factory at Enfield should be made at a cost of £38,000, instead of erecting a new one at the cost of £100,000, and the House curtailed the Vote in the Ordnance Estimates in accordance with the recommendation of the Committee to £38,000; and that the orders, which had been withheld, should, in accordance with former practice, be issued to the arms trade of England; but the right hon. Gentleman declared that whatever might be

the decision of the Committee, or of the House, he would continue the expenditure according to the original estimate for the new factory, and so he did in defiance of the Appropriation Act. After all the expense, that factory had not provided a single musket for the war. The House was, the next year, in 1855, led to believe that the trade of England could not supply the demand, and sanctioned the violation of its authority under that belief, but too late discovered, that it had been imposed upon, and had better have trusted its own Committee, for the Government officials had declared that the arms trade could not be trusted to produce £30,000 stand of arms per year, and clamoured for what they termed the only alternative, the costly new factory and the foreign orders, which the Government issued. These, however, remained totally unproductive until after the war had closed, while the much-abused arms trade had produced 227,000 stand of arms in two years, and such arms as had never been before produced. The right hon. Member for Oxford University was on that occasion instrumental in defeating the attempt to control the lavish expenditure of the Government. He (Mr. Newdegate) lamented the increase in the Miscellaneous Estimates; but if Parliament, as in the case of the County Police force, and as in multitudes of commissionerships and inspectorships continued to substitute paid service for that system of local self-government which had existed for hundreds of years in this country, they would not only be sanctioning a departure from the old constitutional practice of the country, but they would be encouraging an expenditure which they might find it difficult to meet.

MR. DISRAELI: I do not rise, Sir, for the purpose of entering into this discussion; and I think the right hon. Gentleman (Mr. Gladstone), considering the state of the House, will exercise a wise discretion in not pressing his Motion to a division. What I wish to do is to protest against a discussion of this sort in this last stage of our existence. I think we have quite enough to do in preparing to meet our constituents, instead of carving out the work of the next Parliament. It is indeed almost arrogant for any of us to suppose that we shall be Members of the next House. I may have opinions as regard my own chances of election, and other Gentlemen may entertain opinions as to theirs, but I do not think, Sir,

we ought to intrude those views upon your observation, and give notice, as some very eminent Members have done, as to what they intend to do in the next Parliament. I think that nothing could be more dangerous than the suggestion of the hon. Member for Kendal (Mr. Glyn) that the new House of Commons, which will meet, I trust, full of vigour and renovated from the embraces of the people, should commence its career by first of all proposing a plan to relieve the Government from the discharge of their duties. In extraordinary cases, when Ministers have not been able to perform their duties, the House has consented to the appointment of Finance Committees; but would it be safe to adopt the rule that the Government is to be superseded in its executive functions by a Committee of this House, and that this House should perform those duties which ought to be performed in Downing-street? If we were to adopt such a principle, we should have to consider whether our administrative organization is not on too great a scale; and I confess I hold precisely the contrary opinion, and we should place the Executive in a position which it was never intended to occupy. We might have on the Ministerial bench representatives of the poor ignorant and indolent creatures who in France, under the Merovingian dynasty, held high offices of State; and we, perhaps, might see a Secretary of State, a Chancellor of the Exchequer, or a First Lord of the Admiralty who had nothing to do with the department of which he was the head. I have only risen to protest against the principle of Committees of the House of Commons being called upon to prepare estimates which it is the duty of the Government to prepare. I trust that in the interval which will elapse before the meeting of the new Parliament, all those influences will be exerted which make men wiser, better, and perhaps sadder, and I hope that the result will be that the next House of Commons will have laid before them Estimates lower than those which have been submitted to us. But, whatever the estimates may be, let them come from the Government, and by the manner in which they are prepared and defended, let Her Majesty's Ministers show whether or not they are entitled to the confidence of Parliament. The principle that the new House of Commons, with all its crudeness and want of experience, should be called upon to discharge functions

which properly belong to the Executive; is one which, in these our last days, we ought not to sanction. We ought, on the contrary, to hope that the new Parliament will hold the Government well to the performance of their duties. That is what we want. We want a Government which shall possess the confidence of the House of Commons, and which will not shrink from the performance of its duties, and not one which is content to carry on from hand to mouth, and which, whenever a difficulty occurs, is willing to be superseded by a Committee of this House. If a Government perform their duty in an efficient manner, that Government cannot fail to meet with confidence from the House; but I must protest against Parliament, whose part it is to act the critic upon the schemes of the Government, being called upon to act as the inventors and authors of their plans.

SIR HENRY WILLOUGHBY reminded the House that four millions and a half of the total revenue of the coming year arose from the war income tax, which must be regarded as an extraordinary Ways and Means, which, if calculated in a future year, would leave the then Chancellor of the Exchequer in the lurch. If they did not reduce the expenditure in time, they must impose fresh taxes or there would be a deficiency.

Question proposed, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Resolutions read 2^o, and *agreed to*.

EXTRA-PAROCIAL PLACES BILL.

COMMITTEE.

Order for Committee read.

SIR GEORGE PECHELL objected to entrusting to the Poor Law Board the power of adding these extra-parochial places to the adjoining parishes for poor law purposes at their will and pleasure. How was this Poor Law Board composed, and of whom did it consist? From a document that came to his hand the other day it consisted of Mr. Bouverie, the Chairman, and Lord Courtney, the Secretary, and as according to Mr. Chadwick the Secretary was nobody, the Board really consisted of the right hon. Member for Kilmarnock. During Mr. Baines's administration of the Poor Law Board not a single case of complaint remained unredressed—and the whole country acknowledged the change from the

tyranny of the former system to the justice which characterized the law as administered by that right hon. Gentleman. But a change of Government took place—the right hon. Member for Kilmarnock was appointed as President of the Board, and from the time he entered upon the office he had been disputing with almost every board of guardians in the country. At Preston he insisted upon the guardians building a workhouse at a cost of some £40,000, and on their refusing, on the ground that there was no necessity for incurring the expense, the Board sent down an inspector, who got up a memorial which he induced between thirty and forty guardians (most of them *ex officio*) to sign in favour of the objects which the Poor Law Board only wished to carry out. Of course the workhouse was not erected, and in the next Session the case would be brought under the notice of Parliament. Then the right hon. Gentleman had a difference with the guardians of St. Thomas's, Exeter, in reference to the appointment of a relieving officer, and he could mention many other instances where the Poor Law Board had created dissatisfaction by attempting to coerce the guardians. During the administration of Mr. Baines there was none of this inquisitorial interference, and if he and the right hon. Gentleman were returned to Parliament at the next general election, he should require the right hon. Gentleman to give a satisfactory explanation of his conduct.

MR. BARROW said, by the first clause the Bill would not come into operation till the 31st December next, and in the meantime the poor in the extra-parochial places would be chargeable on the common fund. There was, therefore, no necessity for proceeding with the Bill then, and in the present state of the House he hoped it would be postponed until the new Parliament met.

MR. BOUVERIE accounted for the small number of Members present by saying, that all the Gentlemen who were materially interested in this question had given their assent to the provisions of the Bill. He denied that the Poor Law Board was, as had been asserted by the gallant Admiral (Admiral Pechell), in a chronic state of hostility with boards of guardians, and asserted that, on the contrary, with most boards of guardians it worked with the most cordial co-operation and in the best possible spirit.

MR. MALINS reminded the Committee that he had on the previous day presented

a petition against this Bill from a person interested in this question, and pressed the right hon. Gentleman not to proceed with the measure, unless he was quite certain that the absence of Members did not arise from a belief, which he (Mr. Malins) had himself entertained, that it was to be postponed until the meeting of the new Parliament.

SIR H. WILLOUGHBY trusted that the noble Lord would not allow the Bill to be proceeded with at present.

SIR GEORGE PECHELL reiterated his objections to the Bill, and moved that the Chairman Report Progress.

VISCOUNT PALMERSTON trusted his hon. and gallant Friend would withdraw his Motion. The Bill was of very limited range, and was designed to remedy an admitted evil, and had the assent of most persons conversant with the subjects to which it related. It was fixed for last night, and so far from there being any surprise it was specially fixed for to-night.

MR. BARROW was desirous of amending the law, but still thought this Bill would require some discussion, and it ought to be postponed.

MR. BOUVERIE said, the Bill was intended to remedy a great grievance. In these extra-parochial places the poor had no means of obtaining relief as they had in parishes. But he was met by objections to the details of the Bill.

Motion withdrawn.

House in Committee.

Bill *considered* in Committee.

House resumed.

Bill *reported* as amended, to be considered *To-morrow*.

The House adjourned at half after Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, March 11, 1857.

MINUTES.] NEW MEMBER SWORN.—For Glasgow, Walter Buchanan, esq.

PUBLIC BILLS.—2° Racehorse Duty Act Amendment; Pauper Maintenance; Cinque Ports Act Amendment.

ECCLESIASTICAL CORPORATIONS BILL.

ORDER FOR SECOND READING DISCHARGED.

Order for Second Reading read.

THE MARQUESS OF BLANDFORD said, that in moving that the order for the second reading of the Bill be discharged, he wished to say a few words with reference

to the objects of the measure. His great aim in this and similar Bills which he had introduced to the House was to secure an adequate provision for the parochial wants of the country. Parliament had on various occasions directed its attention to the subject, and he could conceive none of more vital importance to the country. Without claiming anything exclusive for the Established Church, it was impossible not to recognize the fact that the Established Church was the great engine, the mechanism by which the vital truths of the Christian religion were propagated and supported in this country, and they could not, therefore, exaggerate the importance of making adequate provision for the maintenance of the parochial system. In order to make an adequate provision for that system endowments were required, and it was to promote that object that he had on various occasions introduced measures to that House. The common fund of the Ecclesiastical Commissioners had been created from time to time, by Acts passed for the purpose, from the property of ecclesiastical corporations aggregate and sole; and, following out that object, the present Bill, which had a double purpose, had been introduced. One of its objects was to transfer the property of ecclesiastical corporations to the Ecclesiastical Commissioners, and the second was that when that property had been so transferred the Commissioners should have the power to make the ulterior arrangements to which it should be subjected. If those transfers could be facilitated means would be found for promoting a very large increase of funds for parochial purposes. He was aware that considerable objections were entertained to that part of the proposal which would leave the management of estates in the hands of the Ecclesiastical Commissioners; but provided the first important step of the transference to the Commissioners could be gained he would be willing, as far as possible, to meet the views of those who objected to leaving the management of the estates in their hands. If by any modification of that part of the Bill a satisfactory conclusion could be arrived at upon the question he would consider himself amply rewarded. He would not detain the House further, but conclude by moving that the Order for the second reading of the Bill be discharged.

MR. EVELYN DENISON said, he would remind the noble Lord that a Committee sat last year to inquire into the

system of management of the estates pursued by the Ecclesiastical Commissioners, and he believed that it would be necessary to introduce a Bill on the subject of the Ecclesiastical Commission. He put it to the noble Lord, therefore, whether it would not be necessary that that Bill should be carried before they could come to any satisfactory conclusion as to transferring further estates to the Ecclesiastical Commissioners.

MR. WALPOLE said, he would suggest to Her Majesty's Government the necessity of ascertaining to what extent they would be prepared to carry out those recommendations, and embodying them in a Bill concurrently with that now before the House. The Bill of his noble Friend embraced two points—one the transfer of the estates of ecclesiastical corporations to the Ecclesiastical Commissioners, and the other to vest those estates in the hands of the Commissioners without a re-transfer to episcopal and capitular bodies of those properties which Parliament had already sanctioned for their use. All the evidence taken before the Committee showed the disadvantage of a compulsory transfer, and the great superiority of a voluntary system of transfer. Five or six corporations, including Cork, Carlow, Gloucester, Chester, and Peterborough, had so acted; and he deprecated the too large and too sudden accumulation of property in the hands of the Commissioners before they had power to deal with it. His noble Friend (the Marquess of Blandford), no doubt, desired a more rapid enfranchisement of Church property. It appeared, however, by the Ninth General Report of the Church Commissioners that between 1851 (the time when the Church Commissioners were appointed) and 1856, the transactions approved of by them with respect to capitular property were no fewer than 827 in number, and the value in fee of the estates exceeded £3,300,000. In 1855 the terms agreed on and transactions arranged amounted to no less than 255, and the value of the fee of the estates amounted to £200,000. The aggregate of the cases dealt with voluntarily had been 10,082, representing property to the amount of £4,200,000. He hoped, therefore, that the voluntary plan would be continued as long as possible, on the further ground that what was done voluntarily was done better than by extraneous aid. With regard to vesting the estates of bishops and chapters in the Commissioners, without

power of transfer, he had great objections, he thought they ought to be transferred to the bodies to which they belonged. The Committee, he thought, had justly recommended, that while estates were transferred there should be a power of inspection to secure good management, and an option given to the bishops and chapters to employ the Ecclesiastical Commissioners or their agents in the management of the purely secular business. Considering the connection between the Church of England and the property of this country, he thought it would be well to consider whether Church property could not be managed otherwise than by one metropolitan board. If transferred to such a board, he trusted there would be a power of re-transfer. The noble Lord, he knew, felt a deep interest in the matter, and he (Mr. Walpole) hoped he would forgive his suggestions.

Order discharged; Bill withdrawn.

IMPRISONMENT FOR DEBT, &c., BILL.

SECOND READING NEGATIVED.

Order for Second Reading read.

MR. PELLATT moved that the Bill be now read 2^o.

SIR GEORGE GREY said, he must express a hope that the hon. Member would not persevere with a measure of such importance, as there was not a chance of carrying it through Parliament.

MR. PELLATT said, that, although he was aware that it was hopeless to proceed with his Bill, yet he wished to be allowed to explain his object, which was to abolish imprisonment for debt in all cases except those of fraud. By a Return which he had moved for last year, it appeared that there were then 1,098 prisoners for debt in England and Wales, of whom 250 were for sums under £6, and some of those persons had been in prison so long as forty years. That caused a great expense to the country. He believed that the metropolitan authorities were favourable to his Bill, and would gladly see it passed. He found that the commitments in London alone were, in 1852, 870; in 1853, 916; in 1854, 1,096; and in 1855, 1,234. Therefore, the commitments were yearly increasing. Then he found that some of the County Court Judges committed at the rate of 50 per cent, and some at 25, so that it apparently depended on the temper of the Judge. If a man was fined £5 for an assault and he went to

prison instead of paying, the imprisonment cancelled the debt; but that was not the case with regard to ordinary debts. After fifty years' experience in business, he could state that he had never received a dividend from the Insolvent Debtors Court, and he never knew anything got by sending a man to prison. The object of the Bill was, that a person who was embarrassed in circumstances should be enabled to go before a Judge, give in a list of his creditors and an inventory of his property, and that he should not be liable to imprisonment unless he had been guilty of fraud. He, therefore, begged to recommend his measure to the consideration of the House. The existing system was peculiarly English, and that of a barbarian and uncivilized nation, treating with so little respect the liberty of the subject. He hoped the matter would be better considered in another Parliament. His object was to prevent a debtor, not being a fraudulent one, from being treated worse than a criminal.

SIR GEORGE GREY said, that after the hon. Member had begun by allowing that the Bill had no chance that Session, he hoped that he would not persevere in his Motion.

MR. COBBETT said, he would advise the hon. Member to withdraw his Motion; but at the same time he thought that the right hon. Baronet the Home Secretary ought to state the intentions of the Government with respect to the consolidation of the laws of bankruptcy and insolvency. For the purpose of calling attention to the subject he should vote for the second reading of the Bill if pressed to a division.

SIR GEORGE GREY said, he had said nothing against the principle of the Bill, but under the circumstances he thought that it should not be proceeded with.

MR. WHITESIDE said, he hoped that the law of England and Ireland on the subject would be assimilated.

Question, "That the Bill be now read a second time," put, and *negatived*.

SUPPLY.

Order for Committee read.

House in Committee of Supply, Mr. FITZROY in the Chair.

(1.) £21,049,700, to pay off and discharge Exchequer Bills, *agreed to*.

(2.) £1,553,200 Civil Services (on Account).

SIR JOHN PAKINGTON: Mr. Fitz-

Roy, I am not quite clear whether I am right in apprehending that the Vote on account for education is included in this sum. If that is the case, I am desirous of making a few remarks in consequence of what fell, in my absence, from my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) in his address on the expenditure of the country last night. I understand that the right hon. Gentleman expressed very considerable dislike of the growing amount of these annual Votes for the purposes of education. Now, perhaps, it might be some surprise to that right hon. Gentleman if he were present, and it may be a surprise to many of those who hear me, when I say that I entirely concur in the opinion he expressed, and, if a discussion had taken place upon the Bill which I introduced, it was certainly my intention to state my very strong objection to the growing amount of these annual Votes for education, and more especially with respect to the manner in which they are applied. It was truly said last night that this is a very popular question, and it is considered a very popular thing for the House of Commons to vote large sums for education. In some respects, no doubt, that is a very desirable course. It is a course very acceptable to many hon. Gentlemen in this House, because it affords a very easy retreat from the difficulties surrounding the question of education, and it is very satisfactory to those—who I believe are more numerous than they profess to be—who do not wish to see any progress in the education of the people. But I hold that the House of Commons has a duty beyond that of voting large sums of money for any object, however desirable in itself. It is our duty to take care that when these sums are granted they are wisely and beneficially expended. I shall not, however, now detain the Committee by going further into the subject than simply to say that if I have the honour of a seat in the next Parliament, when these grants come under the consideration of the House, I think I shall be able to show that these annual and growing grants for education involve a wasteful and extravagant expenditure of public money, without any adequate benefit to the country. I should, therefore, have been prepared, had I been in my place last night, to express, to that extent, my concurrence in the views of the

right hon. Member for the University of Oxford. But at the same time, if I am correctly informed with respect to what fell from my right hon. Friend, I understand that he went on to say that while he would check these annual grants by Parliament he would not provide any equivalent in any other way, but that he would trust the education of the people solely and exclusively to voluntary exertions. Now, Sir, to any such plan as that, from whatever quarter it might proceed, I should entertain the gravest objections, and I wish to take this opportunity of stating that I cannot protest in terms too strong or too emphatic against a course which, in my humble judgment, would be an abandonment of one of the first duties of this House, and a neglect of the highest interests of the people. The House may depend upon it that what was stated by the right hon. Gentleman is perfectly true—namely, that, as the Minutes of Council now exist, these grants, large as they are, will go on gradually increasing; and I believe the time is not very distant when they will amount to as much as £1,000,000 instead of £500,000 as at present. I trust I may succeed hereafter in convincing the House that if they are pledged to these great and growing grants they are no less pledged by public duty and prudence to take far greater securities than any we now possess to insure a wise, prudent, and beneficial expenditure of such considerable sums. I deeply regret that the course of public affairs has prevented me from raising the discussion I had hoped would have taken place upon the Bill which I had the honour to introduce. Under present circumstances it is impossible to proceed with that Bill; but I will express my earnest and sanguine hope that the discussions which have taken place on this subject in the present Parliament will not be without their fruits, and that the Parliament about to assemble will be prepared to bestow that earnest and anxious attention upon this important question to which, from its bearing upon the interests and welfare of the people, it is eminently entitled.

SIR GEORGE GREY: I fully agree, Sir, with the right hon. Baronet that this subject is one which cannot be adequately and properly discussed at the present time; and I regret, therefore, that he has taken this opportunity of expressing so decided

Sir John Pakington

and so unfavourable an opinion with regard to that system which has hitherto received the sanction of Parliament, under which, from the grants placed at the disposal of the Executive Government, extensive and useful assistance is afforded to existing schools, without any interference in the management of such schools, or with the religious creeds taught in them. The real question at issue between the right hon. Gentleman, and I may almost say—judging from the expression of opinion last Session—the majority of this House, is whether the system of assisting existing schools by grants placed by Parliament at the disposal of the Executive Government should be continued, or whether those grants should be superseded by a general national system of education, supported by local taxation, or by other means. I have on former occasions expressed my sense of the valuable exertions of the right hon. Baronet in the cause of education; but I think, judging from the feelings expressed in the country and in this House, Her Majesty's Government would not have acted wisely or judiciously in proposing to Parliament, during the present Session, any Bill for the establishment of what is called a general system of national education, superseding the system now in force. In the Bill which the right hon. Baronet intimates his intention of proposing to the next Parliament—

SIR JOHN PAKINGTON: The right hon. Gentleman is quite mistaken; I did not express such an intention.

SIR GEORGE GREY: Well, the right hon. Gentleman proposes to bring the subject under the consideration of the House in the course of the next Session, and we shall then have to decide between the two systems. I differ entirely from the right hon. Gentleman in thinking that the Parliamentary grants have been administered in a manner which has not tended to promote education. I believe they have given a great stimulus to education throughout the country, and that it can be demonstrated that very great advantage has resulted from the system at present in operation. I hope that in the next Parliament there will be a general desire to promote the extension of education, whatever difference of opinion may exist as to the means to be employed for that purpose.

MR. HENLEY said, he entirely concurred in the observations of the right

hon. Gentleman the Secretary of State. At the same time, there was no doubt that persons were entitled to regard this increased Vote with suspicion; and, at all events, to use a common phrase, to see that the country got its sixpence-worth for its sixpence. As far as his information went he was led to believe that those grants had caused the greatest good; for undoubtedly, to a considerable degree, they had stimulated education. Nor could he agree with his right hon. Friend (Sir J. Pakington) that abuses had occurred in the distribution of the grants. No abuse, that he was aware of, could be brought forward that was worthy of mention. The real ground of difference between them was owing to the unhappy divisions that subsisted as to the mode in which they ought to treat the question of religion. The majority of that House and of the country were opposed to all the great schemes which had been brought forward, because they saw that they must ultimately resolve themselves into systems of purely secular instruction. On the other hand, however, if the present system had its faults, it had, likewise, secured this great advantage, that it enabled every one, according to his views, to have the truth inculcated upon his children. That was an advantage so great, so essential to every system of education, that he had always narrowly watched every scheme that had been proposed, lest it should endanger the principle. For, according to his belief, the question of religious instruction was infinitely beyond all others, and all others must be made subordinate to it. If he had a seat in the next Parliament, he should use his best endeavours in support of it.

Mr. EVELYN DENISON said, he fully concurred in the observation of the right hon. Gentleman opposite (Sir J. Pakington), that one of the first duties of the new Parliament must be to direct its attention to this most interesting subject. He also concurred with the right hon. Gentleman the Secretary of State for the Home Department, that while their present differences existed, it was useless to introduce a comprehensive plan of general education. At the same time, it would be the duty of the Government on the assembling of the next Parliament, to take an early opportunity of stating to the House what their views were with respect to the improvement and extension of the existing system, for it was

not possible to deny that it was capable of improvement in many respects.

SIR GEORGE GREY said, that there would be early opportunities of discussing the subject, as the present Vote included only two-thirds of the Vote for Education, and one-third would yet remain to be voted.

Mr. W. EWART said, he was quite of opinion with the right hon. Baronet, the Secretary of State for the Home Department, that the present system stimulated the cause of education; yet as a free trader he had doubts if any system of stimulant would last. They could only look upon it as a temporary expedient. He looked beyond this, and hoped that the system of the United States and of Scotland, which was a national system supported by voluntary rates, would be one day adopted by the people of this country. That day was far out of sight at present, but still he hoped that it would arrive at last. What they had to do was to aid such institutions as would enable the people to educate themselves. The opinion of the Government had been a judicious one on this important question. He wished them, however, to consider if, without interfering with existing schools, they could not establish some test of progress in education before a child was employed in any labour. A short Bill would be sufficient, insisting on the proof of some kind of instruction, before a child was allowed to labour before a certain age. That proceeding would involve no expense—it would be merely a symbol. If the Government would not undertake it, he himself should propose it if he had a seat in the next Parliament.

SIR JOHN PAKINGTON: I have heard, Sir, with great satisfaction what fell from the hon. Members for Malton (Mr. E. Denison), and Dumfries (Mr. W. Ewart), upon this subject. I wish, however, to refer to what fell from the right hon. Gentleman the Secretary of State (Sir G. Grey). I did not intend, in any thing I said just now, to imply for a moment that these annual grants have not done a great deal to promote the cause of education; it would be most unreasonable had I advanced any such idea. Neither did I mean to say, alluding to what fell from my right hon. Friend near me (Mr. Henley), that there was anything which I could conceive to be an abuse in the present mode of expending the Vote. What I intended to say was, that when we have these grants growing year after

year, we are bound to take all reasonable securities that the public shall derive the utmost degree of benefit from so large an expenditure. My idea is, that you cannot ensure the proper expenditure of so large an amount at the hands of a central department without more securities than we now possess, and without something in the shape of local assistance. I also wish to explain that the right hon. Gentleman was quite wrong in supposing that I had intimated an intention of re-introducing my Bill in the next Session of Parliament. I think it would be the height of indiscretion for any one to presume so far upon the chances of his reelection to advance such a declaration. At the same time, should I have the honour of a seat in the new Parliament, I shall certainly be prepared to show, as I have said, that the public do not derive an amount of benefit commensurate with the magnitude of this Vote.

MR. PELLATT said, that he agreed with the hon. Gentleman, the Member for Dumfries (Mr. W. Ewart), that a voluntary measure was the best that could be proposed, and if what he meant to propose was that the rate should be really voluntary, he should be very apt to fall into the views of the hon. Gentleman. But if it was to be like a poor-rate, which a man must pay whether he could or not, that was not what he understood by a voluntary rate, and he could not fall in with those views. He was sorry to say that he saw no other way of doing it in the poorer districts where people were not themselves able to pay the cost of education; but he could not approve of its being generally carried out. Such measures had the effect of discouraging the national schools, by which a great deal of good was effected; still he could not deny that they had the effect of promoting education. He certainly thought there ought to be a test to which all children under a certain age should be subjected before they were allowed to be employed in any kind of labour, in order to ensure that their education had not been neglected, though he should be very sorry to see such a state of things in force here as in Prussia, where the children were driven to school by the police. But in England the chief difficulty was not that there were not schools enough, the difficulty was to get the children away from their employments in the field and in the factory, the parents being anxious to get all the profit they

could out of them. He objected to the present plan, because the aid of the Government had a tendency to be given, not where it should be, to the poorer districts, but to the richer. In his own neighbourhood they had adopted the British system, and it was found to act very well; but the moment these public grants became obtainable, the Churchmen determined on separating, and setting up a national school. Still he would much rather see an annual Parliamentary grant of £500,000, though it might increase at the rate of, say £10,000 a year, than a system of rating which would involve taxation to the amount of probably 5,000,000 per annum. If the people must be compelled to educate themselves, the plan suggested by the hon. Member (Mr. W. Ewart) was by far the best that could be devised. He thought, on the whole, that what was wanted was rather an extension of the existing system than the adoption of any new and general measure.

SIR HENRY WILLOUGHBY said, he thought the right hon. Baronet, the Member for Droitwich (Sir J. Pakington) would have to weigh well two points before he expected his scheme of education to become law. First, he must consider the amount of the burden which he would impose upon the local rates of counties; and, secondly, the mode in which the fund was to be distributed. He believed those were two considerations that would offer great difficulties to the right hon. Gentleman. He wished to know from the hon. Gentleman, the Secretary of the Treasury, whether there were not some charges on account of the civil service omitted from the Vote, and if so, upon what principle those omissions were made. For example, he could not discover any charge on account of the Poor Law Commission.

MR. WILSON said, the Vote was intended to include every service for which money would be required during the next three months. If the Poor Law Board was not provided for, it must be that provision had been already made for its requirements. However, he should inquire into the matter. The same rule was followed now as in 1841.

MR. SPOONER: Does this Vote include any expenditure on account of the Kensington Gore estate?

MR. WILSON: No.

Vote agreed to.

(3.) £1,510,000 Revenue Departments (on account).

Sir John Pakington

SIR HENRY WILLOUGHBY said, he was surprised that the hon. Gentleman, the Member for Lambeth (Mr. W. Williams) was not in his place. That gentleman had spoken on the previous evening of the advantage of that House exercising a control over the expenditure. That he (Sir H. Willoughby) considered cut both ways. Hitherto the departments were entrusted with the responsibility of keeping the expenditure within the capability of the revenue, and now that responsibility was suddenly transferred to the House itself. That was a very heavy responsibility, and he did not think the arrangement so wholly beneficial to the country as the hon. Member for Lambeth appeared to consider. He wished to ask the hon. Gentleman, the Secretary to the Treasury, how it was that there was an increase of nearly £15,000 in those Estimates? He observed that of late there had been a silent and very gradual addition to the salaries in the Customs Department. That was a very invidious mode of increasing the Estimates, and the Committee, as far as he could see, had no means of judging of the propriety of these augmentations of salaries.

MR. WILSON said, that the Votes would be laid before the new Parliament in the fullest detail. With regard to the increase in the Customs Department, the Committee must make up its mind to an annual increase in the expenditure of that department. When it was remembered that within the last ten years the quantity of shipping that had entered and left the ports of this country had doubled, the Committee would understand that many more officers were now required for the services of the department than formerly. The expense, therefore, ought not to be grudged by the Committee. At the same time it should be borne in mind that although there might be no increase in the salaries, properly so called, every year the scale was kept revising, as gentlemen ascended in the service, and that of itself was the cause of a slight increase in the expenditure. The great increase in salaries, however, occurred in the department of the Post Office; but then, again, the Committee must make up its mind not to regard the Post Office as a department of revenue. Within the last three years no less than 1,700 district post offices had been established, which would convince the public how great was the expenditure thrown upon that department. The fact was, the public must be content if in future

years the Post Office was enabled to pay its expenses.

Vote agreed to.

House resumed; Resolutions to be reported *To-morrow.*

INCOME TAX BILL—

AS AMENDED CONSIDERED.

On the Order of the Day for the consideration of this Bill being read,

THE CHANCELLOR OF THE EXCHEQUER said, he would take that opportunity of giving an explanation as to what passed on the preceding evening with respect to the supposed inadvertent omission of the word "property" in the income tax Bill. He stated at the time his opinion that the Bill as drawn was sufficient, but he did not object to the introduction of the word, and, accordingly, the Bill was re-committed, and the word "property" introduced. He had since referred to the Chairman of Inland Revenue, Mr. Pressly, and the solicitor of that department, and they assured him that the Bill was drawn with perfect correctness; that the income tax was not charged on property, but on rents derivable from property; that in the language of the law rents were called "profits," and, therefore, that the words "profits and gains" as in the Act of 1853 were amply sufficient. He thought it right to give the explanation in order to satisfy the House that there had been no want of care in the drawing of the Bill. The word "property" was, however, quite innocuous, and it did not in any way alter the sense, therefore there was no objection to it, and the Bill would stand as amended. There was another point which he wished to explain. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) made some remarks last night with reference to the succession duty, stating there was difficulty in collecting it in consequence of the want of adequate strength in the department. He was aware at the time that measures had been taken to remedy the evil of which the right hon. Gentleman complained, but he did not like to give an answer without reference to documents, lest his explanation should be imperfect. He could now state exactly what had taken place. A short time ago Mr. Pressly, Chairman of the Board of Inland Revenue, complained of want of strength in the legacy branch of his office, and he told that gentleman he would receive authority to increase the staff on application to the Treasury if such an increase were shown

to be necessary. The Commissioners of Inland Revenue on the 28th of February made a Report, setting forth the circumstances of the case, and recommending certain additions. They said—

“ Having conferred with the Controller of Legacy Duties on the whole subject, we have satisfied ourselves that, for the combined objects referred to in this Report it will be necessary to increase the Succession and Legacy Duty Department, and this increase is not more than the circumstances fully justify.”

They recommended the addition of one examiner, with a salary of £320, rising by £10 a year to £370; three assistant examiners, with salaries of £250 a year, rising to £300; one clerk, with a salary of £150 a year, rising to £200; and four clerks with salaries of £90 a year, rising to £140. The Report was received on the 2nd of March, and on the 4th of March the Treasury authorized the additions to be made. Most of the appointments had already been sanctioned, and Mr. Pressly informed him that two rooms had been prepared at the Inland Revenue Office for the accommodation of those additional examiners and clerks. He believed he might also add that any application made by the department for additional strength in the Legacy Duty branch had always been attended to by the Treasury. He trusted that statement would satisfy the House there had been no remissness on the part of the Government in giving the department what was necessary for the collection of the succession duty. He might also add that there were certain questions now pending before the Courts on which the collection of that duty to a certain extent depended, and until those questions received judicial decision the collection of the duty must, to a certain extent, be impeded.

SIR HENRY WILLOUGHBY said, he did not think the introduction of the word “property” was of such insignificance as the right hon. Gentleman imagined. Supposing, for instance, a man to derive £150 a year from the “short annuities,” surely that was neither “profit nor gain,” though it might be “property.” Many kinds of property were not included under the title “profits or gains.”

THE CHANCELLOR OF THE EXCHEQUER: Those were the words in the original Act, and no inconvenience has been found to result.

MR. HENLEY said, he thought it was rather dangerous to be introducing new terms. It was difficult to say what was

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“innocuous” until the question was raised. He thought it would be well for the right hon. Gentleman the Chancellor of the Exchequer to consider whether it would not be better to confine the wording of the Bill to the phraseology of the existing law.

THE CHANCELLOR OF THE EXCHEQUER said, he might observe that the term “innocuous” was not his, it was what was used by the solicitor to the Inland Revenue Department.

Bill to be read 3^d To-morrow.

The House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Thursday, March 12, 1857.

MINUTES.] PUBLIC BILLS.—2^a Lighting of Towns (Ireland) Act Amendment.
3^a Commons Inclosure.

THE WAR IN CHINA.

RETURNS MOVED FOR.

THE EARL OF ELLENBOROUGH, in rising to move an Address for certain Returns relative to the execution by the British Authorities of the Supplemental Treaty with China, said it appeared to him that when we are so strict with the Chinese Government as to the execution of the treaty obligations on their part, it behoved us to look to our own performance of it, and to see if we have been strictly correct in our adherence to the obligations which the treaty imposed on us. Those obligations were imposed upon us with a view of preventing illicit trade. There were three Articles which bore upon it. The 12th Article declared, that as a fair and regular tariff was established, smuggling would cease. Now, as regarded goods to which that Article could be applied, no doubt it was reasonable to expect that, when a fair and reasonable tariff was established, smuggling should cease—that is to say, as to goods on which duties were levied. But the Article could not reasonably apply to goods of which the import was prohibited, and upon which, therefore, no duties were imposed. That was the case with opium. The Article appeared to have been drawn under the idea that the import of opium into China would be permitted, and that duties would be imposed upon it; but that was not the case. The Article ran thus—

“The most peremptory proclamation to all English merchants has been already issued on this

subject by the British Plenipotentiary, who will also instruct the different consuls to strictly watch over and carefully scrutinize the conduct of all persons, being British subjects, trading under his superintendence. In any possible instance of smuggling transactions coming to the consul's knowledge, he will instantly apprize the Chinese authorities of the fact."

It was desirable that the country should know whether the consuls had so "strictly watched over and carefully scrutinized" the conduct of persons trading under their supervision, and what were the cases (if any) in which the consuls had "apprised the Chinese authorities of instances of smuggling which had come to their knowledge." The 14th Article provided that—

"An English officer will be appointed at Hong Kong, one part of whose duty will be to examine the registers and passes of all Chinese vessels that may repair to that port to buy or sell goods; and should such officer at any time find that any Chinese merchant vessel has not a pass, or register, from one of the five ports, she is to be considered as an unauthorized or smuggling vessel, and is not to be allowed to trade, whilst a report of the circumstance is to be made to the Chinese authorities."

It was plain what the object of this Article was, for it was said at the conclusion—

"By this it is to be hoped that piracy and illegal traffic will be prevented."

It was, therefore, material that Parliament should understand whether we, on our part, had performed the obligations imposed by that Article. Then the 16th Article was—

"It is agreed that the Custom House officers at the five ports shall make a monthly return to Canton, of the passes granted to vessels proceeding to Hong Kong, together with the nature of their cargoes; and a copy of these returns will be embodied in one return, and communicated once a month to the proper English officer at Hong Kong. The said English officer will, on his part, make a similar return or communication to the Chinese authorities at Canton, showing the names of Chinese vessels arrived at Hong Kong, or departed from that port, with the nature of their cargoes; and the Canton authorities will apprize the Custom Houses at the five ports."

The same object was declared at the end, in the expression of the same hope—

"In order that by these arrangements and precautions, all clandestine and illegal trade, under the cover of passes, may be averted."

It was, therefore, desirable that we should ascertain whether under this Article our officers, appointed specially under this treaty at Hong Kong to carry this treaty into effect, had performed the duty which the Article of the treaty imposed. Their Lordships would, however, have observed that the object of the Article was to prevent all illegal trade under cover of passes. But observe in what terms our Plenipo-

entiary, Sir John Bowring, spoke of the treaty in a Report to the Secretary for the Colonies, which had been referred to in the recent debate—

"I beg to submit some observations which have been submitted to me by the Colonial Treasurer, and which are well worthy of attention; for while, on the one hand, it is no doubt desirable that the privilege of hoisting the British flag should not be conceded without proper securities, it is very desirable that Chinamen settled in this colony should be able to appreciate the advantages of their position in the substantial benefits it confers."

And what was it which the Colonial Treasurer had said which Sir John Bowring submitted as "well worthy of consideration"?

"If anything has been, and will be, pre-eminently beneficial to this colony, it is that very system of granting colonial registers, particularly to respectable Chinese settled here, or, as the ordinance says, 'Chinese Crown lessees, entitled to hold colonial registers,' since it has already added to, and still tends to increase, the coasting trade in goods, the manufacture of Great Britain, or the produce of India—such as cotton, opium, &c."

These "passes" are required to be granted at the five ports to Chinese vessels, and to be investigated by the British authorities at Hong Kong, under treaties for the prevention of illegal trade. And the registers, as appeared by the report of the Colonial Treasurer, had the effect—and it was clear from the report of the Plenipotentiary that it had the object—of encouraging the illicit trade in opium. Observe, that opium was not to be treated as merely one of the articles of traffic; it was the great article of traffic. Without it our export trade to China from this country or its dependencies would not, in any material degree, have increased. It was through the enormous increase of the trade in opium that we were able to derive such a great export trade. He did not wish the returns to extend over more than five or six years; but that he would leave to the convenience of his noble Friend. As it appeared their Lordships were not to have many more opportunities for assembling before the "penal dissolution," he wished to say a few words as to the position in which we now stood as to the expedition to China. It was now known that it was the intention of the Government to send from this country to China an expedition which (as far as could be ascertained) was to consist of some vessels of war with four regiments of infantry and four batteries of artillery. Now, when the Secretary of State for Foreign Affairs received, on the 3rd of January, the despatch which

gave him an account of the entry of the British troops into Canton, the pillage of Commissioner Yeh's palace, the destruction of the forts, the shelling of the city, the destruction of private and public vessels, he was in possession of facts which should have satisfied his mind that there existed a state of war—at all events, with the authorities and people of the province of Canton—and he knew at the same time that Sir John Bowring had advanced claims, under the Supplemental Treaty of 1843, to which the strongest resistance would be offered by the Chinese authorities. The noble Earl (the Earl of Clarendon) could not have expected that the means at the disposal of Sir John Bowring at that time would have compelled the Chinese authorities to concede that demand; so that he must have known that we were at the commencement of a long and serious contest. And by the mail of the 10th of January, and not by the mail of the 10th of March, the intentions of the Government should have been communicated to India, and the requisite preparations ordered by way of providing an adequate Native Indian force to support the troops intended to be sent from this country. In military operations time was of the utmost importance, and had the most decisive influence on success. If preparations for the expedition had been made on the receipt of this despatch of the 3rd of January, and if by the mail of the 10th of January orders had been sent to India for the preparation there of an adequate force for the support of the troops sent from home, it might have been possible, with great exertions, for the force to arrive at Singapore in the second week of April, in time for the season most favourable to such operations. But if it was only by the 10th of March that the orders had been sent out to India for the preparation there of an adequate Native force to co-operate with our British troops, those orders could be of no avail. At the time when they would arrive in India there would be no vessels at Madras, and very few, indeed, at Calcutta; they would have sailed for their various destinations, and there would be no means of conveying troops to any considerable extent. The demand would be for 20,000 tons of shipping, and with that demand it would be impossible to comply. Even if it were possible, and if the vessels ventured to enter the Bay of Bengal, they would be met by the monsoon, which would disable and perhaps destroy the expedition, and if it ever arrived at Hong Kong it would be

in a scattered, disordered, and disabled condition; so that any expedition depending on their co-operation must fail. But let their Lordships consider, further, the serious injury to British interests which would result from this delay—to what danger would the British residents at Hong Kong be exposed, in the midst of a vast Chinese population. And consider the great encouragement given to the Chinese by the delay to bring forward that boasted power of England on which, it was to be feared, we were apt too proudly to rely. Let their Lordships again consider the period of the year to which operations would now be postponed—the most unhealthy season of the year, which was so fatal to our army, and almost to our navy, in the late war, and which would now, it was to be feared, again be fatal to us. He (the Earl of Ellenborough) knew not whether the papers which professed to speak with the authority of the Government gave any information which was to be relied on; but if it was true, it was intended to place on board the vessels far more troops than they ought to carry, considering the climate for which they were destined, and the length of the voyage. He knew the consequences by experience of any error on that point. He recollected how the 98th Regiment had been sent out during the last China war in vessels so crowded that when they arrived the entire regiment was in a state unfit for service. Nor could any regiment be so when it landed, after having been detained a long time in a crowded ship. He recollected the period at which the voyage was to be performed. The vessels would pass the Cape in the middle of July, and would be exposed to great risks. He would recommend to the Government to provide for vessels which would be navigating the Chinese seas in the height of summer, not the mere ordinary awnings, but double thick ones, which would keep out both sun and rain, for the heat was intense and the rains heavy. He also recommended greater care for the ventilation of the vessels between decks. Again, he recommended, that as in the present state of feeling among the Chinese it would be idle to expect—except, perhaps, as to a few of the islands—that we should be able to obtain fresh meat—and, if not, the health of the troops would be seriously affected, unless some substitute were provided—care should be taken to procure and to test supplies of preserved meats. In the Rio de la Plata, where there were vast herds of cattle, but a hostile population, it had been found

impossible to obtain supplies, and the preserved meats had been found extremely useful. The noble Earl went on to say that he looked with dismay to the probable result of operations by European troops in China without an adequate force of Native troops, for duties under the sun must be performed by the Native troops, and if such duties were forced on European troops the result would be a great degree of inefficiency. The troops could not arrive before the end of June or beginning of July. No ships could remain at the mouth of the Canton rivers after the early part of September; therefore the season of operations north of Canton was so narrow that it would be impracticable to carry them on. But what description of vessels was it proposed to send? They were vessels of great size and deep draught of water: such as might be very well in the Crimea, where troops had simply to be landed at Bala-klava, and there left; but if these vessels took troops to Hong Kong, how could they be moved to any other port? It would be impossible to move them in these vessels. Such vessels as the *Himalaya*, the *Shannon*, and the *Retribution*, would be of no use. They could not go up the Canton river; there were shifting shoals; and these large vessels, from their size, would be more difficult to manage than smaller ships. They could never get within reach of the enemy—indeed, as to the mouth of the Pei-ho river, some of them could not come within sight of land; the men, therefore, would have to be shifted to smaller vessels, and put on shore without anything to cover them. He looked with apprehension to the result of the operations under these circumstances. Had orders been sent out to India by the 10th January a fleet of small steamers might have been prepared for the operations, but now none of them could be obtained. It was to be hoped that the noble Lord opposite (Lord Panmure) would take the trouble of reading the orders sent from this country during the last China war, and the despatches sent to England. The noble Lord would acquire information which would be of great use to him. All the despatches of which he (the Earl of Ellenborough) had cognizance were written with the approbation, if not from the dictation of, the Duke of Wellington and Sir George Cockburn, and he had had frequent communication with them as to the mode of conducting operations. Again, at the earliest possible period, orders ought to have been

given in India for the preparation of a body of followers to accompany the troops. Without native followers the troops would be useless when they arrived. Not less than 300 followers were required for every regiment in China, so that it would be necessary to provide 1,600 of them. He was not recommending anything which he did not himself observe in conducting the last Chinese war. Followers for all the detachments were prepared, and everything was done which knowledge of India and Eastern service could suggest to make the force efficient. He thought that another matter of very great importance was to take precautions to prevent the action of fire vessels against large ships in confined waters. He knew that in 1841 it was a subject of the greatest anxiety, and that the strongest precautions were taken which the experience of Sir George Cockburn could suggest. When he heard of a fire vessel coming under the bows of one of Her Majesty's ships he thought it absolutely necessary that instructions should be given to the Admiral and officers engaged in the service to take greater precautions than appeared to have been taken. It was not creditable that any fire vessel should have come into such close proximity to one of Her Majesty's ships. It was with regret that he heard the noble Lord at the head of the War Department attempt to defend the destruction of the suburbs of Canton, and it was with great satisfaction that, in looking over the papers connected with the last war, he read a despatch from Lord Palmerston, then Foreign Secretary, directing those who had the conduct of operations in no case to burn or destroy a town; declaring that it was to be a war against the Government—not a war against the people. It was said to be the intention of the Government to send a force up the Yang-tse-kiang, and to do exactly what was done in 1842; but the circumstances were altogether altered. We were not at war with the Emperor of China, but with the people of Canton; and, further than that, Nankin was no longer in possession of the Emperor but of the rebels; so that if we took possession of it we added nothing to the embarrassments of the Chinese Government, but should probably assist the Emperor by turning out the rebels. Therefore, in his opinion, nothing could be more contrary to reason than such an expedition. Our operations, whatever they might be, should be confined to Canton, for with Canton only at present had we a cause of war. He heard

with very great regret that there was an intention of sending out a great Plenipotentiary—some very important person in the confidence of the Government, who was to go with some person on the part of France, and some person, probably, on the part of the United States—to exact from the Chinese Government some concessions which we had no pretence for demanding. He objected to that, not only because it was most unworthy to take advantage of a supposed period of difficulty to require concessions from the Chinese Government for which there was no pretence, but because he deprecated any conjoint operations and any conjoint negotiations. We had had enough of both. We had seen the inconvenient manner in which conjoint operations affected the character of our arms and the result of our negotiations, and he most earnestly trusted that, whatever the Government might determine on doing, they would do it by themselves; that they would exact only those terms to which they thought, as Englishmen, we were entitled, and that having obtained those terms they would retire from the conflict. The noble Earl concluded by moving—

“That an humble Address be presented to Her Majesty for,

“Return of the Number of Cases in which the Consuls in China have, under the 12th Article of the Supplementary Treaty of 1843, apprized the Chinese Authorities of any positive Instance of Smuggling Transactions coming to their Knowledge: Also,

“Copy of any Instruction to the Consuls in China issued by the British Plenipotentiary, under the said 12th Article, directing them to strictly watch over and carefully scrutinize the Conduct of all Persons, being British Subjects, trading under their Superintendence: Also,

“Copies of any Letters from the said Consuls reporting the Measures adopted by them for carrying out any such Instruction: Also,

“Copies of any Reports made by any British Officer at Hong Kong, under the 14th Article of the said Supplementary Treaty, to the Chinese Authorities, of any Chinese Vessels repairing to Hong Kong to buy or sell Goods without having a Pass or Register from One of the Five Ports: And also,

“Copy of any Return or Communication made to the Chinese Authorities at Canton, under the 16th Article of the said Supplementary Treaty, showing the names of Chinese Vessels arrived at Hong Kong, or departed from that Port, with the Nature of their Cargoes.”

LORD PANMURE said he felt it necessary to make a few remarks upon the military part of the question, which had been introduced by the noble Earl. It was impossible to conceal that operations in China at this season of the year were matters which must attract the most serious attention of Her Majesty's Government; but

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Her Majesty's Government conceived that the state of affairs at Canton was such that not only the honour of England, but the safety of British property and the support of British trade demanded that that position should be brought to as speedy a conclusion as possible. He had no hesitation in saying that the policy of the Government was, in the first instance, to use every endeavour to bring those affairs to a satisfactory conclusion in a peaceful manner, and only to have recourse to force in the last resort. It was quite true that it was the intention of Her Majesty's Government to send out an officer of high character and position, who could negotiate with the Chinese Government for the renewal of those treaties already existing, but, he lamented to say, never duly observed by the Chinese. It would not be the object of Her Majesty's Government to extort from the Chinese Government, even if we had force enough to do it, any terms which were not just, fair, and reasonable, and such as the justice of the people of this country would approve. But should the Chinese Emperor refuse to grant to our envoy those just and reasonable demands, it was not only the opinion of the Government, but he was certain it was the opinion of the country at large, that the honour and character of the British nation in that great empire demanded that we should not stop until we had succeeded in obtaining them. For that purpose it was intended to send immediately a force to China. The question had been considered whether that force should be sent from India or direct from this country. Under all the circumstances of the case it appeared to him to be more advisable to send troops from this country, and also more economical to operate from this country. They had at the present moment four regiments under orders for relieving and reinforcing the troops in India. Those regiments were completed to the full strength, and were now quite ready to sail. By sending those regiments to China, if upon arriving there the state of affairs should have improved, they would be sent on to their original destination, in which event the expense of their transport would fall upon the East India Company. If, however, circumstances should render necessary the continuance of those troops in China, the expense of their conveyance thither must be borne by the mother country. He had to thank the noble Earl (the Earl of Ellenborough) for the valuable suggestions he had offered; and he had the satisfaction of informing him that the transports which were to

take out the troops had been so measured and fitted as that no more should be taken on board each ship than could be conveniently and safely accommodated, and every precaution had been taken to insure the comfort of the men, not only during the voyage but after their arrival, as the vessels would be used as barracks until the services of the troops were required on shore, so that the men would not be exposed to the ravages of disease by being quartered in Chinese villages or in tents on land. He also proposed to send out, to arrive long in advance of the troops, the head of the commissariat department, the head of the medical department, and the head of the store department, to make preparations, and secure supplies, that the troops might be supplied with fresh meat, which was so absolutely necessary for their health. Orders had also been given to convey to China a sufficient quantity of salt provisions and preserved meats, of vegetables, flour, biscuit, and everything necessary for the well-being of the troops. There certainly was no intention of directing any demonstration either in the direction of the Pei-ho or against the four friendly ports of China, with which we were not, as the noble Earl had truly observed, in a state of war, and he hoped we never should be so. The whole quarrel was with the Cantonese; and none, he believed, were more anxious to see lowered the pride of the Cantonese than the inhabitants of those four ports, who had hitherto been taunted by them with allowing barbarians to enter within their walls. With regard to what fell from him on a previous evening respecting the destruction of a suburb of Canton, he did not defend such an act in the abstract, but what he did say, and what he repeated, was that he felt certain Admiral Seymour would not have resorted to such a step had it not been necessary for the defence of his position and the security of his fleet. With respect to any intended operations against Canton, he was sure that to decide upon any fixed plan of operations at a time when the conduct of affairs was to be intrusted to an officer in whom all must feel confidence would be premature, if not a work of supererogation. No doubt when the Commissioner arrived out he would survey the whole state of affairs, and his first act would of course be to endeavour to resume negotiations. If he failed in those endeavours he would direct, with a view to bring the Cantonese to reason, all those proceedings of war which would be most likely to secure that end with the least possible

amount of bloodshed—such as by cutting off the supplies of the city. To give any particular orders at this distance from the scene of operations, in ignorance of what might be the state of affairs upon the arrival of the Commissioner in China, would be essentially wrong. All that the Government at home could do and would do was to make the force sent out as efficient as possible, and to take every precaution that could be adopted to maintain their health. With regard to the mode of dress and the protection of the men from the heat of the sun, the noble Earl might rest assured every precaution had been and would be taken. More could not be done, and they could only hope that those precautions would, under the Almighty Providence, be found effectual in preserving the troops from the dangers attendant upon the climate.

THE EARL OF ELLENBOROUGH wished to know whether it was intended to carry on operations in China without the assistance of the Native troops of India? If that were so, we should certainly lose one-half our force and fail in our object.

LORD PANMURE said that, as at present advised, it was the intention of the Government to carry on operations without the aid of the Native troops of India. Considerable difficulty had been experienced upon a former occasion from the admixture of forces. Upon the occasion of the last war in China the British and the Native Indian troops were like buckets in a well—when one was efficient the other was inefficient. During the hot season the Native Indian troops were able to do duty, while the British soldiers failed and died; but directly the cold weather set in the Indian soldiers became utterly useless, while the English recovered their health. In his opinion, however, if we maintained the command of the Canton river there would be no occasion to land the troops until the season in which they could operate with efficiency, at which time Native Indians would be completely useless. The noble Earl had complained of the large size of the vessels in which the troops were to be sent out. It was necessary to send out large vessels, because they would be required in China as barrack accommodation and as a base of operations. Smaller vessels, however, would be on the spot, including 16 gunboats, drawing five or six feet water, and country vessels would be taken up, which, being towed by small steamers, would convey troops to any point where their presence was needed. With

respect to the statement that the reinforcements were to be sent out two months too late, all he (Lord Panmure) could say was, that immediately upon intelligence being received of the necessity for additional troops orders were sent to the Mauritius, and he had no doubt that troops from that place were already at Hong Kong.

EARL GREY remarked that, as far as he could perceive, no orders were given for the despatch of a large force to China from this country until after the arrival of the last mail, about a fortnight since.

LORD PANMURE: One regiment sailed about a month ago.

EARL GREY repeated that the large expedition now preparing was not ordered until after the arrival of the last mail. Since that mail reached this country a noble Lord in that House had repeatedly asked for the production of the despatches sent from China, which could scarcely be objectionable at this distance from the scene of operations. Those despatches, however, had not been produced; and therefore he (Earl Grey) wished to know whether any intelligence had been received of so serious a character, of which the public had not been apprized, as to lead the Government to believe that a considerable increase of our military forces in China was necessary?

THE EARL OF CLARENDON said there was no objection whatever to the production of the despatches referred to by the noble Earl. He had already stated on a former night that by those despatches the Government became for the first time acquainted with the fact that the Admiral had found it necessary to withdraw from the positions he had held in the Canton river. That was the first intimation they had received that the Admiral did not consider his positions tenable with the force then at his disposal, having regard to the threatening aspect of affairs at Hong Kong and the necessity for his stationing a portion of his force at that place. There was nothing in those despatches of which he (the Earl of Clarendon) had not already given a summary in his reply to a question which had been put upon a previous evening, but at the same time there was no objection to produce the despatches if it were desired. He would take that opportunity of stating, in consequence of an observation which had fallen from the noble Earl (the Earl of Ellenborough), that he had made inquiry at the Colonial Office, and that nothing was known there about any passes which had been granted

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with reference to the fulfilment of the treaty. If the treaty had been carried out strictly according to its letter, whatever was done would be done by the harbour-masters of the different ports, and of course their proceedings would not have been made the subject of reference to this country. With regard to notices being given on the subject of smuggling transactions, he had heard from inquiry that the correspondence or understanding between the Chinese Commissioner and the British Plenipotentiary on the conclusion of the treaty had never been sent home; therefore at present there were no means of knowing what had led to that somewhat unusual Article to which the noble Earl had called attention, with respect to guarding against smuggling or to giving notice when smuggling transactions took place. There were three or four despatches which contained records of notices given to the Chinese authorities under the treaty; and he had been informed that in 1851 instructions were sent out to Sir George Bonham with reference to the numerous notices which had been given by the British Plenipotentiary and consul to the Chinese authorities about smuggling, of which no notice had been taken by the Chinese authorities. There was, in fact, no doubt whatever that the smuggling took place with the connivance of the Chinese authorities. There was not a single provision for giving notice in the case of transactions of this kind in the treaties concluded with France and the United States; consequently British subjects were really placed in a worse position than the citizens of France or the United States. He repeated, it was perfectly manifest that the smuggling was connived at and shared in by the Chinese authorities. The result was that his noble Friend (Viscount Palmerston), who was then at the head of Foreign Affairs, sent out a long despatch reviewing all that had been done, stating the terms of the treaty, and adding that if the Chinese would not collect their own revenue and assist in carrying out the terms of the treaty, it was impossible for this country to give effect to its provisions, seeing we had never had their co-operation in carrying it out. Notice was given to the Chinese authorities to that effect; but the Chinese Commissioner returned a very vague answer, intimating that he was not aware that any smuggling had taken place. That was the position in which the matter had remained since 1851, and since 1851 there had been no despatches on the sub-

ject; but he (the Earl of Clarendon) would lay on the table the despatch to which he had alluded.

Motion agreed to.

House adjourned at half-past Six o'clock till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 12, 1857.

MINUTES.] PUBLIC BILLS.—3^d Income Tax; Extra Parochial Places; Ecclesiastical Jurisdiction; Indemnity; Copyhold and Inclosure Commissions, &c.

PRIVATE BILLS.—RESOLUTIONS.

SUSPENSION AND RESUMPTION OF PROCEEDINGS.

MR. FITZROY (Chairman of Committees) moved Resolutions, providing for the suspension of the proceedings on Private Bills in the present Session, and for resuming them in the next Parliament. The hon. Member stated certain facilities had been given on previous occasions, either when there had been a great pressure of private business or when the Session had come to a premature end, for taking up the proceedings in the ensuing Session with private Bills. In 1845, for instance, in consequence of the great pressure of private business, certain Resolutions were agreed to in respect of railway Bills; and in 1847, in consequence of the sudden dissolution of Parliament, similar Resolutions were passed giving facilities in the ensuing Parliament to railway Bills which had arrived at a certain stage. The only difference in the Resolutions which he now proposed from those which had been passed on former occasions was, that by these Resolutions the same facilities were given to private Bills generally, which were before confined to railway Bills. The object of the Resolutions was to place private Bills—when the House was made aware, by the declaration of the agent and the certificate of the Private Bill Office, that it was the same Bill, and that it had arrived at a certain stage—in the same stage in the ensuing Session of Parliament. The hon. Gentleman then moved his Resolutions: and it was accordingly—

Ordered, "That the Promoters of every Private Bill which has been brought into this House in the present Session of Parliament, shall have

leave to suspend any further proceedings thereupon, and to proceed with the same Bill in the next Session of Parliament.

Ordered, "That the Promoters of every such Bill shall give notice in the Private Bill Office, not later than the day prior to the close of the present Session, of their intention to suspend any further proceedings thereon; or, in the case of Bills then pending in the House of Lords, of their intention to proceed with the same Bill in this House in the next Session.

Ordered, "That an Alphabetical List of all such Bills, with a Statement of the stage at which the same were suspended, distinguishing those Bills in respect of which Subscription Contracts have been deposited, shall be prepared by the Private Bill Office, and printed.

Ordered, "That, not later than three clear days after the next meeting of Parliament, the Bill (in the form required by Standing Order No. 168) shall be deposited in the Private Bill Office, with a declaration signed by the agent annexed thereto, stating that the Bill is the same in every respect as the Bill with respect to which proceedings have been so suspended, at the last stage of its proceedings in the House in the present Session.

Ordered, "That the Bills indorsed by one of the Clerks in the Private Bill Office, as having been duly deposited, with the Agent's declarations annexed, be laid by one of the Clerks of that Office, upon the Table of the House, in the next Session of Parliament, in the order in which they shall stand upon such List, but not exceeding fifty Bills on any one day.

Ordered, "That, in respect of every Bill so laid upon the Table, the Petition for the same Bill, and the order of leave to bring in the same in the present Session, shall be read, and thereupon such Bill shall be read a first time; and a second time (if the Bill shall have been read a second time previously to its being suspended); and (except in the case of Bills in respect of which a Subscription Contract has been deposited) if such Bill shall have been reported by any Committee in the present Session, the order for referring such Bill to a Committee shall be dispensed with, and the Bill ordered to lie upon the Table, or to be read a third time, as the case may be.

Ordered, "That in the case of Bills, in respect of which a Subscription Contract has been entered into prior to the present Session, provided it shall be proved to the satisfaction of the Committee to which the Bill is referred, that the deposits in respect thereof (see Standing Orders 63 and 64) have not been withdrawn, it be an Instruction to the Committee to insert a Clause enacting that such Contract shall be as valid as if the Bill had passed in the present Session of Parliament; and if any such Bill shall have been reported by any Committee in the present Session, the same shall be referred to a Committee solely for such purpose.

Ordered, "That all Petitions presented in the present Session against Private Bills, and which stood referred to the Committees on such Bills, shall stand referred to the Committees on the same Bills, in the next Session of Parliament.

Ordered, "That no Petitioners shall be heard before the Committee on such Bill, unless their Petition shall have been presented within the time limited in the present Session.

Ordered, "That, in case the time limited for presenting Petitions against any such Bill shall

not have expired at the close of the present Session, Petitioners may be heard before the Committee on such Bill, provided their Petition be presented previous to, or not later than, seven clear days after the Second Reading thereof in the next Session.

Ordered, "That all Instructions to Committees on Private Bills in the present Session, which shall be suspended previously to their being reported by any Committee, be Instructions to the Committee on the same Bills in the next Session.

Ordered, "That the said Orders be Standing Orders of this House; and be *printed*. [No. 104]."

TICKET-OF-LEAVE SYSTEM—QUESTION.

MR. SPOONER said, he rose to ask the right hon. Baronet the Secretary of State for the Home Department a question which referred to a ticket-of-leave man who had recently committed a burglary at Ashover, in Derbyshire. He wished to know whether the right hon. Gentleman had received information from the Recorder of Birmingham to the effect that that ticket-of-leave man was well known in Birmingham, that he had been dwelling there without any ostensible means of obtaining a livelihood, and lived among thieves and such associates? Was it the intention of the right hon. Gentleman to withdraw the ticket of leave in that particular case, and in others where men were known to be the associates of thieves?

SIR GEORGE GREY said, the facts of the case were these:—In February, 1856, the Recorder of Birmingham transmitted to him a Report from the police of that borough relative to eighteen persons who held tickets of leave there. From that Report it appeared that eight persons out of the eighteen had conducted themselves honestly and well. With regard to two others, their characters were doubtful, although nothing was known about them which called for the revocation of their tickets of leave. But as to the remaining eight the Report stated in general terms that their conduct was bad. He, therefore, desired inquiries to be made with regard to them, and it turned out that three of them had committed indictable offences. One of them had been convicted, and his ticket of leave was necessarily withdrawn according to the general rule, while two of them were sentenced to terms exceeding those to which they were originally sentenced, and their tickets of leave were of course revoked. That left five of the eight whose conduct was reported to be bad, and, with regard to those five, two of them had been cautioned by the police, and one

of them had subsequently disappeared from Birmingham, but, as the other had since given up a disreputable house, which had been the resort of thieves, his ticket of leave was not withdrawn. With regard to the remaining three, he (Sir G. Grey) directed the police to warn them. The police thereupon informed them that if they did not discontinue their course of life their tickets of leave should be withdrawn. He had not received any further communication from the police with respect to those three. The Recorder of Birmingham suggested that, notwithstanding the suspicions against the eight out of the eighteen, it would be harsh to withdraw their tickets of leave without affording them an opportunity of showing that these suspicions were groundless, and he (Sir G. Grey) concurred in that suggestion. The Recorder suggested that it would be desirable to remove these persons from Birmingham. He (Sir G. Grey) desired the police to communicate with them, and inform them that they were being observed, and that in the event of their continuing a dishonest course of life measures would be taken for the withdrawal of their tickets of leave. He imagined that, with regard to the particular person inquired after by the hon. Member for North Warwickshire, the object which the Recorder had in view was attained, and he had left Birmingham because the place at which he had committed the crime was in another part of the country—at Ashover, in Derbyshire.

MILITARY PRISON AT THE CURRAGH.

QUESTION.

MR. COGAN said, he would beg to ask the hon. Gentleman the Under Secretary for War whether there was any intention to establish a military prison in connection with the camp at the Curragh, and, if so, whether any steps had been taken as yet with respect to it?

MR. FREDERICK PEEL, in reply, said, that two propositions had been made for the establishment of a military prison, one for the purchase of an existing civil prison, and the other for the erection of a new prison within the limits of the camp of the Curragh. No decision had yet been come to upon those propositions.

JUDGES IN MALTA—QUESTION.

MR. KINNAIRD said, he wished to ask the right hon. Gentleman the Secretary of State for the Colonies whether he had

taken any steps to prevent Judges holding the office of Member of Council at Malta?

MR. LABOUCHERE said, that he had thought it expedient to recommend that an Order in Council should be passed by which it should be provided that in future Judges of the Superior Courts in Malta should not be eligible for seats in the Council of Government.

SITE OF SMITHFIELD MARKET.

QUESTION.

LORD ROBERT GROSVENOR said, he wished to inquire of the right hon. Gentleman the Chancellor of the Exchequer whether the Government was prepared to give effect to the recommendation of the Smithfield Committee; namely—

“That the best appropriation for the general benefit of so much of the site of Smithfield as reverts to the Crown would be to adapt it for the enjoyment and recreation of the public.”

THE CHANCELLOR OF THE EXCHEQUER: In answer, Sir, to my noble Friend's question, I will state the course which has been taken by the Government with reference to this matter. On the 26th of July, 1856, the Report of the Committee was sent to the City Remembrancer for observations, with an intimation that it would be the duty of Government to consider before the meeting of Parliament the propriety of introducing a Bill for the appropriation of Smithfield. On the 3rd of December the City authorities replied that they dissented from the opinion of the Committee, and that they could not recognize the claim of the Crown to the site, and submitted that such right must be substantiated by law before any legislative proceedings could be taken. In order, however, to avoid such proceedings, they requested the Treasury to assent to their plan for a dead-meat market. On the 20th of December the Treasury replied that they could not consent to the proposed appropriation of the site. But, before taking measures to establish the right of the Crown, they requested to be informed “whether the Corporation could propose any destination of the site to a public object, in which Her Majesty's Government may be able to concur.” On the 27th of July last the City Remembrancer replied that the Corn and Markets Committee hoped at an early period to lay some proposition before Her Majesty's Government. That proposition has not yet

been received, but a letter has been addressed to the City authorities, calling their attention to the state of the question, and asking for information as to their intentions concerning it.

ASSESSED TAXES—THE HORSE DUTIES

—YEOMANRY—QUESTION.

MR. KER SEYMER said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether, in the event of the Yeomanry Cavalry not being called out for eight days' permanent duty during the ensuing year, he was willing, in accordance with precedent, to remit the horse duty to the enrolled members of the Yeomanry corps?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that if sufficient cause were shown for not calling out the Yeomanry for eight days' duty, the Government would, as had been the practice on former similar occasions, remit the duty for the ensuing year.

SIR JOHN PAKINGTON: For the ensuing financial year?

THE CHANCELLOR OF THE EXCHEQUER: The communication I have received from the Inland Revenue Board only says “for the ensuing year.”

THE CRIMEAN COMMISSIONERS.

QUESTION.

MR. J. EWART said, he would beg to ask the noble Viscount the First Lord of the Treasury whether it was the intention of Government to make any further recognition of the services of Sir John McNeill and Colonel Tulloch in the Crimea?

VISCOUNT PALMERSTON: Sir, Her Majesty's Government have made what I conceive to be ample recognition of the merit of these services. We have acknowledged them in this House. They have been acknowledged by letters to those gentlemen; and, moreover, Her Majesty's Government intimated to them their intention of recommending the Crown to present to each of them a sum of £1,000 as a more material acknowledgment of the services which they performed during the three months that they were in the Crimea. They have, however, thought fit to decline this gift. I do not question their motives; but it seems to me that the Crown has done all that it can properly be advised to do.

THE CRIMEAN COMMISSIONERS.
RESOLUTIONS.

Supply—Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. PALK rose to move an Amendment in the form of Resolutions recognizing the value of the services rendered by Sir John McNeill and Colonel Tulloch, as Commissioners for inquiring into the management of the Commissariat Department of the army in the Crimea. The hon. Member said that no one could have forgotten the return of the Guards to London, and any one who witnessed that event must have been struck by the bronzed and martial appearance of the men, who had gathered fresh laurels in every encounter in which they had been engaged, and must still remember how the caps of the Grenadiers of England were thrown up in order to testify their loyalty to the Queen. It was, however, a still more thrilling and remarkable sight to see the population of London throw aside the bounds of conventional respect, and with loud cries welcome the Guards to their native land. On that occasion the people of London were the faithful representatives of the nation at large. England was not a warlike nation; it delighted most in the arts of peace and in the enterprizes of commerce; yet go where they would—to the manufacturing cities or to the agricultural counties—but one feeling prevailed throughout the length and breadth of the land—namely, honour, respect, and regard for our brave army. The Guards were welcomed to this city on that memorable day; but amid the just elation with which those who had fought for their country were universally received the sad thought intruded itself unbidden of how many of their heroic comrades had been left behind on a distant shore—gallant men who had died, not at the Alma or at Inkerman, not in the trenches or on the battle field, but by the misery and destitution which the inefficiency of our establishments had occasioned. In was in the beginning of 1854 that the sad accounts first reached us which soon convulsed the country from one end of the kingdom to the other. They told of disasters greater than had ever before been encountered by any British force—disasters so great that the miseries of the fatal Walcheren Expedition paled before them; and men stood

aghast at the prospect of the further horrors which awaited our army. So extreme was the crisis that an event then happened which was wholly unparalleled. *The Times* newspaper assumed the Executive of England, and, by its wide circulation and the aid of the means at its disposal, raised a large sum of money, and instantly sent it to the relief of the sufferers. The country was aroused; Parliament was called together; and the hon. and learned Member for Sheffield (Mr. Roebuck) demanded, and, in spite of all the resistance and the evasions of the Government, carried in that House a Committee of Inquiry as to the state of the British army. The result of that Committee's labours was well known to them all; but one argument used against its appointment, and the argument which, in his opinion, had the greatest force, was that it was unfair for a Committee at home to judge of the acts and proceedings of our officers abroad. In consequence of this the Government ordered a Commission of their own, and sent out Sir John McNeill and Colonel Tulloch to investigate the state of affairs on the spot. These two Commissioners accordingly examined, personally or collectively, the commanding officer, surgeon, and quarter-master of every corps in the Crimea, and they reported that the sufferings of the army must have been intense; that the strength of the men had given way under excessive watching, exposure, and privation; they stated that the defective departmental arrangements in the Crimea had contributed in no inconsiderable degree to the sufferings of the troops; and they pointed out that the system hitherto relied on had failed under the exigencies of the Crimean campaign. They further stated that the mortality of the army on all previous occasions sank into comparative insignificance, and by a return lately presented to the House they had a detailed list of the losses sustained. The newspapers of January, 1855, asserted facts connected with the mortality of the army, which were over and over again contradicted in that House; but a few months afterwards the Crimean Commissioners came to conclusions precisely the same as those which had been published by the press; and latterly the statements of the Commissioners were corroborated, in a manner that could not be controverted, by the Returns which had been laid before Parliament:—

"The general total of all the regiments or corps which originally landed in the East was 55,530; the total of non-commissioned officers and men who were added to these during the progress of the war was 27,371; thus the total of British troops from first to last amounted to no less than 82,901. Of these 18,927 were killed or died. But in another column we have the number killed returned as 2,598, and, as of the 11,361 returned as wounded only 1,848 subsequently died, we can well believe the statement of Colonel Tulloch, that up to the time of his inquiry 10,000 men had perished, independently of the losses inflicted by the enemy. But there is one fact which has not yet been sufficiently brought forward,—how many men were disabled by sickness without actually finding a grave in the East? The answer given in the return is startling. No less than 11,374 men were invalided, or became non-effective up to September, 1855. Put, then, these two numbers together—the 18,927 who actually died, and the 11,374 who were disabled—and we have the total loss of the British army 30,301 for a period of eighteen months, only twelve of which were passed in presence of the enemy. In round numbers, out of 80,000 men we lost 30,000 during the war."

This fearful mortality roused the people of England as one man, and induced the Government to send out Commissioners to investigate its causes. The British army landed in the Crimea on the 14th of September, and the first step was to leave their knapsacks behind. He was told that this was sometimes done in order to relieve the soldiers, and that, when done in certain circumstances and under careful provisions, no great misery resulted from it. In this case, however, the commonest precautions were unfortunately omitted. The knapsacks left on board the different transports remained there. Some went to Varna, some to Baltshik, the rest were scattered over the sea; and the soldiers did not receive them for months afterwards, and, indeed, some never received theirs at all. Another curious fact was that the knapsacks on that occasion did not contain the usual amount of necessities carried by the men. A large quantity of those articles was left in the squad-bags at Scutari. Why these squad-bags were not collected together and conveyed from Scutari for the use of the troops, as they easily might have been in a very few days, he was unable to gather from the voluminous reports before them. This neglect, he firmly believed, was the origin of the disease and distress to which the army was exposed. They commenced a siege without a change of clothing, without the indispensable means of cleanliness, without a second pair of shoes; and from this cause alone they were reduced to a state of wretchedness

sufficient to account for a great portion of their mortality, even if there had been no fault to find with their supplies of food. The knapsack of the soldier was, perhaps, of more importance to him than any of his other accoutrements, because through the want of it he was unable to keep his change of linen dry, or to collect and preserve the various articles essential to the maintenance of cleanliness, and therefore of health. The result was that, after two months, the army which had received the adieus of its Queen; which it was the boast of the Minister of the day that he had sent out equipped with every necessary, and rich in everything that could make a force effective; which was, in fact, an expedition the like of which had never before left the British shores—this proud army, the discipline of which no suffering was able to relax, was allowed gradually to sink under cold, starvation, and disease, until it was at length brought, by the accumulated neglect of those whose duty it was to administer to its wants, to the lowest point of human wretchedness. The next circumstance which a careful examination of the reports had strongly impressed upon him was, that although warm clothing to a great amount was upon the spot, yet, for some reason which was not explained, it was never received by the troops. Their clothes were threadbare, their shoes were worn out, they were shivering in the cold, and drenched in the rain. And yet at this very time there was an ample store of great-coats in the Quartermaster General's department. The Commissioners examined Major Wetherall, the Assistant Quartermaster General, on this point, and on being asked how it was that out of about 12,000 great-coats in store only 2,376 had been issued to the army, that officer stated that, as far as he was aware, it never had been contemplated to give more than one regimental great-coat to each soldier, especially at a time when additional warm clothing was daily expected, and that he thought it absolutely necessary to keep a supply of great-coats in store, to meet the demands which might be made in the ordinary course of the service. To those who were not so well accustomed to all the details of military regulation as this gallant officer it must appear somewhat strange that, because the army might perhaps suffer at some future time for want of great-coats, its present necessities were therefore to be entirely uncared for and unrelieved. Most certainly, had that gallant officer given out to the

soldiers that additional clothing which was then in his stores it would have saved the life of many a poor wretch who had died, not from hunger, but from cold. The next point which remained unexplained, and of which he at once acquitted the heads of departments of the army in the East, was the supply of green coffee to the army. The name of the official who had given that unfortunate order had never yet been mentioned, and for his own sake it was to be hoped that it never would. In the papers laid before Parliament no reasons nor arguments for issuing green coffee to the troops were to be found; all that appeared there was the order itself, which was given by the Treasury, but by what department or what person in the Treasury he had been unable to ascertain. Sir John McNeill and Colonel Tulloch attributed the mortality and distress of the army to certain departmental inefficiencies. The Board of General Officers attributed this distress mainly to the want of forage for the mules and horses of the commissariat department. Taking the view of the Board of General Officers first, whose fault was it that the forage was not sent out? Commissary General Filder made repeated requisitions to the department at home for pressed hay; it was totally impossible for him to carry unpressed hay, and without it the transport animals could not be maintained. So far he agreed with the Board of General Officers that Commissary General Filder had made out a good excuse for himself; but still the blame of the inadequate supply of forage rested somewhere. He was the last man in the world to bring an accusation against absent persons, but it appeared pretty certain from the papers that Commissary General Filder had made repeated requisitions to the department at home; but Sir Charles Trevelyan, reasoning for himself, judging for himself, and believing himself to be a better judge of the wants of the army in the Crimea than the Commissary-General, failed to send out to Mr. Filder those supplies on which, according to the Board of General Officers, the efficiency of the army mainly depended. Sir John McNeill and Colonel Tulloch took a different view, and thought that though hay and chopped straw might have been difficult to procure, yet barley might have been got to any amount, and upon that the transport animals might have been maintained for some months in full vigour. He was not prepared to say that the view of Sir John McNeill and Colonel Tulloch was

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correct; but certainly, however generally free from blame Mr. Filder might have been, there appeared to be a great want of ingenuity and contrivance on his part in this matter. After making all allowances for the difficulty of the position, he was most reluctantly brought to the opinion that the Commissary General had failed to make those great exertions which the exigencies of the case demanded. He had no wish to scan too narrowly the actions of public men, for it was impossible always to be aware of the difficulties which they had to overcome; but it was sufficient for him to have shown, as he thought he had, that the mortality of the British army was great, excessive, and unusual. He did not wish to fix the blame upon any one in particular, but he hoped that the next Parliament would undertake to apply to the British army the only remedy which could insure it against the repetition of disasters of this kind. This, in his opinion, was a complete revision of the army departments—not so much of the regulations and arrangements of the departments themselves as of the officers who were intrusted with the duties of them. If he had the honour of a seat in the next Parliament he should be able to prove to the House from the evidence lately published in the Report of the Commissioners sent to inquire into the education of foreign armies that our system of officering the British army was not adequate to the wants of the present day, and that for the future the army must be officered by men who had been educated for a military career, and who had been trained from early life to look to the army as a profession, in which to strain every nerve and to exert all their abilities in difficult and trying circumstances. If this could be done the efficiency of the army would be greatly increased, without any sacrifice of the high character and gentlemanly bearing which had always distinguished the British officer. Up to lately, England could not be considered a warlike country. Now, however, she must be considered as one of the most warlike in the world, and the improvement of our army ought to be regarded as one of the most important topics which could be considered by the Legislature. Before sitting down he had a few words to address to the right hon. Member for Manchester (Mr. Milner Gibson). It was a sad thing to see a great man in distress, and it was almost as sad to see the right hon. Gentleman in want of a cry with which to go to the hustings. “Peace,

retrenchment, and reform!" the right hon. Gentleman said, would no longer do. Peace had been concluded. We had withdrawn our troops from Athens and our Plenipotentiary from Naples; we had engaged in war with Persia, and we had also made peace with that country; but we were now employed in decimating the defenceless barbarians of Canton. He certainly did not think that the peace cry was popular in England. Retrenchment would not do either, for we could not have large armies, great fleets, and squadrons of gun-boats without considerable expenditure. With regard to reform, the noble Lord at the head of the Government had declared his opinions so plainly that it was unnecessary for him (Mr. Palk) to say a word on the subject. Hopeless as the case of the right hon. Member for Manchester seemed to be, he (Mr. Palk) thought there was one cry that would move not only Manchester, but every county and borough in the kingdom. Let the right hon. Gentleman take the Report of the Commissioners in the Crimea, and let him tell the people of Manchester that by neglect somewhere—for he (Mr. Palk) could not say positively in what department the neglect was—18,000 men had fallen victims to misery and disease. Let the right hon. Gentleman tell them that the noble Lord at the head of the Government sent out Sir John McNeill, a man of distinguished ability, and Colonel Tulloch, an officer who had served his country for twenty years, and who during that period had presented to the House six Reports tending to ameliorate the condition of the British army. Under difficulties of no ordinary description those gentlemen carefully and minutely investigated the causes of complaint, and they embodied the results of their inquiries in a Report of some hundred pages. Let the right hon. Gentleman tell the people of Manchester, that when Colonel Tulloch was called before the Board of General Officers at Chelsea, and was asked whether that Report had received the commendation of the Government, in order to meet that question he was obliged to write the following letter to Mr. Peel:—

"Sir,—I have the honour to state that, when under examination to-day before the Court, I was questioned as to whether I had any evidence to show that the Report of Sir John McNeill and myself had been approved by Lord Panmure and Her Majesty's Government. I replied that I understood the publication of the Report inferred such approval, as also that Lord Palmerston had expressed it in the House; but as neither of these

assertions seemed to be sufficient, and the only evidence I have on the subject is to be inferred from private memoranda, it would be of much service and save discussion if you could forward to me a letter to the Board of General Officers early to-morrow, stating that the Report was approved by Her Majesty's Government before being made public. I will answer the letter relating to legal advice in the course of to-morrow, when I see whether the proceedings in regard to Lord Lucan's complaint are likely to come soon to a close."

He (Mr. Palk) would now read the reply sent to this letter by Mr. Peel:—

"War Department, April 18, 1856.

"Sir,—Having laid before Lord Panmure your letter of the 17th instant, requesting that a letter may be addressed to the Board of General Officers through you expressing the approval of Her Majesty's Government of the Report of the Crimean Commissioners, I am directed by his Lordship to remark to you that all communications with that Board have hitherto passed through the Judge Advocate General, a course from which Lord Panmure does not think it desirable to depart. You have already been informed that all documents in the War Department are at your service, and had there been any formal documentary approval of the Report of the Crimean Commissioners on record it would be furnished to you according to your request. There is, however, no such document; but the speech of Lord Palmerston to which you refer is as authoritative a statement upon the subject as can be made. It is printed in *Hansard's Debates*, vol. 140, page 1,658, and Lord Panmure is of opinion that you may appropriately refer to it."

Such was the acknowledgment received from the Government by Sir John McNeill and Colonel Tulloch. He should be most unreasonable if he were to cavil at a letter so carefully and cautiously worded:—but there was not a sentence in the letter conveying any approval beyond that which had been expressed by the First Minister of the Crown; and it was delicately insinuated that Colonel Tulloch had been guilty of a breach of routine. They had heard something of routine and red tape, and he (Mr. Palk) thought the letter of the Under-Secretary for War was a good specimen of red-tapeism. Some months afterwards Lord Panmure, the Secretary for War, at a banquet given to him by some enthusiastic admirers in Scotland, made some laudatory remarks in his post-prandial oration with regard to Sir John McNeill. Since that time they were aware that a much more gracious mark of approbation had been offered by Her Majesty's Government to these two gentlemen—namely, the munificent sum of £1,000 each—which, for some reason with which he (Mr. Palk) was not acquainted, they had declined to accept. Those gentlemen were public ser-

vants, who had been called upon to render important services to the country at a period of great difficulty, and under very peculiar circumstances. They performed that duty, and produced a Report. That Report had been laid upon the table of the House, and he maintained that it was the duty of the Government either to controvert or to assent to it. If it was not founded on the evidence—if it was full of faults—it ought not to have been laid upon the table; but when it had been laid before the House, and when the noble Lord at the head of the Government had given his meed of approbation to those who prepared it, he (Mr. Palk) thought it was a cruel injustice to summon a Board of General Officers—none of whom, he believed, had been in the Crimea—to meet in England, not to controvert the Report, but with the view of enabling officers who had, in his opinion, been somewhat distantly maligned in the Report, to make statements in which they were carefully cautioned not to criminate themselves, but by which they shifted the blame from their own shoulders, and by inference threw it upon the Commissioners who drew up the Report. He wished this matter had been placed in abler hands; he had, however, endeavoured to place before the House its principal features, and it only remained to commit his Resolutions to their consideration.

SIR JAMES FERGUSSON seconded the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words

"Sir John McNeill and Colonel Tulloch ably fulfilled the duty entrusted to them of inquiring into the arrangement and management of the Commissariat Department:—That the evidence in their Report proves that in the months of December 1854 and January 1855, the sufferings of the Army must have been intense, and that great mortality was occasioned by overwork and exposure, and want of food and clothing:—That the examination into this statement by the Board of General Officers materially support the conclusions arrived at by the Commissioners as to the want of organisation in the Quartermaster General's, Commissariat, and Transport Services:—That it appears to this House that, from the Report of the Board, this inefficiency must be attributed to the imperfect arrangement or conduct of those Departments,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BLACK said, he should not be doing justice to his feelings towards his

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friend Sir John McNeill, nor to his constituents, if he were to remain silent on this Motion. His constituents took great interest in this subject, and he had presented three petitions—one from the Lord Provost and Magistrates of Edinburgh, another from a company of Merchants, and a third from the Dean of Faculties, members of the legal profession, clergymen, and merchants, urging the Government to bestow some sufficient mark of their approbation upon the Commissioners. At the time the Commissioners were sent out the honour of Britain was at stake, and the very existence of one of the finest armies that ever left these shores was imperilled. He thought the Government adopted a judicious course in deputing two gentlemen possessing such undeniable qualifications to investigate the cause of the calamities which had befallen the army. The Commissioners resolved to give up all the comforts of home, in order that they might be useful to the army and their country—and Sir John was at that time in precarious health—and the way in which they had discharged the duty intrusted to them did them the highest honour. They examined 200 witnesses, and spent fifty-five days in the investigation. What added greatly to the credibility of the evidence was, that the notes of every witness's examination were submitted to him to be revised and corrected, and he believed that, with the exception of two, all the witnesses revised in this way their evidence. The Commissioners had conferred an incalculable benefit on their country, and had embodied in the records of that House an invaluable body of suggestions for remedying errors and defects which in future times might be the means of saving the lives of thousands of our countrymen. In making their investigations they did not pursue their inquiries among the men who were grumbling and discontented, but they examined the commanders of divisions and regiments, the doctors, the adjutants, and all whose positions were such as to make them acquainted with the facts. Well might Sir J. McNeill say at the Crimean banquet in Edinburgh, that if the Government intended that this inquiry should be a sham, they ought to have employed other instruments for that purpose, because for anything but an honest purpose these men were incapable of acting. After the Report of the inquiry had been laid on the table certain officers thought that it conveyed a censure upon their conduct, and, belonging to high and

influential families, they procured a Board of inquiry, with the view of vindicating their conduct. That Board came to the conclusion that for what had occurred in the Crimea there was nobody to blame, but that all the disorders and evils there had arisen from causes which no foresight and no ingenuity could have prevented. But, while they thus vindicated the conduct of the officers, they did not show the same tenderness for the Crimean Commissioners, whose fairness they by inference inculpated. Now, if gentlemen employed in the public service in this way did not find their labours appreciated and rewarded as they ought to be, how could it be expected that others would engage in similar labours? At the present moment who could have been better employed as a Commissioner in China than Sir J. McNeill? It has been said these gentlemen did no more than their duty; but he would ask whether Lord Lucan, or Lord Cardigan, or General Airey, or Colonel Gordon, all of whom had obtained honours or promotions, had done more than their duty? He could not but think that there must be some barrier in the way which prevented these two Commissioners from obtaining such a recognition of their services as they deserved; but he trusted the noble Lord would break through all these invisible fences, and that he would not fail to honour those to whom honour was due.

VISCOUNT PALMERSTON: I am anxious, in the first place, to remove an impression which seems to have been produced on the mind of my hon. Friend who has just sat down that, either in point of intention or in point of fact, there was anything in the instructions given to these two Commissioners that could be called a sham. There was nothing in the manner in which they were appointed, or in the manner in which their instructions were given to them, or in the manner in which the investigation was conducted, or in the manner in which their Report was received and acted upon, that could in the slightest degree justify such an assertion. The Commissioners were selected from a regard to their knowledge and their competence for the task which they had to discharge. That task was accomplished with credit to themselves and advantage to the public, and Her Majesty's Government have fully expressed their sense of the great services so rendered. With regard to the speech of the hon. Member opposite (Mr. Palk), it really seemed to me to be a complete

anachronism. It was a speech that would have been very much in point two years ago, when the sufferings of the army were, such as he has described them to have been—when all the attention of the Government, stimulated by the impulse of this House, was necessary to relieve those sufferings at a moment when they had not yet received their appropriate remedies. But really, at this time of day, when the war has been concluded and peace established, when a year has elapsed since the termination of the war—to go back upon the state of things that existed in December, 1854, does seem to me to be not the most useful application of the time of this House. My first answer to the hon. Gentleman is, that these sufferings ceased nearly two months before the Commissioners got to the Crimea; that whereas in the first winter the army was in a state of great misery and destitution and severe suffering, after that it was in a condition that excited the envy and admiration of all who saw it—ininitely better than that of the French army, infinitely better than that of the Russian army; and that, in point of fact, at the end of the war it was in every respect in a condition not equalled by any number of troops in any part of the world—not even by troops at home. Therefore, the speech of the hon. Gentleman is only a recital of calamities past and gone, and which were remedied on the very spot and in the very service to which his speech relates. It is quite true that the sufferings of our soldiers were great. The hon. Gentleman has gone through the details with which we are all familiar. It is quite true that the knapsacks were left on board the ships at the landing which took place before the battle of the Alma, and it is quite true that those knapsacks, for some reason, did not reach the men for two or three months after they had landed. But that is not an unexampled state of things. I was conversing a day or two ago with an hon. and gallant Friend of mine who served in one of the campaigns at the Cape, and he assured me that throughout that campaign the troops had no knapsacks and no tents, and had only their blankets to screen them from the weather; but that, nevertheless, they did not suffer from the exposure. It is true that ample supplies were sent from this country to the Crimea, but that from want of arrangements on the spot the troops there derived no advantage from them. It is true there were 10,000 great-coats

sent which might have been served out, but were kept in store. It is quite true, likewise, that there were boots in store that no one knew anything about, and that there was forage at Constantinople while the animals were starving in the Crimea. It is true, also, that a ship loaded with rice, was sent to convey an officer from Constantinople to Beicos. All this arose from local confusion, arising from the pressure of great and important services suddenly thrown upon men not accustomed to the details of such services. That was the real cause of the confusion that occurred—not any want of arrangement at home. The different departments sent out ample stores of all kinds for the wants of the army; but, partly in consequence of the rapid transfers of the army from one scene of operations to another, as from Turkey to the Crimea, the necessary separation of parties, and various other reasons, it is true there was not that arrangement and that foresight exhibited, which afterwards, when the officials became accustomed to their duties, fortunately prevailed. The supply of animals for fresh meat was at the beginning not properly arranged, the hospitals were not properly arranged, or cleansed, or ventilated, and the sick did not derive that advantage from them which they ought to have done. But when the hon. Gentleman speaks of the mortality of the army and of the great losses we sustained—deeply as I lament that mortality, and readily acknowledging that in great part it might have been prevented by better arrangements—he is much mistaken if he imagines that those losses were at all greater than those of the French or the Russian army. So far from that, they were less in proportion than those of our ally, whose arrangements were at one time held up as very models for imitation. With regard to the two Commissioners, no doubt they did their duty exceedingly well; but when did they go out? They went out in April and returned in July. These gentlemen, no doubt, suggested very material alterations while they were there; yet in so far as their Report furnished the Government at home with the elements of better arrangements, those arrangements had already been carried out, many important improvements had been carried out before they returned home—at any rate before their Report was sent in. Moreover, they were not the only Commissioners. There was a Medical Commission, consisting of

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Dr. Sutherland, Dr. Gavin, who unfortunately lost his life, and Mr. Rawlinson, an engineer, who was wounded in action in which he had unnecessarily placed himself. I am bound to say, without disparagement to Sir John M'Neill and Colonel Tulloch, that the Medical Commissioners conferred greater advantages upon the public at home and upon the army in the Crimea than it was possible for them to accomplish. Dr. Sutherland and his associates took the medical arrangements of the hospitals and of the camp into immediate consideration, and suggested improvements which were of the utmost consequence to the troops in the field as well as to the sick and wounded. Then it is said that it was a great injustice to Sir John M'Neill and Colonel Tulloch to appoint the Board of General Officers which held its sittings at Chelsea. That Board, however, was not appointed to revise the Report of the Commissioners. There were certain officers of rank—rank, if you will, both social and military—whose reputation was of course most dear to them, who had left the Crimea before Sir John M'Neill and Colonel Tulloch began their inquiries, whom, therefore, they could not examine on the spot, but with regard to whose conduct certain statements, direct or indirect, had been made to the Commissioners which were included in their Report; and when that Report was published those officers, jealous of their honour and reputation, asked for an opportunity of giving that explanation of their conduct which, not having been in the Crimea at the time when the investigation took place, it was absolutely and physically impossible they could have given to the Commissioners. That request was not made in secret or without public discussion; for it was in this House we were called upon to appoint some authority to whom these officers should make their statement. It was held not to be decorous that they should write letters in the newspapers in answer to the Report of the Crimean Commissioners, or that those who happened to be Members of Parliament should take advantage of their position as such to deliver speeches in their own defence. It was felt that the only just course towards them would be to appoint some Board of military officers, competent to be judges, to receive their statements and to hear what they had to say in exoneration of that part of their conduct which they believed to be impugned by the Report of the Crimean Commissioners. The

Board of General Officers, therefore, was not appointed to sit in judgment upon Sir John McNeill and Colonel Tulloch; on the contrary, its appointment was an act of simple justice to those officers who desired to explain their conduct in the Crimea, and was an act, moreover, which seemed to receive the sanction of Parliament at the time. The Motion of the hon. Gentleman is not one, I submit, which ought to be assented to by the House at the present moment. The first part of it records facts which nobody disputes—namely, the sufferings of the army at the time to which the Motion refers—but the latter part consists of censures upon certain officers belonging to certain branches of the service. I think it would be ungenerous at this time of day to go back to a consideration of a subject which involves a censure upon these officers after it has been subjected to investigation, and after the whole subject has, to a certain degree, passed into the domain of history. The hon. Gentleman, towards the conclusion of his speech, expressed a hope that arrangements might be made for the better instruction of officers of the army; that young men might no longer enter the army for the mere gratification of their vanity, intending to remain for two or three years only, but that all officers might in future make the military profession the serious business of their lives, devoting their whole thoughts to it. That is certainly the system in foreign countries, but it is not the case in England, and you may depend upon it, never will be. In foreign countries large standing armies are kept up in time of peace; when a man embraces the military profession he knows that he will be a soldier as long as health and strength remain, and he therefore devotes all his thoughts to it, in order to obtain promotion in the service and reputation among his fellow-citizens. The army is his permanent profession and his condition in life. In England we pursue a different course. We have in times of peace a very small army, and when war comes we are obliged to increase it, sometimes very rapidly. Officers who enter the army during war must expect when peace arrives to have their services dispensed with. It is a great object also to have our service voluntary, not compulsory; for voluntary service has something inspiring in itself, and if it has its inconveniences it has likewise its advantages; the loss of which

would be dearly purchased by the adoption of the continental system. Therefore, whatever arrangements we may make—and I trust the Government will be able to make them—for imparting to our military officers more professional instruction than hitherto they have had either the means or the inducement to acquire, depend upon it that the system which the hon. Gentleman wishes to see prevail—namely, that none should enter the army except those who intend to make it the study and business of their lives—is a principle which never can prevail in England. It is not consistent with the nature of our institutions or with our national character and habits. We must take advantage of the voluntary service of those who go into the army, whether they mean to remain a long or a short time, and make it as efficient as possible. We cannot be a military nation, but depend upon it we are a fighting nation; and depend upon it those very men who in time of peace may enter the army as a means of amusement for a short time, and, as the hon. Gentleman says, for the pleasure of wearing a red coat, if war should come, would be found most determined to brave the call. They will shrink not from the duty, but will distinguish themselves for bravery in the field, for endurance of fatigue, and for their submission to all the hardships of military life, quite as readily as the officers of any continental army, who have been drilled and tutored, and lectured into a better abstract notion of soldiers. They will be found equally gallant, whether they are placed at the head of a troop in battle, or conducting a charge, or defending a position against a hostile attack, whatever differences may exist between them in point of technical instruction or the knowledge of military details. I should hope, Sir, that the hon. Gentleman having satisfied his mind by making such honourable mention of the Commissioners—with which I fully concur—having expressed his regret at the sufferings of the army in the early period of the war—but forgetting to congratulate the country for the great improvement in its position in the latter period of the war, which I am sure he intended to have done—I trust it passed through his mind; very often hon. Gentlemen sit down without having said all they intended—having, I say, so far effected his object, I hope that the hon. Gentleman will not think it necessary to press

his Motion to a division, but will let us go into Committee of Supply without dividing on his Resolution.

SIR JOHN FITZGERALD thought that the inquiry conducted by Sir J. McNeill and Colonel Tulloch in the Crimea was subversive of the discipline of the army, and he certainly would never consent to a Resolution which censured officers who acted under the authority of official superiors.

GENERAL PEEL: Sir, I cannot agree with the noble Lord at the head of the Government, that the time of this House can be misspent in inquiries into the causes of the calamities which befell our army in the Crimea. I am aware of the ridicule to which I should naturally and justly expose myself if I were to offer any professional opinion upon the events of the Crimean campaign, and I am aware of the difficulties under which I labour in speaking of those occurrences, in the presence of some distinguished officers who were actual witnesses of those facts. But we may depend upon it that the military profession is as subject to the ordinary rules of common sense as any other; and I see no reason why any Member of this House, who has carefully examined the evidence laid on the table, should not be in a condition to form an opinion upon the question before us. For my own part, having passed two whole summers in investigating most minutely the facts that have been given in evidence, contrary, I may be permitted to say, to my own wishes, and contrary to my expressed opinion as to any advantage to be derived from our inquiries—I have arrived at the opinion that the calamities which occurred in the Crimea arose from circumstances which it was not in the power of any individual in the Crimea to control. I am happy to find that the noble Lord at the head of the War Department (Lord Panmure) expressed the same opinion in the speech which he made a short time ago at Arbroath. The mistake of those who have been foremost in demanding inquiry into the sufferings of the Crimean army consists in the attempt to throw the blame upon individuals. The first person sacrificed in consequence of these calamities was the Duke of Newcastle, then Secretary for War. I am certain that anybody who reads the evidence given by the noble Duke before the Chelsea Board of Commissioners, must admit that he did every-

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thing in his power to avert the calamities that befell the army, and that he was only responsible with the rest of the Government for what took place. I also believe that Admiral Boxer, Captain Christie, and Lord Raglan fell victims to that senseless clamour which was raised against them in this country upon anonymous authority. Now, Sir, I have always attempted to remodel bad systems, instead of attacking the individuals who had to work them. Let it not for a moment be supposed that I underrate the hardships and privations to which the army was subject during the winter of 1854-5. So far from underrating them, I think it is impossible to exaggerate them; and equally impossible would it be to exaggerate the patience and heroism with which they were endured. But, admitting the hardships endured by this army, I believe that no individual in the Crimea was responsible for them. I am perfectly aware that when I say so I may well be asked, "What then were, in your opinion, the causes of those hardships?" I think that the time has gone by when there ought to be any delicacy whatever in answering that question. I believe that the chief cause was your commencement of a great war with little means—in sending out a larger army than our peace establishment could afford. The army was deficient in everything but in the bravery, discipline, and devotedness of its troops. With that army suffering much from sickness you undertook a great military operation without any reserve whatever. The Government were not so responsible for that as the country, which raised the universal cry that the war should be carried on with vigour. But I think that the Government were to blame not so much for anything of their own defects, but for having given way to that absurd cry of the country for carrying on such a war with economy. I think also they were to blame for not having foreseen at an earlier period the possibility of the army having to remain in the Crimea during the winter of 1854-5. I am perfectly aware that there was a general belief that the army would not have to remain there during that winter, and that it was not till after the battle of Inkerman that it became certain that it would have to winter in the Crimea; nor was it until after that great victory that the necessities of the army became known. It is to the position in which the army then was that I attribute the calamities which

afterwards inevitably occurred. That illustrious man struggled against the most tremendous difficulties which he had no power to assuage, and which were enough to appall as well as disgust any man placed in his position. Lord Raglan had no resources whatever with which to overcome the difficulties by which he was surrounded; nor was he the man to abandon his guns, his allies, and the honour of his country by endeavouring to re-embark his army. I do not think that he would have succeeded in that endeavour; but, whatever might be the severity of the hardships which he had to endure, anybody who knew Lord Raglan must feel that he would have maintained his position as long as he had a single regiment left. The army was exhausted by work beyond its strength. It was not even able to keep up that road of communication which lay between it and the harbour of Balaklava, where the provisions intended for it were landed. An outcry was raised in this country against the War Department because that road to Balaklava was almost impassable; but that cry only showed the injustice of blaming individuals for occurrences over which they had no control. The want of that road added in a frightful degree to the inefficiency of the land carriage. From want of a system of sufficient land carriage the horses belonging to the cavalry had to struggle to their knees in mud under burdens of provision for the army. The want of that land carriage is admitted, I believe, on all hands, to have been the principal cause of the misfortunes of the army, and it therefore well deserves the consideration of this House. It does not appear to have originated, in the first instance, from a want of animals, for you had 2,000 at Constantinople; it appears to have originated from the impossibility of providing forage for more than a small number of animals in the Crimea, and that number was already exceeded by the cavalry and those used by the military staff. I think, then, that a common-sense view of that position of affairs would have led to the reduction of the number of the horses, as you had not the power of keeping them in the Crimea. This brings me to another great cause of the hardships endured by the army. It struck me from the first moment that the wisest plan under these circumstances would have been to re-embark the cavalry and send them to Varna or to Constantinople during the

winter, and to take baggage animals to the Crimea for the purpose of affording communication between the army and Balaklava. It struck me that it was worse than useless to keep the cavalry horses in the Crimea during the winter, for, supposing even that there had not been any danger of their starvation, the mere exposure of them to a Crimean winter, and use of them as baggage animals, would render them useless in battle. I therefore put the question to the first cavalry officer that was examined before the Crimean Commission, whether I had not formed a correct opinion as to what ought to have been done in this respect? His answer was that it would have no doubt been beneficial to the cavalry if such a course had been adopted, but that the moral effect of it would have been bad. It seems to me, however, that the moral effect of our horses dying of starvation and eating one another's tails could not have been very beneficial. I perfectly understood the meaning of that answer to be, that it would have had a bad effect upon our allies if we had endeavoured to re-embark any portion of our army. And this brings me to another subject, and that is the evil that always must arise from the action of combined armies serving under two distinct commanders. Depend upon it that, however cordial, however perfectly allied, however perfectly united the forces may be, there always must be separate interests and separate views. It must be evident to everybody who has read the evidence laid before the House, that the loss of the Light Brigade of cavalry during the earlier part of the winter was in consequence of the position which was assigned to the British army. That position was the result of an agreement between Lord Raglan and the French General. The danger to which the cavalry was exposed was pointed out to Lord Raglan, but he did not consider himself at liberty to change its position. I believe that the agreement is no secret whatever. I have heard it repeated fifty times. I have heard that its history was this: when Lord Raglan found his army sinking from overwork and dying in the trenches, he applied to the French General for assistance, or rather for a fresh division of the labour according to the strength of the army, the French army having received an accession of a great number of troops that were carried by our own transports at a time when they were most required for our own army.

The answer was as satisfactory as could be expected under the circumstances. It is said that the division of labour was promised on condition that our cavalry was to be at the immediate service of the French army. The difficulty of foraging the cavalry was pointed out; but the answer was very laconic—"No cavalry, no division of labour." Although our cavalry was then put in a position where it must of necessity starve, yet I think that it perfectly fulfilled the purpose for which it was used, namely, that of acting like a scarecrow and frightening the Russians away. I believe that the calamities which befell our army during the winter of 1854-5 are attributable, not to the heads of our military departments, but to the organization and arrangements of those departments. Into the Commissariat Department there have already been introduced changes which I trust will prove to be beneficial. The Commissariat has already been removed from the Treasury and placed under the control of the Secretary for War. The Transport Service has been removed from the Commissariat, and a special force raised for that service. I trust that the anomalies in the Quartermaster General's Department will be done away with. There is no department on which the comfort of the army is more dependent than on that of the Quartermaster General, and yet he has not the power of executing upon his own responsibility any one of the duties which he has to perform; he is dependent upon other departments for the performance of those duties for which he is responsible. I believe that we shall profit by the experience which we have gained in the Crimea. With regard to the Crimean Commission, the noble Lord has truly stated what was the duty of the Board of General Officers. We were not directed to try the accuracy of the Report of Sir John McNeill and Colonel Tulloch. All that was done in respect to those Commissioners arose from a question put by the hon. Member for Finsbury (Mr. T. Duncombe), who asked whether or no the Commissioners would be permitted to be present at that inquiry. We would not take upon ourselves the responsibility of either inviting them or of refusing them admission; but we said that if they chose to attend they should have the fullest power of calling witnesses, and examining them upon any points they pleased. The Board of General Officers was con-

stituted for the purpose of receiving the explanations of certain officers, whose conduct was impugned; and those officers were fully justified in demanding such a tribunal. It seems, from the first paragraph of a work lately published, that considerable excitement has been created by the Report of the Commission against the officers supposed to be responsible for the Crimean Report. Great objections have been taken to the formation of that Board; and the Judge Advocate has stated that the officers composing it were all of the same political opinion as the two noble Lords who appeared before it. I do not know where my right hon. Friend obtained that information; but I am afraid that if Colonel Tulloch had known the real truth we should have been subjected to a much graver charge—that of being a coalition. Persons of the same political views may come to any conclusion they please without being stigmatized; but if the case be so strong as to induce persons of different political opinions to agree there must be a coalition. I am afraid, then, that I coalesced upon that occasion, for I have the authority of three out of the other four officers who composed the Board for denying altogether that they are of the same political opinions as myself. At all events, we were not in a position to show our politics there, and—what is more—a soldier has no politics connected with his profession. I am really surprised, therefore, at the repetition of such a charge, even in this book, which professes to be an attack upon the Board of General Officers. I should be quite ready, if necessary, to go through and to verify every opinion which was expressed by that Board; but that would be only a waste of time, and I shall confine myself, therefore, to dealing very shortly with each case, showing the best reasons why we came to the conclusions that we did. With reference to Lord Lucan's case, it is only necessary, I think, to quote one authority, which it is impossible to oppose, and which Colonel Tulloch, who has contradicted everything else, will, I have no doubt, admit. The authority to which I allude is the following statement, which was made by Lord Lucan in the House of Lords. His Lordship said:—

"For himself he felt little concern, because, immediately after the conclusion of the evidence, Colonel Tulloch came over to him, and, although he had never said a word or communicated with

that gallant officer before, he, Colonel Tulloch, said he thought it due to him (the Earl of Lucan) to state that had he not been misled by the evidence given him in the Crimea by General Airey and Colonel Gordon, he or the other Commissioner would never have said a word to his (the Earl of Lucan's) disadvantage."

Therefore it appears that, according to Colonel Tulloch's own view, Lord Lucan had perfectly justified himself. With regard to Lord Cardigan, it seems to me that his is just the case of a man who gave the very good reason for not paying his debts—that he had no money. Lord Cardigan did not do certain things that were suggested, because he had no authority; and it was proved that he had no power to do more than he did. As to General Airey, the House will remember that when these Commissioners went to the Crimea to inquire into the case of the stores and the Commissariat Department, another officer was sent out with the full authority of the Government to inquire into the conduct of the staff officers; and when I read to you the instructions which were given to General Simpson, and his Report upon the subject, I think that the House will see that that is far better evidence as to the conduct of the staff officers than any which could possibly be given by the Commissioners. Moreover, those officers never received any intimation of any charge being brought against them, and the first syllable which they heard about it was upon the appearance of the blue-book. The instructions which were given to General Simpson in the Crimea, at the same time that the Commissioners went out, were in these words:—

"It will be your duty to look into the composition of the general staff of the army and report your opinion of any change which it may occur to you to think necessary to Field Marshal Raglan. All appointments and removals from the general staff of the army will rest with the officers in supreme command; but you will not fail, if you find any officer in your opinion unfit on trial for the duties intrusted to him, to report the same without favour or affection to the Commander in Chief."

Then General Simpson, on the 26th of April, reported to Lord Raglan as follows:

"Ever since my arrival in the camp, it has been my daily custom, by personal intercourse, to make myself acquainted with every officer employed on the general staff of this army, and there is not one of them I would wish to see removed. I confess myself to have come among those officers with some degree of prejudice against them in my mind by the gross misrepresentations current in England respecting them. I do not think a better selection of staff officers could be made."

Now, I really would ask my hon. Friend who brought forward this Motion whether with this testimony before him he would ask the House to commit such an act of injustice as to say that the calamities in the Crimea arose from the conduct of the heads of the departments that are mentioned? Whatever he does with the remainder of his Resolution, I trust that he will strike out that portion of it. Allow me, in justice to Mr. Commissary General Filder—whom I never saw in my life—to say that I think he was exceedingly hardly used; because just at the moment when things were improving and the whole Commissariat Department was re-arranged, he was removed, and others were sent out to the Crimea who reaped the benefit of his experience and of all that he had done. I am perfectly willing to admit that the Crimean Commissioners have done their duty most conscientiously and most fearlessly, and no doubt that duty was a most anxious one; but I must say that I think the extent of their services has been somewhat overrated. I see, for example, that the hon. Member for Liverpool (Mr. J. Ewart), and some hundred other most respectable gentlemen connected with that great town, have agreed to the following resolution:—

"Looking back to and comparing the condition of the army previous to the commencement of your labours with the state in which you left it, it is not too much to say that to your exertions we owe the preservation of the remnant of that noble body of men, and the rescue of the country from impending failure and disgrace."

I beg to say that the army never heard before that they had been rescued from "impending failure and disgrace" by the exertions of the Commissioners. Those gentlemen did not arrive in the Crimea until the 13th of March, by which time the former evils had been remedied, the men were actually overladen with clothing, and the army altogether in as good a condition as any army could possibly be expected to be. But it was not in the power of the Commissioners, according to their instructions, whatever their intentions might have been, to have done what is supposed. Their instructions were to inquire, report, and make suggestions; and the only suggestions which they made upon the spot which I can trace were something about ovens and quinine. The Commissioners never themselves attributed blame to any of those gentlemen who appeared before the Board at Chelsea; but they were in haste to submit their Report to the House before it was laid before the

Commander in Chief, and if, when presented, it had been accompanied by that expression of the noble Lord at the head of the War Department, that the calamities in the Crimea arose from circumstances which no one could control, I think that that would have been quite sufficient, and that the inquiry which took place at Chelsea never need have occurred. With reference to that inquiry I will only add, for myself, that I have been actuated by no personal feeling whatever respecting any person. I had as many friends and near relations, perhaps, in the Crimea as most people, and they were all regimental officers serving in the trenches; but, owing to the length of time that I have been on half-pay, I had not the honour of anything but the slightest personal acquaintance with a single officer on the staff in the Crimea. Regardless of private friendships, however, I trust that I shall always have moral courage enough to do justice to everybody who I think has been wronged.

MR. SIDNEY HERBERT: Although I would willingly not trespass upon the time of the House, I think, considering my past relation with the military department of the Government, that I may be allowed to say a few words with respect to the Motion under discussion. I agree with a great deal that has fallen from my hon. and gallant Friend opposite, and I confess that the first impression which the proposed Resolutions made on my mind was one of regret at the re-opening of questions which I hoped had been settled, and were not again to be adverted to. I think that we must all feel a desire, having passed through the Crimean campaign, to draw the veil of oblivion over everything which would appear to imply blame or censure to individuals. No doubt, when, after a long peace, an army suddenly takes the field, there must be great inexperience, great deficiencies, and great confusion; and I agree with the gallant Officer, that the error which was made by the Government of which I was a member was in attempting too much. I say frankly that I think we were to blame for so doing. But it appears to me that in all these discussions the main difficulty which be-sets us is, that we have never had a clear idea whom we are to try. From the speeches of some hon. Gentlemen it seems to be their opinion that we ought to try the Chelsea Board; but with that I have nothing to do—the General Officers

General Peel

who constituted that Board have concluded their inquiry, and I have no doubt that they have acted conscientiously to the best of their ability. They may have fallen into error, but whether they did or not, with that we have nothing to do. It is quite true, as has been stated, that the changes which were made in the management of the army—such as the division of the Land Transport from the Commissariat, the ordering of the railway, the improved clothing, and so on—were made previously to the arrival of the Commissioners in the Crimea, because they were sent out in the autumn, and the Commissioners did not arrive till the following March. I again say we are not here to judge the Chelsea Commissioners, or to say whether or not they executed their duty to the utmost of their ability; but I think that all persons in this House, not excepting the hon. and gallant Member for Huntingdon (General Peel) will freely admit the faithfulness and ability with which Sir John McNeill and Colonel Tulloch fulfilled a difficult, a delicate, and a most invidious task, and the question we have to consider now is, not whether certain officers in the Crimea were to blame—not whether the Board of Officers at Chelsea were to blame—but whether two gentlemen who were sent from this country to discharge a most arduous and invidious duty did discharge that duty faithfully and ably; and, if so, has the country, and has the Crown, marked in an unmistakeable manner their approbation of the services performed? I confess I heard with great pain the noble Lord at the head of the Government speak depreciatingly of the services of these gentlemen. [Viscount PALMERSTON: Not only have I not done so, but I stated the exact contrary.] Well, I am willing to do justice to the noble Lord, and I hope he will do me the justice of admitting that I have done my utmost to prevent this question being brought before the House, because I have repeatedly pressed upon him in private the course which I hoped he would have adopted with regard to these gentlemen. The question, however, now is before the House, and I am bound to express my opinion with regard to it. The noble Lord spoke of the Report of Sir John McNeill and Colonel Tulloch as being a valuable Report, but at the same time as not being more valuable than many other Reports which had been made. Now, the House should remember, firstly, that the subject of this inquiry was far more im-

portant in its character, altogether differed from the subjects of ordinary Reports; and secondly, that the services of these gentlemen were not confined to the inquiry they have made, nor is the whole result embodied in their Report, though their Report contains a mine of information upon which, no doubt, many important changes in our military administration will be founded. I have been told by medical men in whose judgment I place great confidence, that although without doubt a great deal of suffering in the Crimea was produced by privation and overwork, yet if there was one cause which more than any other contributed to the mortality of the army, it was scurvy, owing to the troops being kept so long feeding upon salt meat. I believe that it is not denied that when Sir John McNeill and Colonel Tulloch arrived in the Crimea the Commissariat were still issuing hard biscuit and salt meat, and hard biscuit was entirely useless to men whose gums were affected by scurvy. It may appear from statistics that deaths among the troops arose from a great variety of diseases, but I believe that those diseases were only the result of scurvy, and that scurvy was therefore the original cause of the destruction of the army. Well, Sir, these gentlemen immediately effected the introduction to a great extent of fresh meat and bread in lieu of salt meat and biscuits. I have heard military men say that there is this peculiarity about every commissariat, which is, that as long as they can get people to eat it they will always issue salt meat and biscuits; and the reason is, obviously, because it entails less trouble in collection and no more trouble in issue than any other articles of food. This being so, Sir John McNeill took measures that tenders might be sent in to Mr. Filder from persons offering to supply fresh meat, and at the same time Colonel Tulloch introduced the practice of baking fresh bread, and established bakeries to supply the troops with fresh bread two or three days in the week; and thus these two gentlemen rendered a most important service in addition to preparing their Report. Now, Sir, do not let us consider who was to blame. I have frankly said that in one respect I think the Government were to blame, and with regard to other matters I wish to cast blame upon no man. The Report of the Commissioners, except in one single sentence, and then only by implication, brings no charge against any one; and I bring no charge, for I have

too strong a feeling of sympathy for men engaged in so difficult and dangerous duties to impute blame to them when they endeavour to discharge their duty to the utmost of their ability. Let me, however, ask the House if it does not think it fitting that it should express some opinion in approbation of the service of these two gentlemen? I would venture to suggest to the hon. Gentleman who has moved these Resolutions to withdraw all but the first, and to engraft upon that the Resolution of the hon. Member for Liverpool (Mr. J. Ewart), with the exception of the first two lines, so that it would read thus:—

“That Sir John McNeill and Colonel Tulloch ably fulfilled the duty intrusted to them of inquiring into the arrangement and management of the Commissariat Department; and that, considering the able services rendered by them as commissioners in the Crimea, and the testimony in their favour of Her Majesty’s Government, an humble Address be presented to Her Majesty, praying that some especial mark of approbation be conferred upon them.”

I confess that I entertain strong feelings upon this subject. It is by no means easy to find gentlemen who will make a Report which by implication affects persons of high standing; and if you wish in future to have true and faithful reports you must show your appreciation of men who are willing rather to encounter obloquy than to conceal or gloss over that which they ought in duty to make known; and I must say that, looking at the services which have been rendered by these gentlemen, it does not appear to me that they have received justice at our hands. I again repeat that we are not here to sit in judgment upon the Chelsea Board of Officers, but the question for us to consider is, ought not these Commissioners, who had to discharge a most delicate, a most difficult, and a most invidious duty, and who discharged that duty with the utmost faithfulness and ability, to receive from the country some mark of approbation?

SIR JOHN PAKINGTON: I agree generally with what has fallen from the right hon. Gentleman the Member for Wilts; but I am not quite sure that I agree with him that a veil of oblivion ought to be cast over all the transactions of the campaign of 1854–5. But, although I hope and believe that those events will never be forgotten, I so far agree with the right hon. Gentleman as to consider that it is not advisable now to bring them under the consideration of the House of Commons.

There can be no doubt as to the sympathy entertained by the House and by the country for the sufferings of the army; but I am disposed to agree with my hon. and gallant Friend (General Peel) that the events of that campaign should only be referred to for the purpose of effecting certain changes in the organization of our military departments; but I take a different view from him as to whether the services of these Gentlemen ought to receive a fuller measure of recognition than they have received as yet. The question is one which this House, and, I believe, the country generally, regard with great interest. Sir John McNeill and Colonel Tulloch were selected by the Government at a moment of great difficulty and great anxiety to conduct a most delicate, a most difficult, and a most invidious inquiry, and I believe that no two public functionaries ever discharged a difficult duty with more ability or with more honesty than they did. When they published their Report the Board of Officers at Chelsea was appointed to inquire into certain charges which it was alleged were contained in it against certain officers holding a high position in the army. I have not the least intention of casting any censure upon that Board; on the contrary, I heard with great interest what fell from my gallant Friend, and I am quite convinced, and I believe that the country is convinced, that the duties of that Board were ably and honourably discharged. My gallant Friend the Member for Huntingdon has stated that it was not the intention of that Board to inquire into the conduct of Sir John McNeill and Colonel Tulloch; but, at the same time, they communicated to those Gentlemen that they were at liberty to appear before them. I think that in that respect the Board of Officers acted with perfect fairness; but I must confess that, under all the circumstances of the case, I think that Sir John McNeill exercised a wise discretion in trusting to the opinion which had been privately expressed to him by the Government, and not appearing before the Board. Colonel Tulloch adopted a different course, animated, I believe, by a feeling highly becoming to him as an officer; but still I think that he would better have consulted his own dignity if he had followed the example of Sir John McNeill. The right hon. Gentleman opposite (Mr. S. Herbert) has borne testimony, and the House responded to his statement, to the services

Sir John Pakington

of these gentlemen; and the question now before the House is, whether those services have been adequately recognized? I will not enter into the rumours with regard to some supposed understanding with Colonel Tulloch before he went out, that higher military rank would be conferred upon him on his return. I see that the noble Lord (Viscount Palmerston) dissents from that proposition, and I am not prepared to say that there was any such understanding. After the language of the noble Lord this evening I am not disposed to impute to him unwillingness to do justice to these Gentlemen; but I must express my opinion, which I believe is one very generally entertained, that the Government have not recognized their services with the promptitude or generosity, or to the extent which they ought to have done. It is perfectly true, as has been stated by my hon. Friend behind me (Mr. Palk), that, on the part of the noble Lord at the head of the War Department, no public recognition of these services was made until, I believe, a year after the Report was presented, and certainly six months after the appointment of the Chelsea Board; and, if I recollect rightly, it was not until this very Session that the noble Lord opposite made in Parliament any declaration of the approbation of Her Majesty's Government. [Viscount PALMERSTON: Last year.] I beg pardon; but, beyond that verbal recognition, no reward, no compensation has been given to these officers, and I heard this evening with very great regret the answer which was given by the noble Lord to the question put to him by the hon. Member for Liverpool (Mr. J. Ewart). When I saw that question on the paper I did most earnestly hope that the hon. Gentleman had some good reason for putting it, and I anxiously expected that the answer of the noble Lord would have been different from what it was. Under these circumstances I would join my right hon. Friend the Member for Wiltshire in pressing my hon. Friend behind me (Mr. Palk) to alter the terms of his Motion. I am not disposed to be a party to the unnecessary revival of painful questions with regard to the conduct of the war; but, on the subject now before the House—the claims of the Commissioners—I am disposed to have a very clear opinion. I believe it would be inconsistent with the forms of the House for the hon. Member for Liverpool to move the Amendment of which he has given notice upon the Motion

of my hon. Friend, which is itself an Amendment; but I think the objects of both hon. Gentlemen will be answered if my hon. Friend behind me (Mr. Palk) will drop the paragraphs of his Resolution referring to the conduct of the war, and add to his first paragraph relating to Sir John M'Neill and Colonel Tulloch the words of the Amendment of the hon. Member for Liverpool. If my hon. Friend will adopt that course I shall give him my vote.

Mr. J. EWART said, that he had heard with great pain the answer given by the noble Lord at the head of the Government to the question which he had put to him that evening. He should certainly never have asked that question had he not had strong reasons for believing that some proper mark of distinction would be conferred, at all events, upon Colonel Tulloch. The Crimean Commissioners undertook a most painful and arduous duty, and they discharged it in a manner which justified the confidence which had been reposed in them by the Government, and entitled them to the eternal gratitude of the country. Far be it from him to say anything against those officers who were alluded to in the Report. The judgment of the country was, he believed, against them, and that was sufficient. He could not, however, help expressing his deep regret that the distinguished men who undertook that arduous duty should have been so entirely passed over, and that no proper recognition of their merits should have been made. He had hoped that the noble Lord would have met this question in a different manner. He could assure him that there was a very strong feeling about it in the country, and that the people would not be satisfied until there had been made to these two gentlemen some proper recognition of the valuable services they had rendered. He entirely approved of the course which had been suggested by the right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert), and he hoped that, altered as that right hon. Gentleman had suggested, the Resolutions would be agreed to by the House.

Mr. PALK said, that if the suggestion of the right hon. Gentleman the Member for Wiltshire had not fully coincided with his own opinions he should still have considered it his duty to defer to the judgment of those who had much better means of forming an opinion upon this subject than he himself possessed. As it was, however, that concurrence did exist, and he,

therefore, had no difficulty in acceding to the suggestion which had been made.

Another Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words

"Sir John M'Neill and Colonel Tulloch ably fulfilled the duty entrusted to them of inquiring into the arrangement and management of the Commissariat Department; and that, considering the able services rendered by Sir John M'Neill and Colonel Tulloch, as Commissioners in the Crimea, and the high testimony in their favour by Her Majesty's Government, an humble Address be presented to Her Majesty, praying that some especial mark of approbation be conferred upon them."—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put and *negatived*:—

Words added.

VISCOUNT PALMERSTON: I had hoped to have had a more decided expression of the opinions and feelings of the House upon the proposal of my right hon. Friend (Mr. S. Herbert), but if I am to infer from the calls for a division that the feeling of the House is decidedly in its favour I shall not oppose it. I have no wish to stand between the generous feelings of this House and the accomplishment of its wishes. Nobody more heartily desires than I do that the services of these two gentlemen should be recognized. I did certainly think that the offer made to them was the more natural and appropriate acknowledgment for services of that description; but, at the same time, if the House is of opinion that the Resolution as amended should be adopted, I for one shall not oppose it.

Resolved, "That Sir John M'Neill and Colonel Tulloch ably fulfilled the duty entrusted to them of inquiring into the arrangement and management of the Commissariat Department; and that, considering the able services rendered by Sir John M'Neill and Colonel Tulloch, as Commissioners in the Crimea, and the high testimony in their favour by Her Majesty's Government, an humble Address be presented to Her Majesty, praying that some especial mark of approbation be conferred upon them."

PROMOTION FROM THE RANKS.

OBSERVATIONS.

SIR JAMES FERGUSSON rose, to call the attention of the House to the position of the non-commissioned officers who had received commissions in the army during the late war. But as the Session was so near its conclusion, he should not go into this question so fully as he had intended to do. He would only state the

facts, and he trusted that before Parliament met again some steps would be taken to remedy the grievances to which he was about to call attention. Some time ago a Resolution had been adopted that considerations of merit should influence promotions more than had hitherto been the case. But, when promotions were given to non-commissioned officers, their position was widely different from that of officers who had purchased their commissions. When, therefore, during the late war, commissions were first offered to non-commissioned officers of regiments serving at the seat of war, great difficulty was experienced in finding men who would accept them, and in the battalion with which he (Sir J. Fergusson) served, one commission was offered to and refused by eight non-commissioned officers. As the war went on, and many of the men who had received commissions rose in their regiments and obtained adjutancies and quartermaster-ships, this difficulty diminished, and many non-commissioned officers accepted commissions in different regiments; the temptation being, that in the case of death on service, the widows of commissioned officers received pensions, which the widows of non-commissioned officers did not; and moreover, the larger allowances during war enabled the promoted men to provide better for their families. The greatest benefit had accrued to the service by non-commissioned officers accepting commissions, because, where a regiment had lost a large number of its officers and men, and had to be filled up by recruits, it was important to have experienced men to lead it in the field. But when peace was restored, these men were left in a worse position than the one they had occupied as non-commissioned officers, for they then lost their field allowances, and the officers returned to their more expensive style of living in barracks on home service. Thus, men who had been accustomed to frugal habits, and to have their rations supplied them at a very moderate rate by the Government, found themselves obliged to live on the same scale as officers who entered the service with large private fortunes. Moreover, the soldiers who had been promoted from the ranks had often families to support, which was seldom the case with the junior officers having private means; and the consequence was, that the former had to struggle with poverty to maintain themselves as gentlemen. Promotion from the ranks had hitherto been so rare that no

provision had been made for the contingency which had arisen of so many officers being in this situation. There was a great difference between the pay of non-commissioned officers and that of the junior officers to whom he had referred. A sergeant's clothing was given to him, and the whole cost of a non-commissioned officer's rations was 6s. 6d. per week, while his pay was 14s. 7d.; consequently, he had more than 8s. left to spend upon his family, or to place in the savings' bank; and the accounts of the regimental savings' banks showed how largely the non-commissioned officers availed themselves of the facilities thus afforded them for saving. On the other hand, an ensign's pay at 5s. a day was £1 15s. per week, from which had to be deducted, at the lowest computation, 4s. a day for mess expenses, leaving him only 7s. with which to provide himself with clothing, pay a servant, and defray every subscription which he was compelled to make to his regiment. A further heavy expense to which these officers, if married, were put, was the cost of removing their wives and families when their regiments were ordered to the colonies, or only from one home station to another. How, then, was it possible for a non-commissioned officer who had received promotion, even with the savings he had accumulated while in the ranks, to lay by any money, or even to maintain his family in decency, with his present rate of pay? Nobody had shown a greater interest in this class of officers than the distinguished individual now at the head of the Horse Guards, and who had rescued deserving officers from want by procuring them the means of support as adjutants or quartermasters of militia regiments. In one case a sergeant-major, who gained golden opinions while in the ranks, was promoted to an adjutancy in a regiment which was greatly reduced by the war, and afterwards filled up by recruits from home, and which he disciplined and brought to as high a state of efficiency as it originally displayed. This officer, however, from the difficulties just pointed out, being unable to remove his family to our Eastern empire, whither his regiment had been ordered, was obliged to quit the service and sacrifice all his prospects of further distinction. Luckily this man was provided for by his Royal Highness in the way above described; but the country, after inducing a man to accept a commission, and benefiting by his services, ought not to leave him in want. The re-

medy he would suggest was, that nobody should be promoted from the ranks except those whom long and meritorious services had entitled to high reward. Commissions ought to have attached to them the means of maintaining the position they conferred; and being given in exceptional cases, and not for mere distinguished service and gallantry—which might be the act of a moment—care should be taken that those obtaining them were not losers by their promotion. The rule should be adopted which applied to other services, where men raised from the ranks received good-service pensions; and it was astonishing how little would be sufficient—say £50 a year—to enable a man to sustain his higher rank without suffering materially by it. Promotion from the ranks of the army at present entirely failed in its object. Those who had gained it were allowed at the close of the war to sell their commissions. To an ensign, however, this only produced £450, which would not place the recipient in as good a position as a non-commissioned officer retiring after twenty-one years' service. The latter was entitled to 2s. 6d. a-day pension, with 1s. more, by regimental regulation, if he was in the Guards; whereas, all that the price of an ensign's commission would yield if invested was only £18 per annum. Having himself served several years in the army, and known many officers to be promoted from the ranks who were excellent and useful men in their regiments, and men deserving of all the rewards that had been bestowed upon them, he could not help bringing this subject forward before the present Parliament expired, feeling strongly that, however desirable it might be to reduce the expense of the army in time of peace, the very last way in which they should practise economy was by cutting down the hardly-earned recompense of those who had struggled through a long period of meritorious service to the envied position of a commission in Her Majesty's service.

SUPPLY—ARMY ESTIMATES.

House in Committee; Mr. FITZROY in the chair.

(1.) 126,796 Men.

MR. FREDERICK PEEL said, that, in proceeding with the Motion that stood in his name on the subject of the Army Estimates, it was not his intention, as the Committee were aware, to invite them to

agree to the whole of the sums which the Government computed would be required to carry on the service of the army throughout the ensuing financial year. Having regard to the circumstances in which the Government and the House were placed, and following the precedent set in the case of the Navy Estimates, it would be sufficient if the Committee voted money enough to cover the payments likely to fall due in the course of the next four months. As the major part of each Vote would have to be submitted to the ensuing Parliament, and as even the money now to be voted on account would have to be re-voted in the succeeding House of Commons, he should best consult the convenience of the Committee by not anticipating the discussions and explanations which were sure to arise when the Estimates were again brought forward hereafter, and by abstaining, therefore, from now entering into any details with regard to the various items and services comprised in those Estimates. With respect, however, to the number of men, which formed the first Vote, he was under the necessity of pursuing a different course. Of course the numbers were the same whether the Estimates were voted for four months or for the entire year. The number of men which he should propose to ask the Committee to sanction for the ensuing year was 126,796. Last year the number voted was 246,716, so that there was a reduction this year in round numbers of 120,000 men upon all the various branches of military service which formed the land force of the country. The reduction in the Guards and Infantry was 78,510, the number proposed this year being 84,063 against 162,573 voted last year. This reduction was effected by voting a diminution of the rank and file of the various regiments. Last year the average strength of the regiments in the Crimea was 2,000 men, and the average strength of all other regiments of the line, except those in the East Indies, was 1,200 men. This year the average strength of each regiment, not counting those in the East Indies, would be 840 men. In the Cavalry there would be a reduction of 7,495 men, 9,325 men being asked this year, against 16,820 voted last year. This reduction was effected by diminishing the number of troops in each regiment from 8 to 6, and the number of men in each regiment from 640 to 350. In the Artillery and Engineers there was a reduction of from 28,221, of

all ranks, to 21,924, and in the Military Train and Hospital Corps there was a reduction of 8,191 men. The Foreign Legions, consisting of 21,719 men, which had been disbanded in the course of last autumn, completed the total of the reduction. No doubt it would be asked whether a real reduction had been effected during the last twelve months to the extent of 120,000 men! The numbers proposed this year were certainly less by 120,000 men than the numbers voted last year, but it did not follow that that number of effective men had been discharged in the course of the year. In the case of the Foreign Legion and the Land Transport Corps 30,000 men had been discharged, and that left a reduction of 90,000 to be accounted for. The number which was voted last year for the Guards and Cavalry was 173,000, but the effective force never really reached that strength. He believed the army was at its strongest about the month of April last year, at which time there were 129,857 men, or 48,650 below the establishment. Consequently, they had had to deal with 42,355 Guards, Cavalry, and Infantry. Between that time and the 1st of February, this year, 20,000 men had been discharged, and there now remained 22,361 to be discharged in order to bring down the effective force to the strength which he proposed to vote for next year. That number included the two regiments of Cavalry which were brought from India in the course of the war, and which, on the termination of the war, had been replaced on the Indian establishment. This would account for a diminution in the number mentioned of about 1360, leaving 21,000 still to be dealt with. He anticipated that between the 1st of February last, which was the period when his return was taken, and the commencement of the ensuing financial year, the War Office would have been able, by various means—either because the men were unfit for the service, were themselves desirous of leaving it and could be spared, or of bad or indifferent character—to discharge from 10,000 to 12,000 more. There would, therefore, only remain about 9,000 effective men over the establishment which he now proposed should be voted for next year. With regard to that 9,000 men, the course which would be taken was this. He had lately been furnished with a return of the losses to the army in men for ten years ending in the year 1853, and it appeared from that return that

upon the whole strength of the Infantry and Cavalry, which during those ten years amounted to 121,532, there was an annual loss arising from deaths, discharges, and desertions, of 12,700 men, or at the rate of 1,000 a month. Now, if the army were at once reduced to the actual strength proposed to be voted, they would have to meet a monthly loss of about 1,000 men; and to do this, they would be under the necessity of commencing to recruit in order to supply the vacancies thus continually occurring. Of course there was very considerable expense attendant upon filling up vacancies in the ranks by means of recruitment, for every recruit had to be provided with a kit, besides his bounty, in case of being a new soldier. Instead, therefore, of taking that course, recruiting had been entirely suspended, and these 9,000 men were to be kept as a sort of reserve upon which to draw for the number that would be required to fill up the vacancies as they occurred; thus in about six or nine months the army would be reduced, in the case of the Guards, Cavalry, and Infantry, to the strength which it was now proposed should be voted; but for the remainder of the year it would, of course, be necessary again to have recourse to recruiting for the purpose of keeping the effective strength up to the requisite number. With regard to the Artillery and Engineers, they did not at present exceed by more than 2,000 men the number proposed to be voted, and these would be reduced before the commencement of the financial year. For the reasons he had already stated he would not enter into further details, but move that the number of men for the ensuing financial year should be a number not exceeding 126,796.

MR. STAFFORD said he felt it to be his duty to rise at the earliest opportunity and express in the strongest manner his deep regret at having ascertained—he feared beyond the possibility of a doubt—that the suggestions which had been made by the Select Committee over which he had had the honour of presiding last Session with regard to a most important class of army officers—he meant the medical officers—had not been at all attended to, and that the position of those gentlemen in the service was now exactly what it was when that Committee first met, and the war began. Yet one of the first notices which were given by the Government when they acceded to office was, that the medical department of the army should engage

their particular care—and, indeed, the noble Viscount the Prime Minister himself stated that a modification of that department was in contemplation. The Committee on the Army Medical Department differed from the suggestion which was then made by the noble Viscount, and recommended that the management of that department should be, as now, in the hands of one individual, and not of a board, as was suggested by the noble Lord. He (Mr. Stafford) had always stated, and again desired to state, that it must be to the latest moment of the noble Lord's life a proud gratification and an honest pleasure to him to reflect on the state in which he had left the army of the East; and no praise could be too high and no eulogy too warm, neither ought any party feeling to induce hon. Gentlemen to withhold the expression of that praise and eulogy for the manner in which army reform had been carried out, and the comfort of the soldier established under the noble Lord's Government. It was with all the more regret, therefore, that he feared, from what was going on, or rather from what was not going on, now that the popular enthusiasm in favour of the soldier had somewhat cooled down, and other topics of pressing interest engrossed the public mind, that the Government found themselves in the position of being obliged to say, with regard to army medical reform,—“We have dismissed your case. The tide of economy is setting in. All we have promised you, we are unable to perform; and because you are not aristocratically connected, and possess no Parliamentary influence, but are a scattered and disjointed body, you must not expect us to do any more for you.” Of course, the state of suspense in which the Army Medical department had been kept for nearly two years had called forth from every one of these gentlemen feelings of disappointment, vexation, and disinclination to continue longer in the service. What they asked was this—and he was authorized by all those with whom he had been in communication to say it—“Tell us one thing or another. Tell us that you are going to do either something or nothing for us; for at present all promotion is stopped except in cases of death.” Very few would enter the service; but none wished to retire from it until they knew what arrangements were to be made. In fact, the medical department of the army was in a worse—that was, in a more

unsatisfactory—state than if promises had never been held out, or if reform had never been suggested, and if the Government had never consented to the appointment of a Committee. For it was that consent which obtained the appointment of the Committee by the unanimous vote of this House; but it ought never to have been given, and on other subjects had been frequently withheld by them from fear of raising hopes which might be followed by disappointment. If they believed, as they had often expressed, and as he firmly believed they could not express too strongly, that the bravery of the British soldier, his fortitude, his discipline, his good conduct, rendered his life and comfort very precious; and if, as had been observed by the noble Lord, the system of free enlistment, and the absence of conscription, as the only means which existed in this country of filling up the gaps created in the ranks of the army, rendered that life more valuable still, then he would ask the Government by every remembrance of Crimean difficulties, and by every recollection of Crimean glories, to see to it that the medical department of the army was supplied with the most promising young men, and that the scale of pay was sufficient to attract them to the service. As these matters stood at present, the East India Company, the large steam-packet establishments, the requirements of the colonies, and of an increasing population, drew from the army medical profession many men of ability. He (Mr. Stafford) protested against any longer procrastination in this matter; and he asked his hon. Friend now, before he took a vote in Committee, or else on the report of the Resolutions, to state what the intentions of the Government were; whether they intended doing anything or nothing for the Army Medical department; and so let this deserving and honourable class of persons know definitely and finally what their destiny was to be.

SIR DE LACY EVANS said, that he fully concurred in the opinions expressed by the hon. Gentleman who had just sat down. No department had been more exposed to difficulty in the Crimea than the Medical department of the army, and he trusted that when the Army Estimates came before the next Parliament, some general statement would be made in reference to that department. For the sake of the efficiency of the army before the enemy, it was important that the utmost attention should be paid to the state of the medical de-

partment. In reference to another department—the Commissariat—the discussion which had taken place had brought to the painful recollection of the House that that branch had been almost entirely neglected before the recent war, and the Government should now give it at least so much consideration as would prevent it from relapsing into the same condition. Public attention had been drawn to this subject very much, and he had seen in an extremely sensible work, published by a Commissariat Officer, the suggestion that, instead of being a civil department, the Commissariat, with the exception of the accountant branch, should be altogether military. Such was the case in India; and in respect to his division in the Crimea great advantage was derived from the assistance for commissariat purposes of two or three military officers, who, however, could not continue that aid when their division came before the enemy. He ventured to hope that the Government would take this point under consideration before the meeting of next Parliament. With respect to the Transport Corps, it seemed objectionable that that should be totally independent of the Commissariat, for what the Commissariat were to do without the Transport Corps he did not know. He thought that the case of the non-commissioned officers who had received commissions and were now reduced called for liberal consideration. With respect to the number of men required for the army, he deemed it was the duty of the executive Government to propose the amount on their own responsibility. He remembered it was stated at the beginning of the last war that, if the army was insufficient, that was more the fault of the House of Commons than of the executive Government. He demurred to such a statement, for he hardly recollected any proposition made by the Government as to the numerical force of the army being altered by that House; and unquestionably the executive Government must possess the best information as to the probability of a greater or less force being required. He believed the numerical force of the army, except with regard to the artillery and engineers, was nearly the same as in 1853, but the expenditure was considerably greater, and the question was whether due economy had been observed in all the departments. He was afraid there had been some extravagance with respect to the Staff; but the only mode of reconciling economy with efficiency was by

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restricting all dispensable services. He hoped this point would receive the consideration of the Government, and that measures would be taken for improving the Commissariat department, which he thought was not in a satisfactory state.

SIR JAMES FERGUSSON said, that the Committee of which he was a member had recommended that an extra-assistant surgeon should be appointed to every regiment; for it was found that, as there was only one assistant-surgeon to each regiment, not only was it impossible for the surgeon and his assistant to discharge their duties efficiently, but those officers were unable to obtain leave of absence. If from sickness, or any other pressing cause, the medical officers were compelled to absent themselves from their regiments for any length of time, they were obliged, at their own cost, to provide for the medical charge of the troops during their absence. He believed the Duke of Cambridge had expressed a decided opinion that an extra assistant-surgeon should be appointed to every regiment, and that medical officers ought to receive leave of absence on the same scale as the other officers. At the commencement of the late war there was no department of the army in which there was so marked a deficiency as the Medical department. After the battle of the Alma the wounded remained on the field for at least twenty-four hours before they received medical attention, owing to the want of a sufficient number of medical officers. He thought that, in whatever departments of the army reductions were effected, there ought to be no diminution in the number of regimental medical officers.

COLONEL NORTH said, he was a member of the Committee referred to by the hon. Baronet, which was most fairly constituted, and which had recommended an increase of pay to medical officers of the army; and he hoped the Under Secretary for War would be enabled, when the Report of Supply was brought up, to state whether the Government intended to take any steps to carry out the recommendations of the Committee with regard to a most meritorious class of officers of the army.

MR. FREDERICK PEEL could assure the Committee that the state of the Medical department of the army continued to receive the attention of the Government. He had himself been a member of the Committee, but he did not remember that

they recommended the employment of an increased number of medical officers. If that were the case, however, the Government had carried out their recommendation; for there had not only been an increase in the number of surgeons attached to infantry regiments, but there had also been a very large increase in the medical staff. Comparing the expenditure for the medical staff of Great Britain and Ireland in 1852, 1853, and 1854, with what it was at present, it would be found there had been an increase amounting to about £40,000 a year. The hon. and gallant General (Sir De L. Evans) had stated, that although the number of infantry was now less than it was before the war, the expenditure for that branch of the service had increased. There was undoubtedly an increased charge, which was attributable to the fact that, although the number of rank and file was less than in 1852 and 1853, a larger number of officers and non-commissioned officers was retained, in consequence of the change in the constitution and organization of regiments. Before the late war each regiment consisted of only ten companies, but in 1854, on the proposition of the right hon. Member for South Wilts (Mr. S. Herbert), the number of companies in each regiment was increased from ten to twelve. The right hon. Gentleman urged that that should be a permanent increase, and the recommendation was concurred in by the late Mr. Hume. The retention of the extra companies and the additions to the rifle corps occasioned the increased expenditure to which the gallant Officer referred.

MR. STAFFORD said, the hon. Gentleman (Mr. Peel) had not given an answer to his question. He had not stated what were the intentions of the Government with regard to the Medical Department of the Army. He hoped he would give some information on bringing up the Report.

SIR WILLIAM CODRINGTON said, he was glad to hear that the reductions of the army would be carried out in such a manner as not to deprive the country of the services of good and established soldiers. Considerable reductions had been effected since the war, but the men discharged were generally those of weak health, of indifferent character, or whose term of service had nearly expired. He had feared that they were also going to discharge some 8,000 or 9,000 men whom he regarded as the pith of the army, but he was glad to hear that the Government would not adopt such a step without further

consideration. With regard to the regimental medical officers, he could assure the Committee that they were not adequately rewarded for their services. He knew many of them who had served during the whole war with the army in the East, who had encountered what he might term all the medical difficulties besides the war difficulties, who had grappled with the cholera in Bulgaria, who had subsequently attended the army in the Crimea, who had discharged arduous duties on battlefields and in the trenches, but who now remained at home without reward, promotion, or distinction of any sort. He wished strongly to impress upon the Government the importance of providing an efficient military train. If during the war with Russia there was one corps whose deficiency was commented on more strongly than another, it was the absence of a land transport and military train. The evils which befell the army in the Crimea were all attributable to an entire want of any organization of a military train. He was afraid that this corps were to be reduced too low in strength, for a force of 1,200 men with an army in the field would be about enough for one division,—that was, for 5,000 or 6,000 men. He supposed that some reduction was necessary, in consequence of the pressure put upon the Government by the House of Commons, which looked with an evil eye upon military expenditure. These 1,200 men would be, he supposed, split up among different camps of instruction. He trusted that they would be called upon to discharge not only the minor parts of their duty, but that they would be exercised in carrying ammunition, which ought to be close; tents, which ought to be handy; and ambulance, which ought to be close. Matters ought to be so arranged that the military trains should be practised in marching in the camps to which they were attached with these articles. If they were accustomed to march with the brigade, the regiment, or the division to which they were attached, they would know where they ought to be in a division, and they would learn how to look after their own tents and their horses. It was not by separating them, but by bringing them together, that they would be made efficient. All the evils of the first winter in the Crimea were traced to the absence of an efficient land transport, accustomed to military drill, and knowing their horses and their duties in support of regiments. The military train should be kept up, and

whether an expedition were small or large it ought not "to go out" without its land transport corps. Of course, if the war *9d.* were taken off reductions in the expenditure must be made. An enormous reduction was taking place in the factories at Woolwich, and great misery and distress were inevitable when as many as 5,000 workmen were discharged from one Government arsenal, some of whom had been for three years and upwards in the Government service. He thought it would be worthy the consideration of the Government whether some facilities for emigration might not be fairly offered to those labourers and artisans who were thrown out of work, not from any fault of theirs, but from a cessation of employment in consequence of the peace. Many of these persons had no resource but the parish, and it was a question whether the Government, which had so great an extent of frontage and roads contiguous to its establishments, should not contribute something either to the maintenance of the roads or towards the poor rates of a parish so situated. At present there was a great pressure from these circumstances, upon the rates of the borough which he had the honour to represent.

Vote agreed to.

(2.) £1,467,000 on account, Pay of Land Forces.

SIR DE LACY EVANS said, that the expenditure for staff pay and allowances was very high, and if he had the honour of a seat in the next Parliament he should bring the subject before the House. In the field a General could scarcely have too many aides-de-camp, if they were efficient; but at home he did not think that any general officer required more than one aide-de-camp.

MR. MACGREGOR hoped that the attention of the Government would be given to the position in which a non-commissioned officer was placed when he received a commission. He knew a case where a distinguished soldier had refused his promotion on account of the pecuniary position in which he would have been placed by accepting a commission.

MR. MONTAGU CHAMBERS said, the present regimental arrangements were such that the expenses were more than any officer could afford who had no private resources. The only alternative for non-commissioned officers who were promoted for distinguished services was retirement, or assistance from the Government. He

Sir William Codrington

thought the subject required immediate attention.

SIR WILLIAM CODRINGTON said, he thought the question of the position of these officers generally was too large to be discussed on the present occasion; he would, however, ask whether it was consistent with the character of this country that non-commissioned officers promoted to commissions should be in a worse position than before they were promoted.

MR. FREDERICK PEEL said, he did not think it possible that any non-commissioned officers who had been promoted could be in a worse position than if they had continued non-commissioned officers and served out their time. The proposition made by the War-Office to the Treasury was, that those who had obtained the rank of captain should have a permanent retired allowance of *5s.* a day, those who were lieutenants *3s. 6d.* a day, and those who were cornets *3s.* a day. The whole number of officers of this class was 161, of which 18 had either died, or sold their commissions, or retired on half-pay, leaving 143 with commissions at the present time, of 161 promoted during the war. It was impossible to grant them extra pay without granting the same to officers who proved they had no private fortunes. Of the 143 officers thus circumstanced only 19 were drawing simple regimental pay as cornets or ensigns. All the rest were either drawing lieutenant's pay, or regimental and half-pay. Sixteen were riding-masters, 63 quarter-masters, and 4 pay-masters.

SIR DE LACY EVANS said, he believed the remedy for this difficulty was a determined measure to reduce the expense of the messes and the whole system of expenditure in the army.

Vote agreed to, as was also

(3.) £184,000 on account, Miscellaneous Charges.

(4.) £14,000 on account, Volunteer Corps.

SIR JOHN PAKINGTON wished to call the attention of the Committee to the omission of the usual allowances for clothing and permanent duty. Her Majesty's Government had to answer for, among other sins of omission, that of attempting to cast a slight upon the yeomanry cavalry of the country, in not permitting them to assemble for permanent duty in the present year. The Estimates for the year exceeded former Estimates by several millions; but the yeomanry cavalry had

nothing to do with the increased expenditure of the country. The expense for this useful body was only a small item, which had hitherto been cheerfully defrayed since 1815. In the Estimates for the present year that item had been reduced to £25,700 for the staff and for contingent allowances. The former Vote was £80,000, the present was reduced, therefore, by some £60,000. This saving was made up of the reduction in the clothing allowance, £20,000, and in the allowance for permanent duty, about £39,000 or £40,000, and he put it to the Government if it was worth while, for such a small saving, to risk impairing the efficiency and damping the zeal of the forces which from time to time had rendered such good service to the civil power of the country. On two occasions, in 1828 and in 1836, this force had been of the greatest service. The Government of the day, nevertheless, determined upon its reduction; they were, however, obliged to retrace their steps and restore that force, to, in many instances, even still greater strength and efficiency. He asked his right hon. Friend, the Chancellor of the Exchequer, how he meant to deal with the yeomanry cavalry when the fated year 1858-59 should arrive? The necessity for economy would then be as great as it was now; and he (Sir J. Pakington) anticipated that when that year should arrive, any proposal to revive those corps would be met with the objection that it was not worth while to spend money on them, as they had not been called out for two years. If Her Majesty's Government declared against the yeomanry force on the ground that a more efficient system of police rendered it unnecessary, he (Sir J. Pakington) could understand the argument, though he could not subscribe to the conclusion. But he denied that the fact was so; and he believed that inasmuch as the police of the country was only adapted to the ordinary exigencies of the country, when an extraordinary exigency arose the military assistance of the yeomanry corps had always been found most valuable in the absence of regular troops. He (Sir J. Pakington) put it to the Government if the efficiency of any military body could be maintained under less than eight days' training; and if it was the wish of the Government to keep up the efficiency of the force, he hoped they would reconsider the subject, and not strike such a blow at its establishment. Another point to which he called

the attention of the Government was one which might be considered a decided breach of faith with the officers who commanded these regiments. The expenditure for clothing these regiments was defrayed by an annual payment of 30s. per man to the officers in command. That sum, insufficient for the purpose, was in many instances advanced by the officers in question upon the expectation that they would be reimbursed out of this Vote; and if the Vote was suspended now, they would consequently be out of pocket to a large amount. The right hon. the Speaker of that House, and the hon. Member for East Kent (Sir E. Dering) were in that predicament, each having recently advanced large sums for clothing the respective yeomanry regiments which they commanded, and if the Vote was withheld, they, along with other officers so circumstanced, would be cast on their own resources. This grant had been going on for the greater part of the century; and it was neither just nor right that the country should break faith with gentlemen who had fulfilled the functions of commanding officers for the good of the country. Under these circumstances he trusted that the Government would reconsider the subject, and be prepared in the next Parliament to propose a renewal of the former Vote for the yeomanry cavalry.

MR. BAILLIE COCHRANE said, he fully concurred in these observations, and would take leave to refer to the claims of the two regiments of yeomanry in Lanarkshire. At the present moment there was only one regiment of regulars in Glasgow, and if, as reported, it was the intention of Government to withdraw it, and at the same time not to call out the yeomanry for permanent duty, the whole military force in Lanarkshire would consist of two or three troops of horse artillery. Now, Lanarkshire contained a population of nearly 700,000 persons, of whom a considerable portion were miners; and it was of the utmost importance that there should be a proper military force at hand to aid the civil power in cases of emergency. He had been quite surprised at a return relating to the services of the yeomanry which had been laid on the table of the House; and, with respect to the yeomanry of Lanarkshire, that Report was altogether inaccurate. It stated that there was in that county a regiment with twelve officers and 279 men—that it had been

raised in 1819, and that it had never been called on to aid the civil power—whereas, it had been out last year for two months aiding the civil power. That regiment had also rendered important services in 1843, and again in 1848, but if it was now disembodied, and another strike to take place among the miners, the authorities would lack the means of preserving order. He, therefore, thought the proposed economy a pernicious one.

MR. ALEXANDER HASTIE said, he had not intended to offer any observations on the subject before the Committee; but as the hon. Gentleman who had just sat down had spoken with so much confidence of his knowledge of Glasgow, he (Mr. A. Hastie) wished to state what he knew of the feeling there—

MR. BAILLIE COCHRANE said, he had referred only to the county of Lanark.

MR. ALEXANDER HASTIE knew something about Lanarkshire too, and could say that both there and in Glasgow too, if military assistance should be necessary, the feeling was more in favour of the enrolled pensioners than of the yeomanry.

VISCOUNT NEWPORT appealed to the noble Lord to say whether it was intended to abolish the yeomanry or not, because if such a force was to be kept up at all, provision should be made for affording them the drill necessary to keep them efficient. The employment of that force in the suppression of civil disturbances was not the only service which it could render, as there were many cavalry duties, such as garrison and escort duties, which yeomanry could perform. He would also appeal to the Government to know whether, as the force was not to be called out this year, the members of the corps would be required to keep and pay duty for their horses.

MR. NEWDEGATE remarked that untrained horses were useless in the ranks, and if the yeomanry were not called out this year, the men would, in some cases, sell their horses, and in all, the animals would lose the benefit of their previous training. In order to show the value of yeomanry as guardians of the peace, he might mention one occasion in 1842 when a body of 5,000 men assembled in his county, and there was every reason to apprehend a serious riot. The aid of regular troops was sought, but only twelve men obtained. Lord Aylesford, colonel of the Warwickshire Yeomanry, however,

Mr. Baillie Cochrane

issued a summons on the Sunday evening, and at 6 o'clock on the next morning two troops assembled, and their appearance completely terminated the riotous proceedings.

VISCOUNT PALMERSTON said, he could assure the right hon. Baronet (Sir J. Pakington) that had he assisted the Government in the deliberations which had been necessary to bring the Estimates of expenditure within the limits to which they were now confined, he would not have undervalued the importance of a saving of £60,000. To bring the Estimates within their present compass it had been necessary to go through the whole details of expenditure in every branch of the service; and the Government had been compelled to postpone or abandon expenditure which it considered would have been most useful to the country, and which would be inevitable in future years. A great deal was absolutely required for the permanent defence of the country—works for the defence of the dockyards—barracks for the accommodation of men who were to defend places which ought to be fortified, and other things; but many of those matters had been postponed, because otherwise it would have been impossible to reduce the expenditure within the desired limits. He said, therefore, that £60,000 was by no means a saving that was not deserving the consideration of the House. He could, however, assure the Committee that hon. Members were quite mistaken if they thought the Government undervalued the great importance of maintaining the yeomanry system. The Government, on the contrary, was very sensible of the high value of that organization, not merely in assisting in the preservation of the public peace, because that was almost a secondary consideration, but, being in the character of a militia, as calculated to bear a most important part in the general system of national defence. It was a mistake to suppose that the yeomanry had been called out for duty every year since the peace of 1815. When he first went to the Home Office he found that a great many of the yeomanry corps had not been called out for duty for several years. They had been called out generally for three days' exercise and training in the year; and he felt it his duty to make arrangements for calling them all out for permanent duty for eight days, as being in his opinion most essential for their general efficiency. He might be permitted to say he did not think the ar-

rangement under which the yeomanry were called together for three days during the year was calculated to increase the efficiency of the corps. Whatever might be the determination of another Parliament next year with regard to the yeomanry, the Committee would be quite mistaken if they construed the circumstance of the Government not assembling them in the present year into the slightest indication of their intention to abandon the yeomanry corps, or of any under-appreciation of the value of their services. With respect to the question of clothing, undoubtedly, if any regiment could show that the commanding officer had made contracts which were not completed, or had incurred liabilities to discharge which he had not funds in hand, that was a case in which justice should be done. But in many cases there was a balance in hand amply sufficient to meet the current demands. The clothing of the yeomanry corps was not renewed every year; it lasted for several years, and he knew that in many cases there was a balance in hand quite sufficient to meet any immediate demand. But in any case where a commanding officer could show there were claims for clothing, or saddlery, or other matters, to meet which there was no balance in hand, those were circumstances under which a proper allowance should be made. The same consideration would be extended to the question of the horses, if it could be shown that the non-assembling of the corps on permanent duty entailed loss on that account. With regard to those corps called out for particular services the same principle applied. One ground on which the Government thought they could dispense with their training this year was their having been assiduously trained in former years, which seemed to the Government to render their assembling this year an unnecessary operation. He could assure the Committee that there was no intention by the arrangement in contemplation for the present year to disparage the yeomanry system. It was simply one of the measures to which the Government had had recourse with the view to balance expenditure with income.

MR. DEEDES submitted that the case of the militia was not at all analogous with that of the yeomanry, because the militia was not composed of the same class of men, nor had they to provide themselves with horses. He thought in the case of the yeomanry, where the men had gone to

considerable expense in providing themselves with horses, one of two things would happen if they were not called on to do some duty; either they would part with their horses altogether, or when called out on a subsequent year they would come with horses wholly unfitted for the service. His firm conviction was, after an experience of upwards of forty years in the yeomanry, that if the yeomanry were not to be called out regularly for training of some description the efficiency of the corps and the service would be materially deteriorated, and it had better be dispensed with altogether than be dealt with in such a manner. With respect to clothing, he (Mr. Deedes) was one of those commanding officers of yeomanry who laboured under heavy responsibility. In 1830 the regiment to which he originally belonged, and in which he served as major, was raised; in 1837 two troops of it were reduced; the lieutenant-colonel was reduced; and he (Mr. Deedes) then became the commander of the regiment. In 1837 it was in a very efficient state, but it never recovered the reduction which then took place. It dwindled down until, in 1853, only two troops remained, which he still commanded. He afterwards raised it again to six troops, and he became the commanding officer of it with the rank of lieutenant-colonel. On the recommendation of the late Lord Hardinge the regiment had been constituted a mounted rifle corps; and he (Mr. Deedes) had gone to a great expense in equipping 200 men for that service. When the regiment was augmented an advance of £3 per man a year for three years was made to him as the commanding officer to equip his men; but in many instances the £9 so advanced did not cover the expenses to which he was put. He was compelled to clothe the whole regiment, and the hardship of the case was that he had no advance made to him whatever in respect of the two troops which had belonged to the old establishment. The consequence was that he was left personally responsible for a considerable amount, and he asked whether this was a state of things which ought to be allowed to continue?

Vote agreed to, as was that of—

(5.) £62,000, on account, Departments for War and Commander in Chief.

(6.) £125,000, on account, Manufacturing Departments, &c.

MR. SPOONER wished to draw atten-

tion to the small-arms factory at Enfield. He observed that it had been stated in evidence before the Committee that one consequence of incurring considerable expense in introducing machinery would ultimately be a great saving, because, in place of employing skilled artificers, labourers at 12s. 6d. a week would perform the work. Instead of that the men were now receiving 22s. a week, so that the contemplated saving had not been effected. The manufacturers of Birmingham complained that their best filers were bribed away. This was not a fair course, and might be avoided by machinery. They had laid out £106,000 in two years for machinery for the purpose of making guns; and as yet not a gun had been turned out. The Ordnance, he admitted, was now under better management. He had a more serious complaint to make. A manufacturing firm had supplied the Government with shells, of which during the war only $2\frac{1}{2}$ per cent. were rejected, while now, from the same manufacturer, and without the slightest notice, the percentage of rejection was 8 per cent. These gentlemen had sent up a larger amount of shells than was ordered, merely to fill up the place of those which were rejected. The manufacturers could neither get their shells back nor get the money for them, and they were ultimately obliged to let the Government keep them at less than the contract price. This was unfair towards these gentlemen, and they ought to be remunerated. He hoped that a stop would be put to these proceedings, admitting, as he did, that the Ordnance was now far better managed than it had been.

MR. FREDERICK PEEL said that it was not surprising that no completed muskets had been turned out by the establishment at Enfield, because the building was only commenced in the autumn of 1855, and of course some time was occupied in completing it and in fitting it with machinery. Although no complete muskets had yet been turned out, parts of the arm had been made in considerable quantities; and now that the machinery for making the barrels had been completed, there would be no difficulty in finishing them, and he believed that in the course of the present year as many as 40,000 rifles would be manufactured at Enfield. He was not informed with respect to the charge of enticing men away from private employers in the neighbourhood of Birmingham; but he would cause inquiry into

the subject. With regard to the shells, he had been informed that on the first delivery they were passed, though not according to the specification, but that was no reason why they should pass the second delivery. It was quite right to reject the second lot, and wrong to accept the first lot, which ought to have been rejected. The parties delivered more than required, but at the request of the manufacturer the authorities at Woolwich felt disposed to keep them at a reduced price.

MR. SPOONER said there must be some mistake, for he was strictly informed the shells were in accordance with the specification. He should be glad to know who was the judge in these cases? The Government agent was much engaged, and it would be right to appoint two parties, one on each side. He was assured that no fault could be found with the specification. Even admitting there was a deficiency in this respect, as they had been taken before, they ought to have been taken the second time, as no notice whatever had been given of any intention to refuse them.

MR. MUNTZ said that the complaint seemed to him to be that the Government authorities marked the shells which had not been ordered; and then when the manufacturer asked to have them back, he was told he could not, but must take a certain price for them, which would be a loss to him. Now, the authorities, having marked them, they were bound in honour to pay for them. With regard to engaging men, he could only say the Government must have them; but the great objection was, that the Government should ever have commenced erecting a manufactory for fire-arms at all. They could not compete with private manufacturers, nor could they make as good an article. He should be glad to know whether the building was complete, when arms would be made there, and the cost of them?

MR. NEWDEGATE said, he trusted the Committee would bear in mind that there had been a distinct pledge given that the details of the expenditure at the Enfield establishment should be furnished as soon as it was in working order. He now understood the manufactory to be in that state, and it was only fair that, as the establishment competed with the manufacturers at Birmingham, a comparison should be drawn between the relative cost of the weapons furnished by each, so that hon.

Mr. Spooner

Members should be enabled to judge from correct *data* whether the Government were supplied more cheaply from Enfield than by the trade. There was another point to which he wished to call the hon. Gentleman's attention. How long were the Government to continue the employment of three or four staffs of the best Birmingham workmen in instructing foreigners to make arms after the patterns adopted by this country? It was well known that he had been a decided advocate of protection, but surely it was something more than free trade to devote public money in instructing foreigners to compete in the manufacture of arms with the trade of this country.

MR. FREDERICK PEEL said, that if the hon. Member for Birmingham (Mr. Muntz) would move for a return of the entire expenditure at Enfield he should be quite ready to grant the fullest information on the subject. With regard to the manufacture of arms upon the Continent, it was the fact that during the war contracts to a considerable extent were entered into for the supply of rifles from Liege and other places. In the present Estimates no provision was made for entering into any new contracts on the Continent or in America, but only for payments arising out of contracts not yet expired.

MR. COWAN called attention to the item of "lodging money for men quartered on the inhabitants of Scotland," from which he inferred that the system of billeting soldiers in Scotland, upon which the House had already pronounced a tolerably emphatic condemnation, was not yet at an end. The noble Lord at the head of the Government had assured him that a will and a way should be found to do away with this miserable practice, and he had also understood from the hon. Gentleman that an alteration in the Mutiny Act would be proposed. He should be glad to know what the people of Scotland were to expect on this subject? Money was voted for feeding and clothing our gallant troops, and he could not understand why they should not also be provided with comfortable quarters. He believed that $1\frac{1}{2}d.$ per night was allowed for their lodging, but what kind of accommodation could be expected for that miserable pittance?

MR. ALEXANDER HASTIE explained also of the billeting system in Scotland. People had no objection to troops on the march being billeted upon them, but it was hard that they should be

saddled with troops permanently quartered upon them.

MR. FREDERICK PEEL was understood to say that a provision would be introduced into the Mutiny Bill to remedy the existing system.

SIR CHARLES NAPIER observed that there was an amount of £84,527 for officers of the Manufacturing Department, but he did not see any provision for the pay of the men.

MR. FREDERICK PEEL explained that the salaries of officers in the Manufacturing department amounted to £19,195, and the remainder of the sum referred to by the gallant Admiral was for the Store department. The provision for the men would be found in another Vote.

In answer to Mr. HENLEY,

MR. FREDERICK PEEL stated that 25,000 rifles of the pattern of 1853 would be delivered from the Continent during the year, and while the existing contracts were being carried on the committee of officers to superintend them would be maintained; but there was no provision in the present estimate for entering into any new contract.

Vote agreed to; as were also

(7.) £111,000, on account, Wages.

(8.) £140,000, on account, Clothing.

(9.) £319,000, on account, Provisions.

(10.) £199,000, on account, Stores.

MR. MONTAGU CHAMBERS took occasion to ask for some explanation with reference to the sale of old stores which had taken place to a considerable extent during the last year. It was stated very generally that in effecting the sale to which he referred a great sacrifice had been made, inasmuch as a large amount of the stores which had been disposed of might have been turned to good account, while a portion of them, which had been sold as old stores, were articles which had been furnished under a new contract.

MR. FREDERICK PEEL said, there would be no difficulty in laying before the House a return of the product of the sale. It was in his opinion extremely unlikely that any stores should have been sold immediately after their delivery to the War Department under a contract which had been but recently entered into.

Vote agreed to; as were also the remaining Votes.

(11.) £82,000, on account, Fortifications.

(12.) £231,000, on account, Buildings.

(13.) £76,000, on account, Educational and Scientific Branches.

(14.) £9,000, on account, Rewards for Military Service.

(15.) £21,000, on account, Pay of General Officers.

(16.) £190,000, on account, Pay of Reduced and Retired Officers.

(17.) £63,000, on account, Pensions to Widows.

(18.) £16,000, on account, Pensions for Wounds.

(19.) 11,000, on account, Chelsea and Kilmainham Hospitals.

(20.) £393,000, on account, Out-Pensioners, Chelsea Hospital.

(21.) £41,000, on account Superannuations.

House resumed.

MR. SPEAKER'S RETIREMENT—

MESSAGE FROM THE QUEEN.

VISCOUNT PALMERSTON: Mr. Speaker, I have to acquaint the House that their Address of Tuesday, the 10th of March, to Her Majesty, praying "That Her Majesty would be graciously pleased to confer some signal mark of Her Royal favour upon the Right Honourable Charles Shaw Lefevre, Speaker of this House, for the great and eminent services which he has performed to his Country during the long and important period in which he has with such distinguished ability and integrity presided in the Chair of this House; and to assure Her Majesty that whatever expense Her Majesty shall think proper to be incurred upon that account this House will make good the same," has been presented to Her Majesty; and that Her Majesty has been pleased to receive the same very graciously; and has commanded me to acquaint this House that Her Majesty is desirous, in compliance with the wishes of Her faithful Commons to confer upon the said Right Honourable Charles Shaw Lefevre some signal mark of Her Royal Favour; but, as the same cannot be effectually granted and secured without the concurrence of Parliament, Her Majesty recommends to the House of Commons the adoption of such measures as may be necessary for the accomplishment of this purpose. [*Loud cheers.*] I move that this House will, To-morrow, resolve itself into a Committee to consider Her Majesty's most gracious Message.

The Motion was unanimously agreed to.

WAYS AND MEANS.

COMMITTEE.

Order for Committee read.

House in Committee of Ways and Means, Mr. FITZROY in the Chair.*

Resolved, "That, towards making good the Supply granted to Her Majesty, the sum of £21,049,700 be raised by Exchequer Bills for the Service of the year 1857."

House resumed.

INCOME TAX BILL.

THIRD READING.

Order for Third Reading read.

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. Member for Southwark (Mr. A. Pellatt) had on a previous evening, in making some remarks upon the pressure of the income tax on persons of small income, mentioned a case in which he thought the Commissioners of Inland Revenue had acted with some harshness. As these very meritorious functionaries had very delicate, difficult, and not very popular duties to discharge, he hoped the House would listen to an explanation which he had received from Mr. Pressley, the Chairman of the Board of Inland Revenue, and which he would read. That statement was as follows:—

"On the 4th of February last Mrs. Smith attended at this office, and stated that a levy had been made upon her goods for £1 1s. due from her late husband for income tax. She represented herself to be in great distress, and, without waiting even for a report of the facts from the surveyor of the district, I gave a written direction to that officer that the levy should be immediately withdrawn without any expense to the party. To avoid any delay, this order was delivered into Mrs. Smith's own hands, with directions to carry it immediately to the surveyor of the district, and 1s. was given to her to pay her omnibus fare. The order was accordingly delivered to the surveyor, and he on the same day (the 4th of February) reported to me that he had instructed the collector to withdraw the levy; and it appears from Mrs. Smith's own letter to Mr. Apsley Pellatt, dated the 12th of February, that this was done. The surveyor, in his report on the case, stated that he believed the levy had been made with a view to the broker's own profit, and that he would take care and make a fitting representation of the facts to the Commissioners of the district. I may mention that the arrear in question arose from a return of profits made by the husband of Mrs. Smith before he died as a dealer in hats; and, as he held the situation of a letter sorter in the General Post Office up to the time of his death, at a salary of £90 a year, making, with profits of trade, upwards of £100 a year, the arrear was clearly due from him. At the same

time, having died, leaving his widow in great distress, we should, upon a representation of the facts, have abstained from enforcing the tax, and we did all we could do the very moment the case was brought before us. The woman's complaint is that she was put to some expense for the man's keep while in possession. I have taken the necessary steps for ascertaining this amount, and will do my best to compel the collector, under the circumstances, to reimburse Mrs. Smith. I may mention that the collector is not an officer of this department, but appointed by the District Commissioners.

"CHARLES PRESSLY."

"Inland Revenue Board, March 12."

He thought that after that statement the House would be of opinion that no unnecessary severity had been exercised by the Commissioners of Inland Revenue; but that, on the contrary, when the circumstances were brought to their notice they behaved towards this unfortunate widow with great consideration. The right hon. Gentleman concluded by moving the third reading of the Bill.

SIR GEORGE PECHELL said that, having had to represent the circumstances of a case somewhat similar to this at Somerset House, he could bear testimony to the courteous, zealous, and kindly disposition of Mr. Pressly, who did honour to the Government under which he served. If his example were imitated by the Commissioners for the various counties who were not under his control, there would not be nearly so many complaints of the oppressive nature of the income tax. He trusted that the right hon. Gentleman the Chancellor of the Exchequer would devise some mode of controlling the behaviour of these Commissioners to the persons who appealed to them, many of whom were bundled out of the room without even being heard.

MR. WILKINSON said, that no doubt Mrs. Smith deserved the consideration which she had received from the Board of Inland Revenue; but, from the fact of several letters in a lawyer's handwriting having been sent to him about her case, he was disposed to think that she had fallen into the hands of some person who wished to make capital out of her grievance.

MR. HEYWORTH said, that in his opinion an income and property tax was the most just and least injurious to the best interests of the country that could be devised, and he was in favour of continuing it as an important branch of direct taxation. It was true that schedule D was objectionable, but it must be remembered

that the portion of the tax raised under that schedule was only as £4,000,000 to £16,000,000. Of those £4,000,000, £2,000,000 were taken from the profits of joint-stock companies, railways, &c., in the case of which there could be no deception and no inequality, while of the remaining £2,000,000, £1,000,000 was equally protected from those evils by being levied upon the incomes of various officers whose salaries were well ascertained and well known. Surely the Government could make such arrangements with regard to the remaining £1,000,000 as to render the tax acceptable to all parties. He would earnestly request the House not to lose sight of this important mode of taxation. He regretted that the war 9d. should have been taken off, because had it been continued they might have taken off £12,000,000 of indirect taxes, and thus have relieved our trade to an extent which would have made the whole country flourishing and prosperous. If it were objected that by the abolition of indirect taxes and the substitution of an income tax the working classes would escape all taxation, his reply was that we might continue the taxes upon spirits and tobacco, the duty upon which, amounting to £10,000,000 per annum, was paid principally by the working classes, and was quite a sufficient sum to be contributed to the revenue by that portion of the community.

MR. MUNTZ wished to say, as it was just possible that that might be the last time he should have the honour of addressing the House, that he did not object to an income tax *per se*. On the contrary, he believed that such a tax, if well regulated, was the best that could be imposed. Anybody who thought this tax would be abolished, according to the plan of 1853, at the end of three years, was hugging a pleasant delusion that would be rudely dispelled; for when 1860 came round, if they had not previously re-adjusted the impost, they would have no alternative but either to re-enact it in its present most vexatious shape, or revert to the system of taxing the necessities of life. There could be no difficulty in mending the tax and making it equitable, and even agreeable; and nothing could be more absurd than to fold their arms and say the thing was impossible. In Boston (United States) the system prevailed of assessing every man according to his means, and if the taxpayer objected to the amount placed against his

name he was put upon his oath, and the income to which he positively swore was the one for which he was charged. That system entailed no difficulty, injustice, or dissatisfaction.

Bill read 3^d, and *passed*.

EXTRA PAROCHIAL PLACES BILL.

THIRD READING.

Order for Third Reading read.

SIR JOHN PAKINGTON said, he had expressed on a former occasion his willingness to throw on extra-parochial places those burdens which all property ought to bear. He quite agreed with Mr. Bouverie in what he believed to be the principle of this Bill, that no property, on the ground of its being extra-parochial, ought to escape those burdens and charges to which in this country all property was liable. He had no doubt that there had been in many parts of England cases of extreme hardship arising from the want of power to levy rates for the maintenance of the poor in extra-parochial places. He had no objection to a Bill which placed extra-parochial places in the same position in this respect as other places, and as he understood that that was the scope of this Bill, he gave his consent to it.

MR. BOUVERIE said, his right hon. Friend was perfectly right in his statement of the principle of this Bill. The Bill that was proposed last year went a great deal further; and upon representations made to him, and upon reflection, he thought it would inflict injustice on certain classes, and he had modified the Bill to prevent that injustice being done. The effect of the Bill as it now stood would be simply to make property in extra-parochial places liable to rates to relieve cases of destitution; but it would not be liable to any other burden, and so long as property of this description had no poverty within it, it would not be liable to any burden whatever. If the pauper were sent to a union it would have to bear its fair share of the burdens of the union, but not till that event had arisen.

SIR GEORGE PECHELL said, this was a fair specimen of the impropriety of allowing Bills to be read a second time *pro forma*—the right hon. Member for Droitwich had to ask what was the scope of the Bill now that it had arrived at the third reading. If parties living in extra-parochial places had only to bear the ex-

pense of any pauper sent to the neighbouring union, he did not think there was any great objection to it, but they were afraid of being liable to all the expenses of the union.

Bill read 3^d, and *passed*.

The House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Friday, March 13, 1857.

MINUTES.] PUBLIC BILLS.—1^a Income Tax; Indemnity; Copyhold and Inclosure Commissions, &c.; Extra Parochial Places; Ecclesiastical Jurisdiction.

2^a Commissioners of Supply (Scotland) Act, 1856, Amendment.

PRIVILEGE OF REPORTS.

THE SELECT COMMITTEE.

LORD CAMPBELL begged to state, that, on account of the approaching dissolution of Parliament, he should not proceed further during the present Session with the Committee to inquire how far the privilege now given to reports of the proceedings of courts of law might be extended to the reports of the proceedings of Parliament and other public assemblies; but he begged to give notice that immediately on Parliament reassembling he should move the re-appointment of the Select Committee. On mature consideration of the subject, he could not at all think that their Lordships would agree that a rule should be laid down of complete immunity for the publication of everything spoken at every public meeting. He believed such a rule would be inconsistent with public safety and destructive of private character; but, at the same time, he was still of opinion that the grievance of which journalists complained might to a certain degree be remedied; for there were certain public meetings the proceedings of which he thought might be placed on nearly the same footing as the proceedings of courts of law, and it was possible that some definition might be made of the public meetings with respect to which the same privilege of reporting might be extended as applied to courts of law. At present, the mischief which might be expected to arise from the present state of the law was greatly mitigated by the circumstance that if juries only gave nominal damages no costs followed. Formerly, and until a very recent period, if an action for libel was brought and damages

to the amount of one farthing were recovered full costs followed, and thus a multiplicity of pettifogging actions for the recovery of costs was encouraged; but, at present, unless substantial damages were given no costs followed, and the temptation, therefore, to bring actions for the sake of recovering costs was taken away. Nevertheless, an action brought against a respectable journal caused great anxiety, and saddled the defendant with his own costs. It was possible that some expedient might be found whereby, if no real injury had been sustained, the costs of bringing the action should fall on the party bringing it; and if it should be the opinion of the jury that no real damage had been sustained they might find a verdict for the defendant; or if nominal damages only were given, then, with the approbation of the Court, not only no costs should be recovered, but the plaintiff should pay the costs of the defendant. These were matters which might fairly be submitted to the consideration of the Select Committee, when it re-assembled.

He wished also to give notice that, with the view of expediting and generally improving the proceedings of Select Committees of their Lordships' House, he should at a future time move a Standing Order to the effect that the oath to witnesses should be administered, not necessarily at the bar of the House, but, when deemed fit, before the Select Committees. At present the greatest inconvenience resulted from its being necessary that witnesses should be sworn at the bar of the House. Judicial business was sometimes interrupted in consequence of a crowd of witnesses being collected at the bar, and the expedient was occasionally resorted to of hearing witnesses unsworn before Select Committees, and swearing them afterwards, if it were thought necessary.

LORD MONTEAGLE said, he was glad the noble and learned Lord had called attention to the mode in which witnesses before Select Committees were sworn. He had, however, been informed that an alteration of the practice could not take place by a mere Standing Order of the House. It was absolutely necessary, in order that false witnesses before Select Committees might be punished for perjury, that the oath should be administered either under the authority of the statute made for the purpose, or according to the invariable usage and precedent of the House. In consequence of the inconvenience resulting from

the present mode of swearing witnesses, a practice had obtained, which was open to much objection, of sometimes hearing before a Select Committee witnesses who had not been sworn at the bar of the House, and calling them on a subsequent day to the bar, and swearing them to the whole of their evidence, written out from the shorthand writer's notes. He also thought it desirable that the Committees should have power to send for persons, papers, and records as in the Commons, without obtaining the previous order of the House.

LORD CAMPBELL said, he had no doubt as to the power of the House to administer the oath in the manner he had suggested. The House could not assume by Resolution any power which did not belong to it; but their Lordships had the power of directing the manner in which the oath should be administered, and might order it to be done by one of their officers, or by Committees. The other House could not administer oaths at all, except under the provisions of certain acts of Parliament.

THE LORD CHANCELLOR had no doubt that it would be a great advantage if Committees could be empowered to administer oaths, but he did not see his way quite so clearly as his noble and learned Friend to the assumption that their Lordships could delegate to other persons the power of administering an oath. It might be matter for consideration whether an Act of Parliament would not be necessary. As at present advised, he should feel a difficulty in drawing an indictment against a person who had taken a false oath before a Select Committee of their Lordships' House, exercising a delegated power to administer oaths.

THE WAR WITH PERSIA—INCIDENCE OF EXPENSES.

MOTION FOR CORRESPONDENCE.

THE MARQUESS OF CLANRICARDE, in rising to move for correspondence relative to the cost of the war with Persia, said that, as Parliament was on the eve of a dissolution, it would not be proper to invite their Lordships to discuss this question at any great length. It appeared, however, from all the documents that had been laid before Parliament, that the finances of India were in a most unsatisfactory state. It was intended by the Government, as their Lordships has been informed, that half the expenses of the late war should be charged upon the revenues of India. This

intention was communicated to the Board of Directors, who expressed their entire satisfaction with the proposition. But they appeared to have overlooked the ways and means by which provision for such expenditure was to be made, nor did they state in their reply what portion of the resources of India were available for the war, or how they proposed to raise the funds. He thought it must be admitted to be imprudent to charge a proportion of the expenses of the Persian war upon the Indian revenue without seeing how to provide for those expenses. The normal state of Indian finances in time of peace seemed to be a state of deficiency. The deficiency had now gone on for four years, and it had been recommended by an ex-Governor General (the Marquess of Dalhousie) that there should be a continual deficiency every year for public works. The deficiency, it was to be observed, which amounted to £2,000,000 annually, was not, however, caused by any expenditure upon railways. The debt had increased more than £7,000,000, and the recent financial operations of the Indian Government had resulted in complete failure. A loan of £2,000,000 at $4\frac{1}{2}$ per cent had been closed and the money of the subscribers returned, because the amount of subscriptions was comparatively trifling. A new loan at 5 per cent was opened, but, according to the correspondent of *The Times*, whose authority was unimpeachable, a very small amount had been paid into the Treasury, and the loan was being taken up very slowly. No one would wonder at it when they knew that money could be invested in railway shares with 5 per cent interest guaranteed by the same Government, and the chance of larger profit if the speculations were founded on sense and reason. On the other hand, the Indian Government offered only 5 per cent for the loan, which was all the lender could ever hope to receive. He had not said a word about the Persian war, because that had nothing to do with the question of the capability of the finances on which a portion of the cost was to be charged. He believed that to put Indian finances in proper order the Government must resort to proper economy. The noble Marquess, after expressing a hope that an Estimate of the cost of the war would be appended, concluded by *moving*—

“That there be laid before this House, Copies of any Correspondence that may have taken place between the Court of Directors and the Board of

Control, or between the Board of Control and the Treasury, respecting the Proportion of the Cost of the War with Persia to be charged upon the Indian Revenue, or relating to the Ways and Means by which Provision for such expenditure is to be made in India.”

THE EARL OF MALMESBURY: My Lords, in the present state of public affairs it appears to me of great importance that the people and the Parliament should at least know something about this Persian war. Up to the present time it has been a sort of myth—at least, although its existence is unfortunately undoubted, its history and origin appear to be involved in mystery. We know nothing of the original quarrel. We know nothing of the negotiations which must have followed that quarrel—because I assume that Her Majesty's Government did all they could to prevent collision. We know nothing of the answers of the Persian Government to the appeals of Her Majesty's Government. We know nothing of the orders given to the troops, or of the preparations to carry on the war when war was declared in so very unsatisfactory and irregular a manner. We know something, it is true, of the operations at Bushire: but after that we know nothing except, from the public papers, that negotiations have been carried on in Paris by Her Majesty's Ambassador and the Persian Envoy. We do not know whether the latter had authority to carry on negotiations, but we are told a satisfactory treaty has been concluded between him and Lord Cowley. The noble Viscount at the head of the Government is accustomed, as is very well known, to treat things and men very coolly, and certainly he makes no exception in favour of the two Houses of Parliament. If the noble Viscount does not happen to obtain the confidence of one House on any point of his policy he sets aside its decision by saying its opinion is opposed to the opinion of the country. If the other House appears not to be in a satisfactory state with respect to his Administration he dissolves it. It may be that he acts within the four corners of the constitution, but I am not so certain that the noble Viscount is within the four corners of the constitution when we consider the manner in which he has begun, continued, and ended this Persian war, without any explanation whatever to Parliament, and without putting on your Lordships' table a single paper in relation to those affairs. First of all, it was acknowledged that this war was going on. We were promised an account of the nego-

tations which preceded it, of the cause of the war, and of the position of the Government with respect to Persia. We had a victory at Bushire. The Persian Ambassador appeared at Paris, and my noble Friend said it was not a convenient or proper opportunity to produce the papers. I never could understand, nor do I understand now, why we could not have had an account of the cause of the war and the means which Her Majesty's Government took to prevent it. I do not see why we could not have had those papers, whether the war was going on or was concluded by treaty. What chance is there of our having any history of this war? In a few days Parliament will be dissolved. A new Parliament will not assemble for two months. The treaty of peace will not be ratified for four or five months. It will be a stale story, and we shall be as ignorant of the events, and more ignorant than we are of the Wars of the Roses. The noble Viscount has carried on a private war with Persia, and this country has had no notice of it whatever. In 1853, when the Government of my noble Friend (the Earl of Derby) went out of office, Herat was in the possession of the Persian forces. We did all we could to persuade the Persian Government to withdraw; but to this hour I do not know when they retired or why they did so, or what means our Minister used to persuade them. There has been some allusion to a treaty, but it has never been laid before us; and now at the eleventh hour, having been at war seven or eight months, very important negotiations having been carried on, a treaty of peace having been concluded at Paris, we are still without any information from Her Majesty's Government. Candidates for seats in the other House will be compelled to appear before the electors, and if asked about the Persian war, its causes and its consequences, will be unable to give any explanation at all upon the subject. It is only this morning that for the first time an apparently official statement has been laid before the country. I perceive that my noble Friend (the Earl of Clarendon) expresses his dissent, but I am unaware of any previous information which has been afforded us. An important journal has this morning published a detailed account not only of the Treaty which has been signed at Paris, but also of one which ought to have been signed at Constantinople but for some fancies on the part of our ambassador at that capital. I

would ask my noble Friend whether he does not think, under the circumstances of the country, it would not be quite proper and decent to give at least a sketch of the Treaty which we are told has been concluded? I know that technically that Treaty cannot be laid before Parliament until it has been ratified; but I would submit that it would not be right, proper, and decent to allow this Parliament to be dissolved without giving to us some information as to what is the present state of things, or at least some notion of the causes of the war, and the nature of the Treaty of Peace.

THE DUKE OF ARGYLL said, there was no objection on the part of the Government to place upon the table the papers his noble Friend (the Marquess of Clanricarde) required; but he trusted their Lordships would not consider him disrespectful if he declined to follow him into the large subject of Indian finance. He thought his noble Friend had misinterpreted some expressions which had been made use of in the Court of Directors with regard to the expenses of the war. They had expressed their satisfaction at the smallness of the expense, nothing more. It was not possible at present to place upon the table an estimate of those expenses—and, even if the Government had been prepared to do so, it would be utterly useless, inasmuch as the expenses were calculated for the whole year, on the anticipation that the war would have continued.

THE EARL OF CLARENDON: My Lords, I cannot regret that my noble Friend opposite (the Earl of Malmesbury) has put this question to me, for I can assure your Lordships that it has been to us a matter of deep regret that a sense of public duty should have compelled Her Majesty's Government to withhold that information with respect to the Persian war which Parliament and the country were entitled to expect. Nothing but a sense of public duty has prevented us from laying before Parliament those papers upon the subject which had been prepared before the Session commenced. My noble Friend, however, is not quite correct, when he says that no information has been given as to the causes of the war. I felt it to be so necessary to give such information that on the very first night of the Session, in replying to a speech of my noble Friend opposite (the Earl of Derby) I adverted to some causes of quarrel which had arisen between the Persian Government and Her Majesty's Minister at

Teheran. I said that quarrel was to be set aside, and could not be considered one of the causes of the war; and that although Mr. Murray had been compelled to leave Teheran, yet we did not proceed to hostilities upon that account. We thought that time and reflection would bring the Persian Government to better views—that they would perceive that it was their interest to remain on good terms with this country, and we did not doubt that when the peace with Russia was made known in Persia the Government of that country would seek to resume amicable relations with us. It was only when the Persian Government showed a determination to attack and possess themselves of Herat that we thought it necessary, notwithstanding we had no diplomatic relation with that Government, to make a direct communication upon that subject, warning the Persian Government of the consequences of their proceeding and requesting them to desist from carrying out their intention. In order that there might be no doubt of the views of Her Majesty's Government and of the notice given to the Persian Government, I, on the first night of the Session, took the liberty of reading at length a letter addressed by me to the Sadr Azam, upon the subject of the siege of Herat. Thus, it cannot properly be said that your Lordships are in entire ignorance of what were the causes of the war; for, if the whole of the papers had been before this House those causes could not have been more distinctly stated, nor could the warning given to the Persian Government of the course which Her Majesty's Government would feel it incumbent upon them to pursue in case they refused to listen to our remonstrances have been more plainly stated. The answer which I received to that letter from the Sadr Azam entirely avoided the subject of Herat, but stated that an Ambassador was about to proceed to Paris upon a complimentary mission, and that he would be instructed to enter into communications with our Ambassador at Constantinople. Although we had no reason to believe that such communication would lead to any satisfactory conclusion, yet Lord Stratford de Redcliffe, the British Ambassador at Constantinople, was instructed to receive any communication which Ferukh Khan might make respecting, not only any offer of reparation for the insult and injury inflicted upon our Minister at Teheran, but also upon the subject of more pressing importance—the siege of Herat. I can assure my

The Earl of Clarendon

noble Friend that the rupture of those negotiations arose from no fault upon the part of Her Majesty's Ambassador at Constantinople. We made known to our Ambassador at that capital the terms upon which alone we thought an honourable and satisfactory arrangement could be made, and we directed him to make known those terms to Ferukh Khan. The Persian Ambassador said he would not be justified in assenting to those terms without first referring them to his Government. That was not unnatural; and he then asked whether we would wait until he could receive a reply from his Court, and whether, in the meantime, we would send out orders to India to suspend all hostile operations? We replied that it was impossible to suspend the execution of orders which had been sent out long before. Herat then fell, a declaration of war by the Indian Government followed, and the Persian Ambassador then declared, before receiving any answer from Teheran, that all negotiations were at an end. Our Ambassador at Paris did not at once enter into communication with the Persian Ambassador; but shortly after his arrival in Paris, war being declared and the negotiations being at an end, Ferukh Khan solicited an interview with Lord Cowley, stating that he had full powers to negotiate a peace, and had received an answer to the communication he had addressed to his Government. We had every wish to conclude peace; we had no desire to humiliate Persia; we had no personal objects to gain. We therefore desired Lord Cowley to listen to any proposals which Ferukh Khan might make. When negotiations had been commenced at Paris we thought it would be most mischievous, if not fatal, to lay papers before Parliament, a discussion upon which might prevent a settlement, or at least might complicate the negotiations. That was the only reason why the papers have not been presented to this and to the other House. When my noble Friend says that we are still in ignorance as to whether the Persian Ambassador had full powers to treat, he surely must have forgotten an answer I gave a few nights ago to two questions put to me by himself. The noble Earl (the Earl of Malmesbury) asked me, first, whether it was true that a treaty of peace with Persia had been concluded; and, next, whether the Persian Ambassador had full powers to negotiate such a treaty? I said that, before commencing negotiations, we had examined the powers

of Ferukh Khan, and found that they were ample. A treaty has now been concluded, and will, I hope, be ratified in a shorter space of time than the noble Earl seems to think will elapse; but in the meantime I have no hesitation in informing the House what are exactly the terms which have been agreed upon. They are these,—that all Persian troops and authorities shall be withdrawn from Herat and every part of Affghanistan within three months of the ratification of the treaty; that the Shah renounces all claim of sovereignty over Herat and Affghanistan; that he will abstain from all interference in their internal affairs, and recognizes the independence of both Herat and Affghanistan. In the event of any difficulties arising between Persia and Herat or Affghanistan, the Persian Government is to have recourse to the good offices of England before resorting to acts of war; and England on her part engages to use her best efforts to effect a settlement of any such differences in a manner honourable and satisfactory to Persia. The Shah also engages that if it shall be necessary for him to repel aggression from Affghanistan, he will not make any use of the hostilities in which he may engage for that purpose for any other object, and that as soon as he attains his object, and immediate satisfaction has been given, he will withdraw within his own frontier. Again, the treaty of commerce we had with Persia was by no means so satisfactory as the treaties made by Russia and France with Persia; and it is now stipulated that all our commercial relations and our arrangements in reference to consular appointments shall be placed on the footing of the most favoured nations. It is also stipulated that Mr. Murray, on his return to Teheran, shall be received with certain ceremonies which have been agreed to by the negotiators. There is likewise another stipulation in this treaty which I think will go far to put an end to that fruitful source of difference which has so long existed not only in Persia, but throughout the East—I mean the system of giving protection to the Native subjects of a Foreign State. That, I say, has been a constant source of quarrel and dispute, not only in Persia, but throughout the East. I took the liberty, with reference to our future relations with Turkey, to bring that question before the Congress in Paris. It was well received there by the representatives of the different Powers, and they all undertook to review the pre-

sent system and endeavour to place it on a better footing. We have introduced a similar clause into our treaty with Persia, and we engage no longer to protect the subjects of the State, except those in the immediate service of the embassy or the consulate. I hope and believe that other foreign Powers will engage to do the same thing; but, at any rate, England in that as in other matters will now be placed on the footing of the most favoured nations. I have no reason to doubt that Russia and France will consent to a stipulation of this kind, which will do more than anything else to remove this cause of difference. We have likewise entered into a stipulation on the subject of the slave trade. A very considerable slave trade is carried on in the Persian Gulf; our present treaty with Persia on that subject ends in 1862, and we have engaged that it shall be prolonged for ten years more from the date at which it would expire, as matters would otherwise have stood. It is also stipulated that hostilities are to cease immediately on the exchange of ratifications, and that our troops are to be withdrawn from Persia immediately that the Persian troops are withdrawn from Herat. Ferukh Khan has sent letters to the Persian Commander near Bushire, to inform him of the negotiations and of the treaty, and to invite him to take part in the proposed armistice, and similar instructions have been forwarded to General Outram. A general amnesty is to be published in favour of all persons who may have taken part with or in any way assisted our troops in Persia. I believe, my Lords, I have not omitted to state anything that is of importance in the treaty; and I think you will agree that by that treaty we shall obtain all that it is important for us to obtain, which is the withdrawal of the Persian troops from Herat and an engagement to respect the independence of Herat and Affghanistan, as far as possible, with the view to prevent quarrels between Persia and those States, and, as far as possible, to maintain a neutral territory between Persia and India. I think you will also agree that there is nothing in the treaty contrary to the interests or the honour of Persia; and if it is faithfully carried out, as I am sure it will be, in the spirit in which it has been negotiated, I think we may look forward to a great improvement in our relations with Persia.

THE EARL OF MALMESBURY asked if the treaty contained any stipulation as to coaling-stations in the Persian Gulf?

THE EARL OF CLARENDON said, the Government had not sought to obtain any stipulation on that point.

THE EARL OF ELLENBOROUGH: My Lords, as it was of great importance that we should have had before us ample information on which to inform our judgment with respect to this transaction, it is matter for common regret that it has not been possible to place these papers before your Lordships' House. At the same time it would be uncandid in me and would show a want of fairness if I did not admit that, looking to the proclamation of the Government of India, and assuming that the facts stated there are correct, I think the Government of India were perfectly justified in resorting to hostile operations against Persia. I will say more than that. If there had been no treaty in existence, it would have been the bounden duty of the Government of India to resort to hostile operations to prevent the occupation of Herat in the name of Persia. I say that, because it is as much the interest of the Government of India to maintain Herat in the hands of some independent State as it has been considered the interest of the Western Powers to maintain the Bosphorus in the hands of an independent State. It is essential to the safety of India that that gate to India—that passage through which alone on the side of Persia hostile operations can be directed against her—shall be in hands in which we can place confidence. But, at the same time, it would be uncandid in me if I did not state at once that I do not think our quarrel has really been with Persia. The real question has been, not with Persia as an independent Power, but with Russia, under whose dictation Persia has acted. I say that those operations against Herat have been begun, continued, and completed, not during the war with Russia—although during that war the design of those operations must have been matured for the purpose of effecting a diversion—but after the conclusion of the peace with Russia; and I think the treaty recently concluded with Persia is the complement to that which was concluded a year ago with Russia. I take it as a satisfactory admission on the part of Russia that for the present at least she will abstain from approaching the frontier of India, and that she defers her designs against that country. I think it is a satisfactory admission on her part that she has reconsidered her position, that she thinks her interests demand at the present moment that there shall be

a good understanding between her and England in Europe, and that she feels that a good understanding never can exist while she carries on operations in Asia, the object of which must be a hostile approach to the frontiers of India. With respect to the officer said to have been sent to Cabul, it is not on information like that on which I ground my opinion of the policy of Russia in Asia. I ground my opinion on her patent acts in advancing to Khiva and to other points on the road to India—an advance totally inconsistent with common sense, unless it was done with the ultimate object of approaching the Indian frontier. I conceive that no State, swayed by anything like reason in its councils, would do what Russia has done unless she had that ultimate object in view. I will not at this time, or at any time, in this House discuss the probabilities of success on the part of Russia in any such ambitious design against our power in India. But this I will say, that I should consider we exposed ourselves to the most imminent danger if we were at any time to regard the advance of an army directed by Russian officers towards the frontiers of India in the light of an absolute impossibility. My Lords, I cannot believe that to be impossible which has so often been accomplished since the time of Alexander. I will say this also, that unless we take care to place in India the ablest man we have in the direction of our military power—if we imagine we can send any one out to that country to command an army, a man who knows nothing whatever of military operations, a respectable gentleman, it may be, in a civil office, a respectable Member of Parliament, but not a soldier—if we imagine that we can so far carry our party habits as to indulge in an appointment of that description, I say, my Lords, there is danger; for you may depend upon it that it is only by great ability that the Russian troops will be directed in the event of their making any hostile approach to the frontiers of India. My Lords, we hear a great deal about the construction of canals and railways in India, and about the necessity for legislation founded on that of the civilized countries of the West. But, depend upon it, it is not upon any civil improvements that the security of that country ultimately depends. Our empire in India has been founded by the sword, and by the sword it must be maintained. It is only by a disciplined army—an army well equipped and well commanded—that that empire can be secured. And, my Lords, I confess

when I look back to the events of the last few months I do regard with dismay the prospect before us, if principles similar to those which have been recently acted upon are continually to form the basis of our administration. We have had two wars—we have now a war with China; we have had a war with Persia—and both are owing to bad appointments. No one can doubt that it is Sir John Bowring who is the author of the war with China. I will not say with the same absolute certainty that the incompetence of Mr. Murray for the important situation for which he was selected is the cause of the Persian war, but I will say that it must very materially have contributed to that war. I can recollect a state of things very different. I can look back to the influence exerted by Sir John Malcolm and Sir John Macdonald upon that country. Then, too, everything is in our favour at the Court of Teheran. It is our interest to maintain Persia as a strong Power; we should desire above all means to preserve her honour and secure her independence. There is not a Persian but must feel satisfied that we are the natural friends of his nation; and, looking at the conduct and at the conquests of Russia, and at the manner in which her influence is established at Teheran, can we doubt that Russia is the natural enemy of Persia? I say, then, that any man of ordinary ability, suited to the management of affairs in the East, should avail himself of these natural advantages, and ought to be able to obtain for his country a decided influence in the councils of Persia. I trust that in future that will be the case. I do not dispute the ability of Mr. Murray; I believe he is a very talented man; but I must observe that the kind of ability which has great influence upon society in England may be utterly useless in the administration of affairs in the East. The talent required to manage Orientals is altogether peculiar. All influence in the East is personal. The influence exerted by Sir John Malcolm and Sir John Macdonald was a personal one. Many a man distinguishes himself greatly in the East, obtains great influence, effects great changes, and carries out measures of the greatest possible benefit, who, when he returns to England, is useless here because his talents are of a character unsuited to his own country. And so it is with men of great ability, ability well established and recognized here, who, however, fail utterly when sent out to the East, where the habits and cus-

toms of the people are new to them, and where, in fact the whole construction of the human mind is different. Depend upon it that if this country is to secure the influence which it ought to possess at Teheran such influence will only be acquired by a man who has shown his ability to deal with Orientals, who is thoroughly acquainted with the people, and who has the tact to manage them. My Lords, under different circumstances I should have been desirous of entering further into this question; but, at all events, I did not think I should have been dealing fairly by the House if, upon the first regular occasion on which this subject has come before us, I had hesitated at once to declare my conviction that the war has been a just one; that if there had been no treaty it would have been equally politic and necessary, and that in reality we have been contending, not with Persia, but with Russia.

THE EARL OF CLARENDON: I cannot allow the attack which the noble Earl has just made upon Mr. Murray to pass quite without notice, and I think, upon reflection, he himself will regret that he has made such an attack. The noble Earl has said in effect that the war was caused by Mr. Murray's unfitness, and he grounds his charge of unfitness on the assumption that that gentleman has had no experience of Orientals. Now, it was exactly on account of Mr. Murray's acquaintance with Orientals and of his skill in dealing with them that he was appointed as Minister to Persia, and for no other reason whatever. He had been for upwards of six years in Egypt, had obtained very great influence there, had given entire satisfaction to the Government under whom he had served, was an excellent Arabic scholar, and within three months of his arrival at Teheran was able to converse and conduct his own interviews with the Persian officials. I venture to say that altogether there is not a single person who has a better claim to his appointment, and on the very grounds which the noble Earl has stated should guide the Government in their selection for Eastern appointments.

THE EARL OF ALBEMARLE said he entertained no apprehension of Russian aggression in India, but did not think it necessary to enter into that subject at the present moment, because he hoped in the next Parliament to have an opportunity of stating the reasons why he differed from the noble Earl opposite in respect to it. He did not, however, like the present occasion to pass without calling attention for a

few moments to the financial condition of India. If he thought it probable he should find the distinguished nobleman who had lately been Governor General of India in his place in the House he should defer his observations; but, as this did not seem likely, he wished to be allowed to state now, taking as he did a lively interest in all that related to India, how much he deplored the financial blundering of the late Governor General. In a minute which had been laid before both Houses of Parliament it was stated that the Marquess of Dalhousie had increased the Indian finances from £26,000,000 to £30,000,000. Now, on looking to the state of the net revenue of India at the period to which he called attention, (1854-5) he found that the revenue was £20,366,000, consequently, if Lord Dalhousie's views were correct, there must have been in liens and charges upon revenue no less a sum out of this £30,000,000 than £9,633,420. In another part of this minute the noble Marquess stated that he had added £4,330,000 sterling to the revenue by territorial acquisitions. If this were correct they would naturally expect that it would show itself in the net revenue of the country, but it had all vanished into thin air. The net revenue in 1851-2 was £21,764,512; in 1854-5, as he had already stated, it was £20,366,580; so that, instead of its being £4,330,000 more, it was £1,387,932 less than it was before these annexations. In 1852-3 the revenue was £22,343,920, so that the deficiency, as compared with 1854-5, was no less than £1,976,340; in other words, we were nearly £2,000,000 the worse off instead of £4,330,000 the better for the annexations. So much for the financial results of the "beggar-my-neighbour" policy advocated and founded by the late Governor General. One word now on the subject of Indian credit. It was little more than two years since the late Governor General declared that he had converted a 5 into a 4 per cent. debt. Shortly afterwards a new loan at $4\frac{1}{2}$ per cent. was negotiated, and, as he was informed, there were most extraordinary solicitations to obtain subscriptions. That loan, however, turned out a miserable failure. What he wished to point out to their Lordships was that when the $4\frac{1}{2}$ per cent. loan was announced the stock of the 4 per cent. loan fell to a discount, so that while the Indian Government netted between £300,000 and £400,000, the proprietors of the 4 per cent. stock, who were principally absentees or administrators of

The Earl of Albemarle

trust property, received 15s. 9d. for every pound which they had advanced on the security of the honour of the Indian Government. Eventually a loan of 5 per cent. was originated, but it was doubtful now if money could be procured even upon those terms. Such was the state of the finances of India, and he, as one interested in the welfare of that country, felt that it was necessary that the financial policy of the late Governor General should be made known, in order that his successors might be warned against falling into similar errors.

Motion agreed to.

House adjourned at half-past Six o'clock, to Monday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, March 13, 1857.

MINUTES.] PUBLIC BILLS.—1° Mutiny; Marine Mutiny.

2° Portland Harbour.

3° Customs' Duties; Racehorse Duty Act Amendment; Cinque Ports Act Amendment; Pauper Maintenance.

THE LUNDHILL COLLIERY ACCIDENT.

QUESTION.

MR. CAYLEY said, he would beg to ask the right hon. Baronet the Secretary of State for the Home Department whether he was able to furnish more information respecting the late catastrophe at the colliery near Barnsley than had yet been given to the public?

SIR GEORGE GREY: Sir, I am sorry to say that I cannot furnish any further information than the public are in possession of with regard to the very melancholy and lamentable accident at the Lundhill Colliery, and for this reason—that, as my hon. Friend knows, the pit has been closed with the advice of persons of the greatest authority and experience in these matters, as the best means of extinguishing the fire in the pit, and as, in fact, the only course which could under the circumstances be adopted until it was safe to reopen the pit to examine it. It is, I fear, impossible to obtain any further information at present. All that I have done is to take care that there shall be the fullest investigation into the cause of the accident, and I have no doubt that every possible means will be taken to acquire such information as may tend to prevent such accidents in future.

ECCLESIASTICAL AND CAPITULAR ESTATES BILL—QUESTION.

MR. MACGREGOR said, he wished to inquire of the Secretary of State for the Home Department whether he had any objection to lay the Bill upon the table?

SIR GEORGE GREY: A Bill, Sir, has been prepared founded on the Report of the Committee that sat last year to make inquiries respecting the operation of the Ecclesiastical Commission. It includes all those recommendations of the Committee which require legislative sanction. Some of these recommendations may be adopted by the Ecclesiastical Commissioners without the authority of an Act of Parliament. I have referred the Bill to the Ecclesiastical Commissioners. I understand that they desire to introduce some additional provisions, but I have not yet received the Bill back from them. I therefore think that it would not be desirable to lay the Bill on the table this Session.

THE FOUNDLING HOSPITAL.

QUESTION.

VISCOUNT RAYNHAM said, he would beg to inquire of the hon. and learned Gentleman the Attorney General whether the attention of the Charity Commissioners had been directed to the complicated state of the finances of the Foundling Hospital, and to the effects of the existence of that institution?

THE ATTORNEY GENERAL, in reply, said, that the Charity Commissioners had instituted an inquiry into the state of that foundation, including both its financial condition and its management, and he believed that their Report would shortly be presented.

BREVET LIEUTENANT COLONELS IN THE ARMY—QUESTION.

MAJOR KNOX said, he would beg to ask the hon. Gentleman the Under Secretary for War whether a major, having been promoted to the rank of brevet lieutenant colonel for service in the field, is entitled (having afterwards succeeded to the command of his regiment) to reckon his service as brevet lieutenant colonel towards his promotion to the rank of colonel, although he was not in command of his regiment during that time.

MR. FREDERICK PEEL said, that the case put by the hon. and gallant Member had not yet occurred, and no regulation had been made by the Horse Guards on the subject.

CIVIL SERVICE SUPERANNUATION.

QUESTION.

MR. WILLCOX said, he would beg to ask the right hon. Gentleman the Chancellor of the Exchequer whether, having expressed in that House his hopes that the Report of the Royal Commissioners upon the Civil Service Superannuation Act would be laid upon the table before Easter, he had intimated to them his expectations upon that point; and, if not, whether he will do so, reminding them, at the same time, that they have had this question in charge ever since October, 1856?

THE CHANCELLOR OF THE EXCHEQUER said, that it would be impossible for him to give the Commissioners any instructions as to the time at which they should make their Report; but he understood that it would be ready before Easter. The Commissioners had, in accordance with the recommendation of the Select Committee of last Session, called for a Report from eminent actuaries upon the subject.

DANISH TRANSIT DUES—QUESTION.

MR. G. DUNDAS said, he wished to inquire of the right hon. Gentleman the Chancellor of the Exchequer whether, with reference to the statement made by him that four-fifths of the Danish Transit Dues were to be abolished, he had considered the expediency, before any treaty was signed, of stipulating for the abolition of the remaining fifth also.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the question of the Transit Dues has been very carefully negotiated by our Minister at Copenhagen, and by the Ministers of other Powers who are interested in the remission of these dues; and I understand that the settlement embodied in the treaty about to be signed has given satisfaction, not only to our Minister, but also to the agents of the Hanse Towns and of other Powers more directly interested in the transit. I have every reason to believe that the stipulations contained in the treaty are reasonable and equitable ones.

MR. G. DUNDAS: Is the treaty signed?

THE CHANCELLOR OF THE EXCHEQUER: It may be signed now, but it was not at the time our last advices left Copenhagen.

THE WORKHOUSE OF ST. GEORGE'S,
HANOVER SQUARE—QUESTION.

VISCOUNT RAYNHAM said, he wished to inquire of the right hon. Gentleman the President of the Poor Law Board whether casual poor are admitted on application into the workhouse of St. George's, Hanover Square; and, if so, for what purpose a notice is affixed to the walls of that workhouse, stating that on and after the 7th of July, 1856, the tramp wards of that house will be closed?

MR. BOUVERIE said, that he had made inquiry, and had found that the notice referred to in the question of his noble Friend had been affixed to the door of the workhouse. He was also informed that such casual poor as were brought there by the police, or as the master of the workhouse deemed to be actually destitute, were received; but that what were called regular tramps were not admitted into the workhouse. As might have been expected, no tramps had, since the affixing of this notice, applied for admission.

THE SITE OF SMITHFIELD MARKET.
QUESTION.

LORD ROBERT GROSVENOR said, he rose to ask the right hon. Gentleman the Chancellor of the Exchequer whether he was able to give an assurance that the influence of the Government would be used to prevent the appropriation of the vacant site of Smithfield Market to any other purpose than that of the enjoyment and recreation of the public.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that since he last addressed the House upon the subject a letter had been received from the City Remembrancer, stating that the Markets and Improvements Committee of the Corporation of London had had the subject under their consideration for some time past, and he expected in the course of next week to be able to communicate with the Government. Therefore, they might hope speedily to be put in possession of the views of the City upon this matter.

THE TREATY WITH PERSIA.
QUESTION.

SIR ARCHIBALD CAMPBELL rose to call the attention of the noble Lord at the head of the Government to that clause of the treaty concluded with Persia by which it was alleged that England was to abandon her right to protect Persian subjects. He dared say that benefits might arise from this stipulation which would counterbalance its disadvantages; but he understood that the only way in which we could obtain information from Persian subjects without compromising them with their own Government was to extend to them our protection. This country would be placed in a disadvantageous position if she made this concession, and other Powers did not do the same. It was rumoured that the Minister sent over to arrange the present difficulty, Ferukh Khan, was himself, though a near relative of the Shah, under the protection of Russia. Whether that was true or not, there could be no doubt that many Persian subjects were under the Russian protectorate, and likely, therefore, to act in the interest of Russia. He wished to know whether the noble Lord, in framing this treaty, had taken care that whatever was abandoned by England should be equally abandoned by other countries. The hon. Member said that to put himself in order he would conclude by moving, "That the House at its rising adjourn till Monday."

Motion made, and Question proposed, "That this House do, at the rising of the House this day, adjourn till Monday next."

VISCOUNT PALMERSTON: I must object to the hon. Gentleman's Motion, because I think it would be convenient for the despatch of business that the House should meet at 1 o'clock to-morrow, and sit for a short time to pass some Bills. With regard to the question that he has started, perhaps he will allow me to say that it would be very inconvenient that hon. Members should discuss in this House a treaty of which they are not in possession, and more especially a treaty which, although already concluded, has not yet been ratified by the contracting parties. It is obvious that discussions of the supposed objects of such a treaty are calculated to have an injurious bearing on the conduct of those by whom it is negotiated; therefore I will not follow the hon. Member's example by stating anything with

regard to this particular treaty. With respect, however, to the point to which his observations were directed, I may say that great inconvenience has arisen, and is likely to arise, from the practice prevalent in Persia, under which foreign missions are entitled by prescription to exercise a protection over Persian subjects not employed in their service. For the permanence of friendly relations with the Government of Persia I think it is most desirable that that practice should be discontinued. At the same time, I agree with the hon. Gentleman that it would not be becoming in one country to abstain from a practice that would continue to be pursued by other Governments. The abnegation should be general; and I can assure the hon. Member that Her Majesty's Government will be happy to renounce all protection in Persia over persons not actually employed in the service of our missions and our consulates, provided Russia and other Powers are ready to do the same.

MR. LAYARD said, he was very glad to hear what had fallen from the noble Lord, who had laid down a very just doctrine. The rule of granting British protection to persons who were not our subjects, and who used to be constantly getting us into trouble, had happily been withdrawn in the case of Turkey; and he rejoiced to find that the same right, which had been grossly abused, was to be relinquished in Persia. Individuals having no connection whatever with this country, and some of whom were actually members of the Royal family, often put themselves under British protection, and led our embassy into infinite difficulty and disgrace. Another important question, to which, however, he was afraid he should receive no answer, was this—whether the terms which had been granted to us by the Persian Minister at Paris were not previously offered at Constantinople, and whether, in fact, the Persian Ambassador at the latter place had not been willing to give us even better terms than those which had been agreed to at Paris? He (Mr. Layard) believed that such really had been the case. The negotiations took place at Constantinople before active steps had been taken, and before it was known that our expedition had reached the Persian Gulf; and if the terms were then rejected which had lately been accepted the whole of the bloodshed that had ensued had been utterly in vain. The attack on

Bushire would materially weaken our influence where it had hitherto been predominant. The chiefs of the tribes bordering on Affghanistan had, over and over again, taken sides with the British; but these tribes had lost many men in our attack on Bushire, and their chiefs, who never forgot such injuries, were consequently now converted into our blood enemies. This subject ought to have been discussed in that House long ago, because it affected the position of this country, and all other nations in Central Asia, and he thought that before England entered into a treaty binding her to certain guarantees in reference to Central Asia, that House ought to have an opportunity of expressing an opinion upon those guarantees. It might be inconvenient, pending the negotiation of this treaty, to debate its specific terms; but the question of policy as to our relations with Central Asia ought to have been discussed upon general grounds. He would not now trouble the House further, because he knew that other matters were under consideration, and that was not the time to bring about a discussion on such a subject; but he should like to know if what he had heard were true, that these terms were offered at Constantinople before the expedition sailed?

VISCOUNT PALMERSTON was understood to say, that it would be found that the treaty concluded at Paris was better than any likely to have been obtained at Constantinople. The negotiations at Constantinople were not broken off by the British Minister, but by the representative of the Persian Government.

AFFAIRS IN CHINA—QUESTION.

SIR HENRY WILLOUGHBY inquired whether the Government had received intelligence of any further disturbances in China?

MR. LABOUCHERE: The last accounts which have reached us represent the northern Chinese ports to be in a state of complete tranquillity.

ELECTION PETITIONS—OBSERVATIONS.

MR. VANCE wished to call attention to a matter affecting the character of the House, as well as the honour and the security of individuals. It would be in the recollection of the House that after the last general election in 1852, a large mass of petitions were presented, which, if their allegations were true, gave ground for the belief that the constituencies were

greatly demoralized by bribery and corruption. Many of these petitions went off upon some technical ground, but the majority met a different fate. Agents from the two great political parties conferred together, and agreed to pair off county petitions against borough petitions, a great number were thus got rid of, and many disappeared altogether. This practice was, however, improved upon in regard to Ireland, because not long after Parliament met every gentleman who had contested a borough or a county in that country, and had obtained a seat on that (the Opposition) side of the House, had a petition presented against him. These petitions could all be traced to the same laboratory. There was evidence to prove that they were the work of a man who had held a high position in that House—namely, the late Mr. John Sadleir, whose private solicitor, and the solicitor of the County Joint Stock Bank, were the *dramatis personae* in the proceeding. Those two individuals used to exchange their parts, each acting as agent for the petitioners in one case and as surety for them in another. The result, as he had said, was that every Member on that side who had contested an Irish borough or county was petitioned against. This naturally produced a little retaliation, and petitions were also presented against nearly every Gentleman who had contested a seat on the other side. There was a meeting of the agents to arrange matters, when, and with two or three exceptions, the petitions were all amicably paired off, and not one against Gentlemen on his side of the House was proceeded with. His reason for bringing this subject forward was that they had no security against the same thing being repeated at the ensuing elections. It was most scandalous that every successful candidate for an Irish county or borough should indiscriminately be petitioned against; and he was, therefore, anxious to know whether Her Majesty's Government intended to propose any sessional order at the beginning of the next Session with a view to putting a stop to this system? Could they not either attach some penalty to the act of pairing off petitions, or obtain some security for their being proceeded with when presented? A remedy might be provided by rendering conduct such as he had described a misdemeanor at Statute Law.

Motion for adjournment by leave *withdrawn*.

Mr. Vance

MR. SPEAKER'S RETIREMENT.

COMMITTEE. RESOLUTION.

The House having gone into Committee for the purpose of considering Her Majesty's most gracious Message in answer to the Address from the Commons relative to the retirement of Mr. Speaker—

VISCOUNT PALMERSTON: Mr. Chairman, I rise to propose to the House a Resolution for the purpose of giving effect to the gracious Message sent by Her Majesty to this House in reply to the Address praying that Her Majesty would be pleased to confer some mark of signal favour upon the present Speaker. Her Majesty's reply was, you will remember, that it would require the concurrence of Parliament to enable Her Majesty fully to carry out the wishes of this House: I therefore propose a Resolution That the annual sum of £4,000 net be granted to Her Majesty, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the said annuity to commence and take effect upon the day on which the Right Honourable Charles Shaw Lefevre, now Speaker of the House of Commons, shall cease to hold the office of Speaker of the House of Commons: to be settled in the most beneficial manner upon, and to continue during the life of him, the said Right Honourable Charles Shaw Lefevre.

The Resolution was *agreed to, Nemine Contradicente*.

To be reported *To-morrow*.

THE CHELSEA BOARD OF GENERAL OFFICERS AND THE JUDGE ADVOCATE GENERAL—EXPLANATION.

On the bringing up of the Report of Supply,

MR. C. P. VILLIERS: Sir, I was not in my place last night when the hon. and gallant Member for Huntingdon (General Peel) made some observations in reference to the Board of General Officers lately sitting at Chelsea. I find it reported that the hon. and gallant General said that I had imputed a political bias to the General Officers who sat on that Board in the conduct of their proceedings, and in the decision at which they arrived. I wish to state distinctly that I never made any such charge; in fact, what I said was exactly the reverse. The only occasion on which I had to refer to the politics of the General Officers was in defending myself here against exactly the same

charge made against me elsewhere, and I then said that I did not believe that they had been influenced by any political bias, and that I had not collected anything from what they said during the whole of the proceedings which could give me the least idea as to what their politics were. I believe that the hon. and gallant Member for Huntingdon did not impute that to me, and I only regret that upon that occasion, stating what I had heard, I should have said that they were all on the Conservative side. I regret that I was in error in that respect, and that that error has been made use of for the purpose of charging them with political bias. Although my statement was made seven or eight months ago, I never heard any complaint on the subject until two or three weeks ago, when the hon. and gallant Member for Huntingdon informed me for the first time that three of those General Officers thought themselves aggrieved by that reference, and I understand that Sir Alexander Woodford, General Knollys, and General Bell have all declared themselves not to be of the Conservative side. I regret very much that I should have imputed that to them, though I am very glad to hear that it is not the case.

THE ARMY MEDICAL DEPARTMENT. QUESTION.

MR. STAFFORD wished to put again to the Under Secretary for the War Department a plain question, to which, however, he would confess at once he did not expect a more favourable answer than that which was offered by the hon. Gentleman last night, for if he had had any real reform to announce, he probably would not have been silent upon it. His question had reference to the Army Medical Department. What he complained of was, and what he entered his most earnest and mournful protest against was, that, with respect to the thousands of troops now being sent to China, on their disembarkation the new hospitals there would be opened upon precisely the same principles—if, indeed, principles they could be called—subject to the same confusion of departments—to the same clashing of authority, which had made Scutari what it was. All the expectations held out to the people of England two years ago—all the hopes entertained by the medical department—were, it seemed, at an end; all the promises made by the Government when they

first came into office—promises proceeding from the mouth of the Prime Minister himself—were now worse than ever. It was right to bring such a question forward at the moment when they were discussing the military estimates, because it related to that most precious commodity the life of the British soldier. As was well known, the mortality amongst soldiers was higher than that in any other class of the community, and, therefore, as a matter of economy—as a matter of pounds, shillings, and pence—this subject ought not to have been held of such slight importance as not to have been dealt with a long time back. He would, therefore, repeat his question to his hon. Friend, whether he was prepared to state that the Government were ready to assure the House that hospital accommodation upon new and proper principles would be ready for the reinforcements about to proceed to China. He thought that the medical profession generally had a right to complain of the manner in which the medical staff of the army had been treated. And his recommendation—not to the Government, for it would be hopeless to make any recommendation in that quarter—but to the officers of the medical profession, would be to demand of all those who either through their own agency or the agency of their friends were returned to Parliament, to see that justice was no longer denied to the claims of the army medical staff.

MR. FREDERICK PEEL said, the question now put to him by the hon. Gentleman was not exactly a repetition of that which he asked last night. The question asked by the hon. Member last night was whether the Government had taken or contemplated taking any steps to carry into effect the Resolutions agreed to by a Committee of last Session with reference to the state of the Army Medical Department. Since last evening he (Mr. F. Peel) had read those Resolutions, and he found that the more important recommendations contained in them were, that there should be an increase in the scale of pay of medical officers, and that additional facilities should be afforded for their retirement upon half-pay. He agreed with those Resolutions. He would not deny that the advantages offered in other services had the effect of preventing the most able medical men from competing for employment in the Army Medical Department, and he was anxious that the medical officers of the army should possess at least equal ad-

vantages with those enjoyed by the same class of persons in other services. The hon. Gentleman was aware that the amount which the Government could expend upon the army was restricted, and it was necessary to make a selection among the various improvements that were suggested. Those improvements, which were regarded as of the greatest importance, were first carried into effect, and others which, though important, were of less pressing necessity, were postponed. This was the reason why the improvements to which the Resolutions referred had not been carried into effect. The hon. Gentleman had expressed his confidence that there was no prospect of anything being done by the Government. He (Mr. F. Peel) did not know on what grounds the hon. Gentleman could justify such a statement. He believed that the hon. Gentleman was as well aware as he was himself that it was the intention of the Government to issue a Commission to inquire what alterations and improvements could be effected in the existing arrangements of the Army Medical Department, and he (Mr. F. Peel) confidently believed that the recommendations of that Commission, coupled with the Resolutions of the Committee of last Session, would enable the Government to deal with this question in a manner which would be satisfactory to the medical officers and beneficial to the service. The hon. Gentleman had indulged in very gloomy predictions with regard to the sanitary state of the troops who were about proceeding to China. The climate of that country was undoubtedly unfavourable to European constitutions, but he was confident that all possible arrangements for preserving the health of the troops would be made, so far as that object could be effected by the provision of ample hospital accommodation, the supply of all requisite medical stores, and the sending out of a numerous body of medical officers.

MR. STAFFORD had said nothing about the unhealthiness of the climate of China; what he had stated was, that the defective organization of the general hospital system was one of the chief causes of the mortality at Scutari, and that that system had not been improved.

SIR WILLIAM WILLIAMS said, the hon. Gentleman (Mr. Stafford) had referred to the inefficiency of the hospitals at Woolwich; but he could assure the hon. Member that he had been totally misinformed on that subject. He (Sir W. Williams)

Mr. Frederick Peel

invited the hon. Gentleman, and any other Members of that House, to visit those hospitals. A few weeks since he had the honour of escorting Miss Nightingale over the whole of the establishments, when she expressed herself highly pleased with the arrangements; and on the following day Colonel Lefroy wrote to him expressing the great gratification Miss Nightingale had derived from her visit to the Artillery and Cadet Hospitals, and her opinion that they were the best military hospitals she had seen, with the exception of that of the Guards at Windsor.

CONVEYANCE OF TROOPS TO CHINA.

OBSERVATIONS.

SIR DE LACY EVANS said, he had seen it stated that the *Transit*, *Sanspareil*, and *Himalaya* steamers were being prepared for the conveyance of reinforcements to China. Now, he believed Gentlemen in that House had had some experience of one of these vessels, the *Transit*, and he should say nothing about her. But it was also very well known that the *Sanspareil* was one of the very worst sailers in the navy. With regard to the *Himalaya*, she, no doubt, was a vessel of great capacity, but it had been stated that her engines were defective. He thought, therefore, that these were scarcely the ships which ought to have been selected for such a purpose.

SIR MAURICE BERKELEY was understood to say, that every care had been taken that human ingenuity could devise to fit out the vessels going to China as efficiently as possible. With regard to the *Sanspareil* in particular, she had been tried, and was found to be admirably suited for the purpose, as her engines had been much improved, and she was a very good sailer.

SIR JOHN PAKINGTON said, with regard to the ships going to China, he most earnestly hoped they would be in somewhat better order than was the *Megara* when she was taken up to convey troops to the Mauritius. And perhaps he might here be allowed to renew a question which he had put some time back to the hon. Gentleman the Under Secretary for War, namely, whether any compensation would be allowed to the officers who incurred upon that occasion a very great expense and a great loss of property by the unsatisfactory manner in which the *Megara*

had put to sea? The 85th did not leave Newcastle until it was reported that the vessel was fit for sea; but when they arrived at Portsmouth she was not even then ready, so that the regiment was detained nearly a week before sailing. But when they did sail, she sprang a leak, and the officers' property was greatly injured in consequence. He would ask, therefore, whether any compensation would be afforded to the officers for their detention at Portsmouth, and the injury to their property?

MR. FREDERICK PEEL: If the right hon. Gentleman would renew his question upon a future day, he would be prepared with a categorical answer to it.

MR. STAFFORD wished to make an explanation, in consequence of what had fallen from the hon. and gallant Member for Calne (Sir W. Williams). He had no doubt that when Miss Nightingale went over the Woolwich Hospital she found everything there in a most satisfactory condition. But was the hon. and gallant Gentleman prepared to say, that in the opinion of medical men the hospital at Woolwich, either as regarded its situation or ventilation, was what it ought to be? That was all that he had implied against Woolwich Hospital, and he had not intended to say a word against the medical officers there.

On (13.) £76,000 for Educational and Scientific purposes,

MR. COWAN said, that the Vote included a salary to the Professor of Medical Surgery in Dublin. That chair had, two years ago, become vacant in Edinburgh; yet two other chairs which had become vacant in the meanwhile, had been filled up. He had heard a report that it was not intended to fill up this chair. He knew that a requisition to this effect had been sent to the Government; but, considering the great importance of the medical school in Edinburgh, second to none in the world, he trusted that it was not the intention of Government to suppress the chair. Economy would not be an object, the salary was only £100 a year.

MR. FREDERICK PEEL was happy to be able to give a satisfactory answer to the question. The Government had appointed a successor to the late Professor, and the arrangements would be completed in a short time.

Resolutions agreed to.

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WAYS AND MEANS.

On the bringing up of the Report of Ways and Means,

SIR HENRY WILLOUGHBY wished to know from the right hon. Gentleman the Chancellor of the Exchequer whether he was right in believing that the unfunded debt of the country had increased since 1854 by £12,041,000?

THE CHANCELLOR OF THE EXCHEQUER: I cannot answer the question of the hon. Baronet off-hand. I should say, however, his calculation is correct. There were about £6,000,000 of Exchequer bonds issued, but I cannot charge my memory with the amount of the Exchequer bills. However, I will look into the matter, and inform the hon. Baronet later.

Resolution reported;

"That, towards making good the Supply granted to Her Majesty, the sum of £21,049,700 be raised by Exchequer Bills, for the Service of the year 1857."

Resolution agreed to.

Bill *ordered* to be brought in by Mr. FITZROY, The CHANCELLOR of the EXCHEQUER, and Mr. WILSON.

WAYS AND MEANS—COMMITTEE.

Order for Committee read.

House in Committee of Ways and Means, Lord MONCK in the Chair.

Resolved, "That, towards making good the Supply granted to Her Majesty, the sum of £13,007,200, be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolution to be reported To-morrow.

Committee to sit again on *Monday* next.

The House resumed.

RACEHORSE DUTY ACT AMENDMENT BILL.

THIRD READING.

Order for Third Reading read.

On Question that the Bill be now read 3^o,

MR. BAILLIE COCHRANE asked, whether horses employed at yeomanry races would be charged duty as race-horses? At present those who received the duty did not charge it against yeomanry horses.

THE CHANCELLOR OF THE EXCHEQUER said, the object of the Bill was

simply to make an alteration in the manner of collecting the duty. It was not intended to add to the stringency of collection, or to apply to any case where the duty was not enforced at present. Yeomanry horses employed in horseracing were now, strictly speaking, within the terms of the Act; but the Commissioners of Inland Revenue did not intend to make any alteration in their system under the present Bill.

SIR JOHN PAKINGTON said, the question was, whether every horse that ran a race was a racehorse? The duty could only apply to what were strictly racehorses.

Bill read 3^o, and *passed*.

The House adjourned at a Quarter before Six o'clock.

HOUSE OF COMMONS,

Saturday, March 14, 1857.

MINUTES.] PUBLIC BILLS.—1^o Consolidated Fund (Appropriation); Exchequer Bills (£21,049,700); Mr. Speaker's Retirement.
2^o Mutiny; Marine Mutiny.

MR. SPEAKER'S RETIREMENT BILL.

REPORT.—FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER brought up the Report in answer to the Address to the Crown on the subject of Mr. Speaker's Retirement.

Resolution reported.

"That the annual sum of £4,000 net be granted to Her Majesty, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the said Annuity to commence and take effect upon the day upon which the Right Honourable Charles Shaw Lefevre, now Speaker of the House of Commons, shall cease to hold the Office of Speaker of the House of Commons; to be settled in the most beneficial manner upon, and to continue during the life of him, the said Right Honourable Charles Shaw Lefevre."

Resolution agreed to, nemine contradicente.

Bill *ordered* to be brought in by the CHANCELLOR of the EXCHEQUER, Viscount PALMERSTON, Mr. FITZROY, and Mr. WILSON.

Bill read 1^o.

WAYS AND MEANS—REPORT.

THE CHANCELLOR OF THE EXCHEQUER brought up the Report of the Committee of Ways and Means.

The Chancellor of the Exchequer

Resolution reported.

"That, towards making good the Supply granted to Her Majesty, the sum of £13,007,200 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolution agreed to.

MUTINY BILL.

SECOND READING.

Order for Second Reading read.

MR. HENLEY said, he observed that the Bill, as reprinted, contained some important changes. Two new clauses had been added. Would the hon. Gentleman the under Secretary for War explain the nature of them?

MR. FREDERICK PEEL said, that the greater part of the alterations that had been made in the Bill were of a military character, and had been approved by His Royal Highness the General Commanding in Chief. There was one alteration, however, which he might mention, and which had reference to billeting in Scotland. In the case of Scotland, private houses were liable to have soldiers billeted upon them, and great objections had been made to that system, which was considered to be a grievance and oppression which ought to be remedied. A Resolution was passed to that effect during the course of last Session, and the present law had been amended by striking out the provisions with regard to Scotland, and extending the provisions which now applied to England to the whole of Great Britain.

MR. W. EWART said, he thought it would be well if the military department of the Government would consider the propriety of placing soldiers in barracks altogether—a system which would conduce very much to the good order of towns. He was much pleased with the provisions of the Bill which altered the system of billeting upon private houses in Scotland.

MR. G. DUNCAN said, he would beg to offer his best thanks to the hon. Gentleman (Mr. Peel) for the altered provisions of the Bill, but he did not think that even now Scotland had been placed upon a fair level with England. In Scotland the publichouses and hotels were on a far less extensive scale than in England, and afforded very insufficient accommodation. He and some other gentlemen in Dundee had a conversation with the noble Lord the Secretary for War when his Lordship was in Dundee some time since, and they repre-

sented to him the inconvenience of any system of billeting which quartered soldiers on individuals while there were barracks in which the military could be accommodated. There was in the town of Dundee a barrack which had not been occupied for the last fifty years, and yet recruiting parties had been billeted on private individuals. The noble Secretary for War had promised to give his attention to the matter, and he (Mr. Duncan) trusted that it would not be lost sight of by the Government.

SIR WILLIAM CODRINGTON said, he thought that it was highly desirable that some provision should be made for the permanent quartering of the troops.

MR. PACKE said, that the publicans throughout the country were considerably aggrieved at the increase in the number of hotels in which spirits were not sold, and which were consequently exempt from billeting. These temperance hotels had increased to a great extent, and, with the exception of selling spirits, were in all respects publichouses. The publicans contended, and he thought rightly, that both classes of houses should be placed upon the same footing.

Bill read 2^o, and committed for Monday.

SAVINGS BANKS BILL.

WITHDRAWAL OF BILL.

MR. SOTHERON ESTCOURT said, he regretted that the dissolution of Parliament would necessitate the withdrawal of a Bill in which every part of the country was interested — namely, the Savings Banks Bill which had been brought in by the Chancellor of the Exchequer. That right hon. Gentleman had permitted him to peruse its provisions, and he was glad to say that the Bill would be a great amendment of the existing law. He therefore hoped that immediately after the assembling of the next Parliament the right hon. Gentleman would introduce the same Bill, and that its provisions would be well considered during the forthcoming recess, in order that when it was brought in again no appeals might have to be made for its postponement. The humblest classes of Her Majesty's subjects were deeply interested in the passing of the Bill, and he rejoiced that at last, after so many futile attempts on the subject, they would have the means afforded to them of investing their hard-earned savings without any risk.

MR. H. HERBERT said, he fully concurred in the remarks which had been made by the hon. Gentleman who had just sat down. He trusted they would have a pledge from the right hon. Gentleman the Chancellor of the Exchequer that if possible he would proceed with his Bill during the next Session of Parliament. Every Chancellor of the Exchequer during the last seven years had promised a Bill upon the subject. Some time ago, in the county he had the honour to represent (Kerry), there were some most frightful scenes in consequence of the failure of a Savings Bank. He was personally a witness to the misery which had been occasioned. It was but natural, under the present system, that in counties where those cases occurred, that men refused to put their money into Savings Banks. He believed that in a modified state the same thing existed in many parts of the United Kingdom, particularly in Ireland. He hoped that the Bill would be introduced early next Session, in order that it might undergo due consideration.

THE CHANCELLOR OF THE EXCHEQUER said, the House was well aware of the great zeal and assiduity which had been displayed by the hon. Member for North Wiltshire (Mr. Sotherton Estcourt) on the subject of Savings Banks, and of the great authority with which he spoke on that question. He accepted, therefore, with great satisfaction, the testimony the hon. Gentleman had given in favour of the Bill he had laid upon the table of the House. It was certainly his intention, if he had the honour of a seat in the new Parliament, to ask the House to allow him to introduce that Bill as nearly as possible in the form in which it now stood; and he sincerely hoped that managers, secretaries, and other persons interested in the subject of Savings Banks, would take the opportunity during the next four months to make themselves acquainted with the details and probable working of the Bill, more especially as the time during the next Session which would be available for the discussion of such measures would in all probability be shorter than usual. Under those circumstances, he thought he might reasonably express a hope that there would be no unnecessary delay in the progress of the measure through the House. He felt with the hon. Gentleman the Member for Kerry (Mr. H. Herbert) the severe infliction which had been cast upon his county by the failure of the

Savings Bank, and he hoped that the Bill he should introduce would provide a sufficient protection against such calamities in future.

The House adjourned at half after One o'clock till *Monday*.

HOUSE OF LORDS,

Monday, March 16, 1857.

MINUTES.] PUBLIC BILLS.—1^a Customs' Duties; Racehorse Duty Act Amendment; Cinque Ports Act Amendment; Pauper Maintenance.
2^a Income Tax; Indemnity; Copyhold and Inclosure Commissions, &c.; Extra Parochial Places; Ecclesiastical Jurisdiction.
3^a Lighting of Towns (Ireland) Act Amendment.

THE INCOME TAX.

SECOND READING.

Order of the Day for the Second Reading read.

Moved—That the Bill be now read 2^a.

THE EARL OF DERBY: My Lords, I need hardly assure your Lordships that it is not my intention to avail myself of the present opportunity for offering any objection to the Bill, the second reading of which has just been moved in silence by the noble Earl the Lord President of the Council. At the same time I cannot conceal the expression of my regret that it has not been found consistent with the public service to defer the consideration of a measure so important as this until the new Parliament, which is about to be summoned, should be enabled to take it into consideration in connection with the whole of the financial state of the country. That Parliament will, in my judgment, greatly fail in one of its first and most responsible duties if in the earliest period of its existence it does not take into active and serious consideration the whole state of the finances and taxation of the country. I need not remind your Lordships that with respect to legislation on the subject of taxation, your Lordships have nothing more to do than that which simply consists in bearing your allotted portion of the burden: and, although I have heard in various quarters of propositions to the effect that taxation and representation should be coextensive, I have never heard, and I do not expect to hear, of any proposition either for relieving your Lordships from the pressure of taxation which you have no voice in imposing, or for giving to your Lordships, in your legislative capacity, the power of

he Chancellor of the Exchequer

dealing with our revenue, or, in your individual capacity, the right which belongs to the humblest elector in the country to choose the representatives who enact the imposition of taxation. Nevertheless, as you have that slight interest in taxation which is involved in having to pay it, I do not think the subject altogether unworthy of your consideration.

My Lords, I confess I look with deep anxiety on the present state of the finances of the country. For some time past, but especially within the last few years, it has been considered the cardinal point and test of every Government that at the earliest possible moment the income tax, so universally condemned in public opinion, and in the eye of every public man, would cease, and that thenceforth it would be considered, as heretofore it had, as a most efficient and useful engine in time of war, but should be kept strictly and exclusively for the emergencies and extraordinary expenses of war, and be struck out altogether from the system of taxation in time of peace. I had undoubtedly indulged the sanguine expectation, and have not yet altogether abandoned the hope, that we might with the year 1860 see the realization of that which I call the "pledge" given by the Government of 1853, that, at the expiration of seven years, namely, in 1860, the income tax should altogether cease and determine; but I am bound to point out and submit to the Government the present position of the finances, which, I confess, unless some vigorous and active measures are taken, leave me little expectation that that pledge can be fulfilled. In the present year the Chancellor of the Exchequer calculates on having a surplus of somewhere about £500,000. It was a portion of the arrangements made in 1853 that in order to provide for the final abolition of the income tax in 1860 that tax should be reduced, from the 5th of April, 1857, from 7d. to 5d. in the pound, and so to remain until its final extinction. But the war supervened; and so far from its being possible to reduce the income tax during the continuance of the war, it was found necessary to double its amount from 7d. to 14d. in the first instance, and subsequently to increase it still further to 16d. in the pound. The last Act was introduced by the present Chancellor of the Exchequer. The Act which preceded it bore on its face that the income tax levied for the war should continue for one year after the con-

clusion of the peace and no longer. The Act introduced by the present Government professed to bear the same condition on its face, and to be nothing more than the extension of the amount of the tax from 14*d.* to 16*d.* in the pound; but by that which has been represented to be a mere slip of the pen—a mere casual error—it did so turn out that from the wording of the Act—"the period at which peace shall be concluded and ratified"—the letter of the law, which professed to keep the extraordinary taxation for one year after the termination of the war, practically continued it for two years. It was admitted on all hands that that was not the intention of Parliament, and it was loudly declared by the Government that they would be ashamed to take advantage of so paltry a quibble. Now, if they did not choose to avail themselves of so paltry a quibble, the simple process would have been to repeal the Act from the time at which it was intended to cease; the consequence of which would have been that on the 5th of April next ensuing the income tax would have been reduced to 5*d.* in the pound; and I cannot but express my deep regret, on account of the principle involved, that under these circumstances the Chancellor of the Exchequer should have taken advantage of that casual error in the Act of Parliament, not, indeed, for the purpose of keeping up the whole war tax for the present year, but of making an addition of 2*d.* in the pound, and that for the ordinary purposes of taxation, beyond the amount to which it was the intention of Parliament the tax should be reduced. You may say what you please, but that act on the part of the Chancellor of the Exchequer was an act to the extent of 2*d.* in the pound—which means £2,000,000—to increase the amount of the income tax for ordinary, and not for extraordinary, revenue. I regret deeply that which appears to be in principle an invasion of the arrangements laid down in 1853. But with this addition of £2,000,000, taking into consideration all the other heads of ordinary revenue, the Chancellor of the Exchequer calculates that in the year 1857-58 he will have a surplus of £500,000. That calculation of surplus revenue proceeds on the assumption that the expense of the war with Persia will not exceed £250,000, and also on the further assumption that there will be no extraordinary demand on the resources of the country in the present year. Consequently, no provision is made for that most calamitous war—and, I am afraid,

most expensive war—in which we are unhappily involved, by no choice of our own, with China. But upon the impossible assumption that the war with China will cost nothing, and on the improbable assumption that the war with Persia will cost no more than £250,000, the balance of revenue over expenditure in the present year will give, according to the Chancellor of the Exchequer, a surplus of only £500,000, and to make that surplus of £500,000 you will receive in the present year a half-year's amount of the 9*d.* war income tax, amounting in round numbers to £4,500,000. That source of revenue will fail you altogether in 1858. Therefore you will have your revenue in 1858, as compared with 1857, diminished in the first place by £4,500,000 of war income tax. If the law stands without alteration that revenue will hereafter be diminished by a fall on the 5th of April next year of income tax from 7*d.* to 5*d.*, which would make a further reduction of £2,000,000, or, making allowance for a half-year of that 2*d.* to be collected, it would make the reduction of £1,000,000. Therefore you would have in the revenue in 1858, as compared with 1857, a deficiency of £5,500,000. But, in addition, there is a provision that in 1858 there shall commence a sinking fund to provide for the debt raised by the present Chancellor of the Exchequer, which will swell your expenditure in 1858 above 1857 to the amount of nearly £1,500,000. Therefore, there is a prospect that in 1858 there will be a diminished revenue of £5,500,000, and an increased expenditure of £1,500,000, leaving a balance to deficit of nearly £7,000,000, against which you have to set your surplus of the present year of £500,000. So you stand at present. You find, by the programme of the Government, that with no extraordinary expenses, and with war with Persia and China, you have a deficiency in 1858 of £6,500,000. I will not go so far forward as 1860, when you will recollect that to carry out the plan of 1853 the whole of the remaining income tax is to be sacrificed, which will make a further reduction of £5,000,000, because there will be some items falling in,—such as £1,300,000 of long annuities; and there will be a cessation of the payments, amounting to £2,000,000, on account of Exchequer bonds. It is sufficient to assume that in consequence of the further falling off of £5,000,000 of income tax, the deficiency will be increased in that year as compared

with the preceding years. But you have a permanent deficiency from this year to the amount of no less than £6,500,000. I ask, are not these circumstances worthy of the serious consideration of Parliament? I ask your Lordships what hope can be seriously entertained that the expectation will be realized that in the year 1860, or at any subsequent period, we shall be relieved from the intolerable pressure of the income tax? My Lords, there are three modes by which we may attain to a balance between revenue and expenditure, and it may be done by one or all of the three. In the first place, this balance may be obtained by the increased productiveness of the present taxes; or, secondly, by the imposition of new taxes; or, thirdly, by the institution of a rigid system of economy in the national expenditure. I fear that we may have occasion to apply to all three. My Lords, I lay great stress upon the elasticity of the national revenue when it is relieved from the pressure of the direct taxation that weighs it down; but it would be folly to suppose that the increased productiveness of the existing taxes could raise the revenue to anything approaching £6,500,000 in the course of a single year. With regard to the second mode, I know with what distaste and distrust the country looks to the imposition of new taxes in time of profound peace. There remains, then, the third mode—a close and rigid attention to economy, and a strict reduction of national expenditure. The principal branches of that national expenditure are, first, the payment of the national debt, which cannot be reduced, except under peculiar circumstances, with due regard to faith towards the public creditor; next I come to the civil establishments, in which I do not think any material reduction can be effected; and then comes the third great branch of expenditure, the Army, the Navy, and the Miscellaneous Estimates. My Lords, it is in this third branch, and in this alone, that any considerable reduction of expenditure can take place. Now, my Lords, I should be one of the last to wish to see the military establishments of this country reduced below a state of efficiency. I should be sorry to see them reduced to the point at which they were kept between the years 1840 and 1850. I think that such a state of our military establishments is not consistent either with the honour or the safety of the country. The only principle which I recommend is that which combines economy with a direct regard to

the efficiency of the public service, and that which I am most anxious to vindicate and support is the necessity of keeping your military and naval establishments organically as strong as you can in all that relates to science, and that which cannot be produced on the spur of the moment or in the efflux of a moderate space of time, but placing your army in that state of efficiency in which it is the duty of the Government and of the country to place it—organically strong, but numerically as low as is consistent with the duties it has to perform in time of peace. I lay this down as a principle, but I shall not pretend to enter into details on this subject. With regard to the Miscellaneous Estimates, they have increased most formidably in the last few years, and this not from any fault of this or that Government, but from the pressure and extravagance of Parliament itself. It has formerly been the theory that Parliament ought to be the check upon the tendency of Governments to spend money; but with regard to the Miscellaneous Estimates the duties and positions of these two bodies have been reversed, and the Government has been the check, but not a sufficient check, upon the extravagance of Parliament. I do not propose to go further into this subject, and I will therefore only urge upon the consideration of your Lordships and the country that if it is desirable to get rid of the income tax, and if we do not wish to see it incorporated as a permanent part of our system of taxation, we must, in the years between this and 1860, apply ourselves vigorously and rigidly to such a system of economy and of reduction in our expenditure as is consistent with the attainment of that object, and so as to render it possible to square our balance of revenue and expenditure.

My Lords, it is quite obvious that the expenditure of this country—more especially with respect to the nature and extent of your warlike establishments—depends upon the system of policy that is to be pursued, and more especially upon the system of foreign policy that is to be pursued by the Government. If you determine that that policy shall be one of respect for the independence and for the rights of foreign nations—of studious abstinence from interfering with the purely internal concerns of other countries—of an anxiety to avoid by every possible means a language, tone, and temper which shall show you ready to substitute in case of fancied insult and

injury a tone of menace and braggadocio for that of reason and conciliation—if you are slow to take offence and ready to give reparation—prompt to receive explanation when it is tendered in a friendly spirit by other Governments—if you do this I have no fear, in the present condition of the world, and with the general feeling that prevails in nearly all foreign nations, that the exigencies of the public service cannot be maintained without keeping up large war establishments in time of peace. But if you proceed upon an opposite policy, and are determined to meddle in the internal concerns of other countries,—if you attempt to dictate the tone in which they shall deal with their own subjects, and interfere with them when the interests of your own subjects are not concerned,—if you threaten, and bully, and use the language of menace and intimidation towards other Powers, the weakest of whom must have too much pride to endure—when you tell them how to behave towards their own subjects,—if you adopt such a course of conduct, I take the liberty to tell your Lordships that you must keep your establishments upon a war footing—that you must be prepared to back up your Government in every petty quarrel in which they may involve you, that you must be ready to provide on the shortest notice for a war that may spread over the whole face of the world; and, my Lords, above all, if you lay down this formidable and dangerous principle, that your subordinate officers in every part of the world shall have the power at their discretion of committing this country to a war—if you lay down the further principle that, right or wrong, after they have done those acts they must be approved and supported as a point of honour by the Government at home—and if you lay down the further principle that those acts, being thus approved by the Government, it is beyond the competence of Parliament to take cognizance of those transactions, with the view of condemning them, upon pain of being charged with a factious combination against the Government—then, my Lords, you may give up the idea of reducing your army, you must hold yourselves armed *cap-à-pie* for the fight, and you must be ready to plunge into the horrors of war in every part of the world at the discretion of men proud of their brief authority, and ready to make the most of the confidence of the Government at home.

And this, my Lords, leads me to the

peculiar circumstances under which an appeal is to be made to the country. Your Lordships need not apprehend that I am about to enter into the merits of the China war, or to examine the legality of the proceedings of Sir John Bowring, or the prudence of the steps he has taken. I am going to assume, for the present, that the whole of those steps were legal; but I desire to point out to your Lordships the position in which this country is placed by the adoption of these assumed legal proceedings of Sir John Bowring. It is no little inconvenience and no slight public evil that in the month of March, just at the commencement of the Session, and when the House of Commons were about to commence the business of the country, we should be interrupted in our proceedings by a dissolution of Parliament—a dissolution that creates the greatest possible inconvenience both to public and private affairs, and which involves not only the loss of time of the dissolution itself, but that further loss of time caused by the arrangements consequent upon the meeting of the new Parliament, and which will render this coming Parliament even more unproductive of beneficial measures than was promised us in the very meagre programme of the Speech from the Throne at the commencement of the present Session. My Lords, of course that inconvenience is to be endured. I shall be told that the Government having had a hostile vote passed against them it became necessary for them either to resign or to appeal to the country. But, my Lords, whose fault was it that a question was ever raised involving the character or credit of the Government? I am going very humbly to offer my apology for your Lordships' House and for the House of Commons for having so far misunderstood the spirit of the constitution as to believe that it was within their competence to take notice, and, having taken notice, to express an individual opinion upon the conduct of any official with regard to whose proceedings the Government, by command of Her Majesty, had laid papers and documents before Parliament. I may be mistaken, but I certainly believed that when papers are laid upon the table by Her Majesty's Government it is for the very purpose of inviting an expression of the opinion of Parliament upon them. My Lords, I conceive it cannot be said that, in respect either to this or the other House of Parliament, we have been anxious to interfere with the discharge of the duties of the Executive,

or that we have interposed any obstacles in the way of the exercise of those functions which properly belong to the Crown. They have exhibited no impatience—they have on the contrary displayed a degree of forbearance which I do not blame, but which I venture to say is almost unparalleled in the history of this country. What is the case with regard to the war in Persia? A quarrel has been entered into, troops have been despatched, war has been declared, an expedition has been sent out, a fortress has been taken, negotiations have been entered into, negotiations have been concluded, peace has been made:—and from the first to the last, from the hour when the quarrel began to the moment when I am addressing your Lordships, the House of Lords and the House of Commons have not had one single scrap of paper or one single official document which shows the object, the cause, the intentions of the war, or the terms on which it is terminated; and the House of Commons, which ought to furnish Supplies upon an estimate of expenses, are not likely to know anything about that expense until they are called on to pay the bill already discharged by Her Majesty's Government. Therefore, I say the House of Lords and the House of Commons have displayed no undue anxiety to interfere with the Government or to hamper or embarrass the Executive. But, when papers are laid before Parliament, it is an invitation on the part of the Crown for Parliament to express its opinion on the subject matter of those papers; and if we do not, we grossly neglect our duty, as by tacit acquiescence we may be assumed to sanction acts most repugnant to our feelings and most objectionable in themselves. What has taken place in this instance? Upon the perusal of these papers a Motion was made in the other House of Parliament by a gentleman usually, I believe, a supporter of Her Majesty's Government, and most undoubtedly wholly unconnected with the Conservative party. That Motion expressed on the face of it—I forget the precise words—the opinion of the House of Commons, that the papers laid on the table failed to afford sufficient justification for the officials in China. I gave notice and brought forward in this House a Motion varying in terms, but entirely to the same effect; and what was the course pursued by Her Majesty's Government in both Houses? Why, they assumed to themselves the whole responsibility of the conduct and judgment of Sir John Bowring;

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they made themselves parties; they insisted on being sentenced, or rather they insisted that Parliament should either forbear expressing an opinion or be charged with a desire to censure or displace Her Majesty's Government. Now, I will venture to say that if, instead of Her Majesty's Government vindicating to the uttermost the conduct of their agents, they had come forward in the first instance and expressed their own honest and sincere convictions, that, with the best intentions, a hasty and ill-judged step taken by the Plenipotentiary had involved consequences which they were the first to regret, and the last to contemplate; that they could not altogether vindicate the course he had pursued, but that allowance ought to be made for the difficulty of the position in which he was placed, and concluding with an intimation of their intention to do that which they have done subsequently, to send out another Plenipotentiary with full powers, if not to supersede, at least to override the authority of that official, and to bring the affair to the earliest conclusion possible—then I will venture to say that that declaration on the part of the Government would in this and the other House have put an end, if not to all discussion and debate, undoubtedly to any chance of an adverse division. But what was the course of the Government? Here is the proposition—that the papers, as they lie before us, do not justify the conduct of the officials. Her Majesty's Government join issue, and declare that, in their judgment, the papers do justify the conduct of the officials. They compel us to say "Aye" or "No;" and yet it is quite obvious that, towards the conclusion of the debate, some change came over the spirit of the dream of the Government, because, towards the end of it, their supporters said, "After all, it is very hard that the Government here should be held responsible for what has been done by the officials there, of which they had no previous cognizance, which was done without notice to them—which was done on the other side of the world; and it is very cruel to make them responsible for the conduct of their agents. It was not we or the other House of Parliament, but they who made themselves responsible for the conduct of their agents. And here let me warn the Government. However unanimous it may seem, however grand it may sound, to say that on all occasions a public servant—more especially an absent public servant—is to be defended, you ought only to carry

that as far as is consistent with justice :— you may carry it even as far as is consistent with indulgence, but when it comes to the point that by the indiscretion of a public servant the country is plunged in a war, the expenses of which are not to be calculated, and the horrors of which are not to be told, then, I say, if that public servant is to receive the support of the Government to the extent of insisting on dissolving Parliament if Parliament does not concur with them, you are giving a most exorbitant premium to imprudent conduct, to hasty actions, and to want of a due sense of their proper responsibility to every gentleman you employ in every part of the world. But if you considered the conduct of your agent so entirely blameless—if you thought the papers quite justified his prudence, and showed him to be the fittest man to conduct affairs of that kind—why supersede him? I know not whether the determination to send out that superseding officer was come to before or after the division of the House of Commons, but in either case it affords to the majority of that House ample vindication for the vote to which they came. If it were the intention of Government previous to that debate to supersede Sir John Bowring, in the first place they ought frankly to have said so, which would have put an end to the discussion; and, in the next place, it argues a foregone conclusion in their minds that the papers did not justify the conduct of Sir John Bowring. If that intention were only formed after the decision of the House of Commons had shown what was the opinion of the representatives of the country, I say the House of Commons performed a signal service in compelling the Government, by their vote, to do that which they ought to have done voluntarily. In either case the vote of that majority is amply justified, if only by the fact that, having vainly attempted to vindicate his conduct, the Government proceeded to supersede Sir John Bowring. The moment, my Lords, that majority was declared there arose a cry of “factious combination,” “unnatural coalition,” “unprincipled attempt to overthrow the Government.” There arose charges most revolting to the feelings of every honourable man—charges which I shall prove to be as base as they are unfounded,—charges which I do not think any of your Lordships, at all events, will have the courage to stand forward and support. For myself I will only say—and I say it on the word and honour

of a Peer and of a gentleman—I do not know, and I have not known, of any concert, of any combination, of any agreement, of any understanding with regard to those votes and those Motions in either House of Parliament between any persons not professing precisely the same political opinions. I distinctly and solemnly declare I have been no party to such concert or combination; and I as emphatically declare my solemn conviction that the vote arrived at in the House of Commons was the result of no combination, of no concert, still less of any desire to coalesce against the Government for political objects, but that it was the spontaneous expression of opinion, reluctantly expressed by many, with regard to the conduct of officials whom the Government supported. My Lords, what I have stated now will, I hope, carry conviction to the minds of all those with whom I have the honour of personal acquaintance, and I trust also to the minds of many more to whom I am not personally known. But I will proceed to state facts which I think will convince the most sceptical that there cannot have been any coalition of this kind. Your Lordships, will, perhaps, have done me the honour of recollecting that upon the first night of the Session, having no information but what was to be derived from the public papers, I expressed great anxiety with regard to the position of affairs in China. I expressed doubts as to the legality and prudence of the course pursued, and great apprehensions that the course pursued would be productive of signal disaster. Shortly afterwards the papers were laid upon the table of the House, and I made it my duty most carefully and most anxiously to examine their contents. The information furnished by Her Majesty’s Government strengthened and confirmed the impression which I had previously received from the public prints. I gave notice accordingly of my intention to bring forward certain Resolutions, and at the same time I asked to be furnished with other papers necessary to the full elucidation of the case. I thank the Government for the ready courtesy with which they furnished every information on the subject; but, having read those papers, I came to the conclusion that it was my bounden duty to bring that case under the consideration of your Lordships. I did not mention that intention of mine to above three or four persons of those most intimately and politically connected with me; and until the time I came into this House and

laid the Resolutions on the table, I believe I am literally correct in saying no human being had seen those Resolutions or was responsible for one syllable they contained. I am responsible for them wholly. If the House of Commons is to be accused of factious coalition and unprincipled combination, why is not the same charge and the same imputation made here? The charge is as applicable to one House as to the other. How was the party formed which supported my Resolution in your Lordships' House? Not only of those noblemen who usually sit upon this side, and share to a great extent in my political opinions, but it comprised also the two noble Earls opposite (the Earl of Aberdeen and Earl Grey), and the noble Lord the Comptroller of the Exchequer (Lord Montague). My Resolution was also supported by a noble Earl than whom there is not a more staunch supporter of Her Majesty's Government, nor a more decided Whig of the old school; I was supported by the high authority of Earl Fitzwilliam, and Her Majesty's Government do not appear to have borne him any ill-will for his share in this supposed combination, if I may assume for a fact the statement which has been made in the public journals, that his eldest son has recently been appointed Lord-Lieutenant of the West Riding of Yorkshire. I said I had no combination or concert with any person before I came into this House, and I spoke the exact and literal truth. But when I came into this House I took an opportunity of showing to my noble and learned Friend now at the table (Lord Lyndhurst) the Resolution which I had prepared, and I had the good fortune to find that it met with his entire approval. There was at the time sitting by my noble and learned Friend a Whig Peer, a man of great eminence, a distinguished and cordial supporter of Her Majesty's Government. He asked if I would allow him to see the Resolution. I said certainly, if he wished it. Having read over the Resolution carefully, he asked me whether I had any objection to strike out one phrase. I replied I had not, and gave the noble Lord a pen, with which he made the erasure he desired. I then laughingly observed, "As you have altered my Resolution to meet your views, I hope to have your support." And I gained it. That was the only combination I entered into. That noble Lord is a leading Whig Peer and a supporter of the present Government; he, however, is my

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accomplice in this unprincipled combination. So much for the House of Lords. Now, I am bound to defend, if defence be necessary, my political friends in the House of Commons from the charge of being concerned in what undoubtedly would have been a most unprincipled act. Shortly before I gave notice of my Motion in your Lordships' House, but after making my statement in the debate upon the Address, at a time when the House of Commons was occupied and its attention almost entirely engrossed by the discussion upon the Budget, a right hon. Friend of mine with whom I am in constant and intimate political communication, asked me whether I did not think the subject of China was one that it was desirable to bring before the House of Commons, for in that case he was willing to make a Motion upon it. I said I fully concurred in his opinion, and that I thought it was a case which Parliament could not possibly pass over; but I advised him not to give any notice until he had communicated with one or two political friends, more especially with the right hon. Gentleman who leads the Conservative party in the other House. My right hon. Friend some twenty-four hours afterwards came to me and said, "I have acted upon your advice, and have given no notice; but I am sorry to tell you that Mr. Cobden has taken the matter out of our hands and has given a notice upon the subject of China which will prevent me from doing anything." Now, my Lords, I will go further and tell you a little more of our conversation, to show how much foundation there is for this cry of "coalition." My right hon. Friend expressed to me his apprehension that the fact of the subject of China being brought forward by a person whose views generally he dissented from entirely *might* indispose some of those who agree with us from giving their support to a Motion which they could not in strict reason or justice resist. We have it, too, upon the high authority of Mr. Cobden—a gentleman with whom I have not the least acquaintance, and have never, I believe, exchanged a word either upon this or any other subject—we have his declaration in the House of Commons that before he brought forward his Resolutions he communicated them to no one except his intimate Friend, Mr. Gibson, the Member for Manchester. Am I to vindicate myself and my friends from a charge of combining to procure the factious overthrow of the Government with Lord John Russell,

with Sir Francis Baring, with Lord Robert Grosvenor, and other most distinguished and faithful adherents of the Whig party? Yet all those Members voted in the majority, and all, I presume, on the slanderous reports which are spread abroad, are regarded as accomplices in this "base and infamous coalition." The majority in the other House comprised many supporters of the Government; I may venture to say that it comprised, almost without exception, beyond those actually in the Government, every man of note of every party in that House. Of the party which goes by the name of "Peelites," but who do not appear to me to act in greater concert than other people, we saw Mr. Gladstone, Mr. Sidney Herbert, Sir James Graham, and Mr. Cardwell, all of them joining in the vote of the majority, and yet three out of those four gentlemen are certainly infinitely more disposed to support Her Majesty's Government than to adopt the policy of the party sitting opposite to them. There were Lord John Russell, Sir Francis Baring, and Lord Robert Grosvenor in the majority to represent the great Whig party, and I presume we shall hardly be charged with combining and coalescing with Mr. Cobden and Mr. Gibson, or with Mr. Roebuck, the representative of the extreme Radicals. The very absurdity of the supposed combination is its own best refutation in the minds of all calm judging men. I can understand that for political objects two parties, not materially differing in their general views, and who think that between them they will be able to carry on the affairs of Government, may agree to sink minor differences, and combine to attain a political object; but for such a combination to exist of five different parties, all differing from each other upon almost every political question, is so complete an absurdity that the charge of factious combination must be scouted as ridiculous. This cry of combination and coalition is nothing new. It is the usual resort of a Government when it finds opinion in Parliament too strong for it, and is obliged to resort to public opinion. And what is Parliament to do in such cases? A Motion is submitted in which the conduct of the Government is impugned. If it is supported only by gentlemen of one set of political opinions then it is said to be a mere party question or trial of strength. If, however, the facts of the case are so strong as to induce many of the habitual supporters of the Government to assent to

the Motion, then we are told it is a factious combination,—an unprincipled coalition. I have heard it said, too, that the merits of the case were so much in favour of the Government that even some of our own Conservative supporters felt bound to uphold the policy of the Ministers. Now, my Lords, I have never for one moment questioned the judgment or the discretion, still less have I questioned the motives, of any gentleman who upon that occasion voted against his own party. I have assumed, as I was bound to do, that every gentleman who so voted did so from a conviction that the Government had not merited the censure of Parliament. There were, to be sure, reasons assigned by some hon. Gentlemen for their votes which do not appear to me to bear conclusively upon the decision they arrived at. We were told that gentlemen could not vote against the Government which made such excellent ecclesiastical appointments. Now, my Lords, I am not able to trace the connexion between the two things, when we are told that the Government makes excellent ecclesiastical appointments, and that therefore Sir John Bowring was justified in making war upon Canton. However, if the justification of being governed in the vote by the strength of the case is good for one side it is good for the other—

"*Damus hanc veniam petimusque vicissim.*"

If we are told the case was so strong in favour of the Government that your own supporters would not stand by you, are we not entitled to say the facts were so strong that men of all parties, differing upon all other points, had no resource but reluctantly to vote against the Government? What do we learn from addresses now being issued by Members of the House of Commons to their constituents? There is hardly one of those addresses which does not say circumstances have occurred at Canton which are very much to be regretted, and that it would have been very much better if Sir John Bowring had waited until he received instructions from home. They cannot say his conduct was justifiable; but then comes in "the infamous coalition," which overrides all considerations of justice, and authorized hon. Members to vote that Sir John Bowring's conduct was justified by the papers presented to Parliament, while in their addresses to their constituents those hon. Members frankly admit that his conduct was not justified. As I have said, this cry of combination is nothing new. Let me read to

the House the language of a very eminent statesman when a similar question was raised in the House of Commons. He says:—

“The hon. and learned Gentleman has demanded a full explanation of the circumstances under which that vote will be given. Sir, he shall have that explanation. I have no reserve. The hon. and learned Member has stated that there is a dishonourable conspiracy formed against Her Majesty’s Government. Sir, a more unfounded charge never was preferred. He presumes that there has been some base compromise between Gentlemen sitting on this side of the House, but holding different opinions upon matters of vital interest. He is wholly mistaken. There has been no such compromise. He talks of there being three courses to pursue; he tells us there are three combinations by which office may be obtained. He says, ‘I demand to know which of these three courses you contemplate.’ Now, is it not possible for the hon. and learned Gentleman to suppose that there may be a fourth? Is it not possible for him to speculate upon the possibility that men in this House may intend to give their votes without reference to political combinations? Does he exclude the possibility of that fourth course of action, which arises from a conscientious conviction as to the truth? Is that excluded from his contemplation? May it not be possible that men cannot subscribe to a Resolution which asserts that a certain course has been best calculated to preserve peace and to support the honour and dignity of this country? Is it not possible that, without reference to party or personal interests, men may decline to affirm a Resolution which deals with principles of greater importance to the welfare of this country for good or for evil than have ever been under the consideration of the House.”—[3 *Hansard*, cxij, 674.]

Now, who were the parties on that occasion? By a singular coincidence the speech was made in the House of Commons in consequence of a Motion made by me in your Lordships’ House censuring the policy of the Government, and referring especially to the department of it which was presided over by the noble Viscount now at the head of the Administration. He was the man whose conduct, censured by the House of Lords, he considered in so much doubt as to the judgment of the House of Commons that then, as now, he did not think it unworthy of him to raise the cry of “combination and conspiracy,” and to attempt to bias the judgment of the House by the same cry, which his followers were raising with as much truth as now. The accuser was the same and the defendant was the same. And who were the parties involved in the guilt of that conspiracy? My Lords, I need hardly tell you that the eminent statesman whose language I have just quoted, whose indignant denial of those vile motives I have read to you, that that statesman, so charged

with combination and conspiracy, was one who for four years had given them his constant and unvarying support—that that statesman was the late Sir Robert Peel—and that that speech was the last he addressed to Parliament but a few hours before the unhappy event which deprived the country of the services of that eminent man. But who was the man who put himself forward as the chivalrous defender of Viscount Palmerston on that occasion, and who moved the exculpatory Resolution in the House of Commons? That man was Mr. Roebuck, one of the present supporters and accomplices in this “base conspiracy.” My Lords, I have given you facts to show, not the improbability, but the impossibility, of such a coalition. The very notion of it is too absurd for the veriest *gobemouche* who catches up and swallows the last newspaper *canard*; nay, it is even more absurd than that memorable story of wholesale massacre in America of which the most egregious dupe was the leading journal in this country. It is more incredible than anything the wildest stretch of imagination can picture. But I know well the ease with which, as has been somewhere said—

“The bare-faced lie, launch’d with malignant force,
When told by thousands is believed of course.”

I know the Antæus-like power with which calumny, refuted a dozen times, ever springs from the ground with additional strength; and, notwithstanding the solemn assertion I have made and the facts I have stated, nothing will surprise me less than to see the daily press teeming with repetitions of this base and unfounded calumny, or to find it made the stock-in-trade of electioneering addresses and speeches during the next three months. My Lords, I should not wish to say anything personal; but, by whomsoever and wheresoever that shall be said, written, or printed, I solemnly declare that that statement bears precisely that relation to truth which is expressed in very pithy and homely language in the first line of the quotation which I have just read to your Lordships.

But, my Lords, how long is it since Her Majesty’s Government has had this holy horror of combinations—how long is it since they discovered that the votes of men not concurring in general political principles, but joining together on some particular occasions, must necessarily be given from factious and unworthy motives? I will not go back to the earlier history of

the life of the noble Viscount at the head of Her Majesty's Government. No man is better qualified to speak of combinations than he, because no man has had a tithe of the experience of them that he has had. I will not go back even to the commencement of the present Parliament; I will be satisfied with reverting to the present Session of Parliament, and recalling to your Lordships' recollection a certain Motion which was brought forward in the House of Commons by a supporter of the Government—a gentleman named Mr. Locke King—in favour of reform and an extension of the franchise. That Motion was opposed by the noble Lord at the head of the Government, and to support his opposition to that Motion of his own supporters and adherents he brought into the field the magnificent number of thirty-one Members, of whom twenty-one were persons holding official situations. Against the whole of his own supporters were arrayed 179 Members,—thirty-one being the number of votes which the Government could raise when left to themselves, to their own resources, and to their own supporters. On that occasion was the "combination" rejected with scorn? No; the Conservative party, true to their principles, and casting aside all questions as to whom they were about to support or defend, came to the rescue of the noble Viscount, increased that miserable minority of 31 to 192, giving thereby a majority of 13 to the noble Lord, and that act of the Conservative party saved Her Majesty's Government from the fate of Actæon—from being devoured by their own hounds, and from disgrace and defeat. One little fortnight after that time the party who did this—who, regardless of political considerations, and looking only to principles, defended and supported the noble Viscount against his own adherents—passed a deliberate judgment on papers submitted to their consideration; and that party, who from the absence of factious motives saved his Government from annihilation on the former occasion, are now charged with a disgraceful coalition for the purpose of ousting the noble Viscount from office. My Lords, I ask you to put these two circumstances together, and say, if such a charge can be brought against either party, to which party it can be fairly applied.

My Lords, it may be in the recollection of your Lordships that my noble and learned Friend (Lord Brougham), in a speech on the Address, expressed a hope

that in the matter of the Chinese war our officials abroad were not seeking a pretext for picking a quarrel for their own advantage. I entirely agree in the wish so stated by my noble and learned Friend, and I express my hope that in this question relating to the Chinese war Her Majesty's Government are not seeking a pretext for picking a quarrel to their own advantage. I think it is just possible that the Government, not feeling themselves quite comfortable on some questions that were likely to be submitted to Parliament, were not sorry to avail themselves of any favourable opportunity that might offer itself for dissolving the present Parliament, and that the result of the division on the Chinese question was regarded as a favourable occasion for the noble Viscount to appeal to the generous support and confidence of the country. My belief, however, is that this Chinese question will have no influence whatever at the coming elections; that it is not intended to have influence, except so far as it is connected with the cry of "combination and conspiracy;" but that the real question intended by the noble Viscount at the head of the Government to be propounded to the country will be, "Have I your confidence as the Minister of this country?" I say emphatically the noble Viscount at the head of Her Majesty's Government, because I must express my conviction that, as respects the colleagues of the noble Viscount, with the exception of some of my noble Friends on the opposite bench, there is not a man in the country, except himself, that does not consider them as merely appendages of the noble Viscount—valuable appendages certainly, but still appendages alone—and that it is not a question of confidence in the Members of the Government at large, but of confidence in the noble Lord at the head of the Government.

Now, my Lords, I have adverted to one subject which was introduced rather fortuitously at the time—I mean the ecclesiastical appointments of the noble Viscount. That question I know has been and will be put prominently forward with regard to the coming elections. I am quite aware of the delicacy of treating a question of this kind, and more especially at the present time. Nevertheless, I will frankly state my opinion on a question which has excited, and continues to excite, a great deal of public consideration. I trust I shall be able so to express myself with reference to it as to

give no offence to any human being, and least of all is it my desire to say one word in derogation of those prelates of the Church who, by a very unusual concurrence of circumstances, have been appointed to their present offices upon the recommendation of the noble Viscount. So far from doing that, I have not the honour of a personal acquaintance with any of them; but I know with regard to some, and I believe with regard to others, that they have been distinguished as men laborious, diligent, earnest, and zealous in the sacred profession to which they belong; I know that some of them have been energetic in the discharge of parochial duties in some of the largest parishes, and I am therefore not disposed to say one single word in derogation of the appointment of those right rev. Prelates. But the more they are all such as I am willing to believe they are, the more I think they will be likely to regret the use that is made of their names for party purposes—the more must they regret to see, for mere party purposes, their votes paraded and put in invidious contrast with those of others of their right rev. brethren, and their appointments praised and lauded, not on account of their personal qualifications, but because they are supposed, whether rightly or wrongly, to represent one of the extreme sections of the religious parties which unhappily exist in the Church of England. Do not let me be misunderstood. I have no sympathy with what are called Tractarian views. I believe that the Tractarian party, by their injudicious course of proceeding, have tended infinitely to the injury and to the disruption of the Church of England. I believe that they have tended materially to alienate the minds of a large portion of the community from the doctrines and from the teaching of that Church, and I believe they have produced a consequent amount of reaction, which is almost equally dangerous, upon the other side of the question. I think that they have assumed a tone of ecclesiastical authority and an assumption of power which are utterly inconsistent with the spirit and with the feelings of the present day—which might have been suited for ages long gone by, but which at the present time is intolerable, and will not be submitted to. I think, moreover, that they have fallen into the grievous error of introducing practices and ceremonies and forms which are either immaterial in themselves—and which, if immaterial in themselves, ought

sedulously to have been avoided as raising causeless dissension and animosity,—or which, if more than mere forms and ceremonies, if they assume any further meaning, indicate an approximation which has unfortunately led to more than an approximation on the part of many of that party to a creed which, with all respect to its most amiable and virtuous professors, I cannot as a Protestant and a member of the Church of England but regard as religiously corrupt and politically dangerous. I have therefore no sympathy with the Tractarian party, and I conceive that nothing is more dangerous, nothing is more detrimental to the interests of the Church of England than the presence of that party in the Church. But because I entertain these opinions I am not necessarily therefore to throw myself into the other extreme; I am not necessarily to associate all my sympathies and all my feelings with those who profess a degree of latitudinarianism and pseudo-liberalism which leads them to fritter away, for the purpose of establishing a wider basis and including a larger number of persons within the folds of the Church, those doctrines which the reformed Church of England has held to be essential and vital. I have the greatest respect for the labours and the energies and the piety of many of the Dissenters of this country. There is room enough, God knows, for them and for the Church of England, in the common combat against vice, and irreligion, and immorality; and with regard to them I say, with all my heart, they that are not against us are on our side, and God speed them in the good work we are carrying on together. But, I confess it, my sympathies, my feelings, my affections are with that body of the Established Church—and, thank God, they are both numerous and of weight and influence!—who, preferring the religion of the closet to the excitement of the platform, with their Bible for their guide, with the ancient Fathers of the Church and with the modern lights of the Reformed Church as their commentators and assistants, are more ready to inculcate upon their hearers the practical precepts than the abstruse doctrines of religion; but who, nevertheless, maintaining the bond of unity in the Church, and maintaining it in the spirit of peace, are not prepared, for the sake of a false peace and of a false union, to compliment away any of those which the Church upholds as its fundamental and essential doctrines. My Lords, it is because those are my

opinions, and because they are the opinions I believe of a very large number of the well-thinking and sound-thinking men of this country, that I regret that Her Majesty's Government should have thrown, or should have appeared to throw (for I will not say that they have thrown), or should be applauded for having appeared to throw, the whole weight of their influence and authority into one end of that scale within which the wise latitude of the Church of England allows a diversity of opinion. I am quite aware that these are topics which I ought almost to apologise for introducing to your Lordships, and yet in this House I know that they will be approached with respect, with reverence, with candour, and with fairness. But if I feel that these are topics which ought hardly to be dealt with here, I ask, how much less should they be made the subject of bitter political contest in the crowded arena of the hustings, in the exciting atmosphere of political strife, and amid all the ribald jesting and cries which often distinguish these election saturnalia? My Lords, I cannot but say that for the sake of the Church, of the Government, and of the country, it is most unfortunate (if it be the fact) that the Government should go to the country and appeal to the constituencies upon such a question as that of the leaning of the Ministry to one or the other of the different sections into which, as I have said, the Church of England is at present divided. I cannot conceive a more unhappy subject of contest; I cannot conceive one from the discussion of which more unmitigated evil must follow.

But, my Lords, I go to topics which are less foreign to the ordinary business of your Lordships' House. The question before the country is this:—"Has the noble Viscount at the head of the Government a claim to the confidence of the country?" Before I answer that question I must look, as far as I am able to judge, to what has been and what is the supposed policy of the noble Viscount. With regard to his foreign policy, I am afraid I shall be repeating what I have so often said before to your Lordships in expressing my want of confidence in the discretion and the prudence with which the foreign affairs of this country have been conducted by the noble Viscount. I do not forget the events of 1848; I cannot forget the events of 1850, and the miserable affair to which I have lately referred; but passing by these, I look to the present moment, and I see that the noble Viscount continues, not in

the most dignified manner, all that mischievous interference with the affairs of foreign countries which I have so constantly deprecated here. I do the noble Viscount all justice. I give him full credit for the manliness and the courage with which in 1855 (certainly with the popular voice and approval in his favour) he accepted the conduct of affairs and stepped forward as the adviser of the Sovereign; and I give him credit, together with his colleagues, for bringing to an issue, more or less successful, the war in which we were then engaged. But, my Lords, at the conclusion of that war I must say I cannot extend an unqualified approval either to the terms upon which peace was concluded, or, still less, to certain transactions which accompanied the signature of that peace. I think that in the Conferences of Paris the noble Viscount and those who acted with him fell into a most grievous error, and inflicted a grievous injury upon the maritime power of this country. I refer to that most ill-judged concession by which they sacrificed what had been maintained for ages as the maritime rights of Great Britain,—rights which, in my conscience, I believe to be essential to the maintenance of your maritime power—and without your maritime power I need hardly say that, after all, you are nothing. I think that that was a most unfortunate concession, and I think it the more unfortunate because it appears to me to have been wholly gratuitous and unnecessary. I come now to an act I have before adverted to in this House, and which I really think is as mischievous and as unjustifiable as any I ever heard of—I mean the interference with the affairs of Naples. We undoubtedly have had papers laid before us professing to explain the circumstances under which this interference took place; but so meagre a collection of documents—one throwing so little light, or, rather, such studious darkness upon any question it never happened to me to deal with. Throughout the whole forty-five pages contained in the blue-book there are only three which bear in the slightest degree upon what we wanted to know. The remainder consists entirely of reports of trials, *memoranda* (for the most part anonymous) referring to the affairs of Naples, but not bearing in the slightest degree upon the main question—namely, our right of interference in the affairs of an independent State. Now, I am not the apologist of the King of Naples; but you had not, upon the showing of these papers, the

slightest pretext for supposing that any European interests were in danger, that any British subjects had suffered, or that you had anything to complain of which would justify you in going to the King of Naples with a recommendation from the Governments of England and France, advising His Majesty to enter upon a new course of internal policy. That claim of the right of interfering was undoubtedly rejected by the King of Naples, as it would have been by any Sovereign who had the slightest sense of his own dignity and independence. You recommended His Majesty to grant a general amnesty. Now, what had you to do with a general amnesty in Naples? Were the Neapolitans your subjects? What mattered it to you how the course of justice ran in Naples, provided British subjects did not suffer? Suppose, now, that some years before Her Majesty had been advised to grant to Mr. Smith O'Brien that free pardon to which his subsequent conduct has proved he was very well entitled, some other countries had come to you and had represented to you officially that it would be a great gratification to the people of Ireland if Her Majesty would be pleased to extend a free pardon to Mr. Smith O'Brien and his colleagues (I won't use an offensive word), and that they earnestly desired Her Majesty, for her own sake, to grant an amnesty to these gentlemen; what would have been the answer? The answer would unquestionably have been a much less civil one than that given by the King of Naples; you would very shortly have requested those Governments to take back again the official document in which they had given this advice, as one not to be received or listened to; and probably the next request made by the Foreign Minister would have been that the representatives of these foreign Governments should walk out of the House and not come into it again. Now, what did the King of Naples do? He writes you a letter firmly declining to listen to your recommendations, at the same time intimating his sense of the feeling manifested towards him and his country, and declaring that the adoption of such recommendations was incompatible with his rights as an independent Sovereign. There is no answer to that; but about two months afterwards the King appears to have been informed that the tone of his letter was not sufficiently courteous; upon which he writes again, expressing his anxiety to continue on the best possible terms with England, his determi-

nation to give every possible protection to British subjects, and his regret that a sense of what was due to his own independence and that of his country did not permit him to receive advice offered, no doubt, in the most friendly spirit by the Governments of England and France. What was the answer to that? The only answer was, the recall of your Minister. I do not know, my Lords, upon what pretext our Minister was withdrawn from Naples, or what had taken place to justify the suspension of diplomatic correspondence with a Sovereign who professed the most anxious desire to remain on friendly terms with England. What was the consequence? It was this—that the retirement of your Minister was treated as a matter utterly unimportant; in the face of all Europe the representative of Her Majesty was allowed to leave Naples in contemptuous silence, and with an assurance on the part of the Neapolitan Government that there need not be the slightest apprehension for the security of English and French subjects in their persons or property. I ask you, my Lords, do you think that England stands in a dignified position. If the noble Viscount had come to the determination to enforce a certain scheme of policy upon Naples, I could understand the course he pursued; but to utter menaces—to tender advice under the threat of withdrawing your Minister—to speak of the presence of hostile fleets—to give encouragement to persons who might have been induced by your promises of assistance to rise in insurrection against their Sovereign, and who, in that event, would have been subjected to all the severities to which those who have taken part in a suppressed insurrection are liable—was a line of conduct altogether unworthy of England. If such an insurrection as I have supposed had taken place, who among your Lordships can believe that the parties rising in that insurrection—prompted to it by the incitements of the British Government, and therefore exposed to the full displeasure of the Government of Naples—would have received from England either support, commiseration, or sympathy, or would not have been left to suffer the whole penalty attached to that crime into which they had been led by France and England?

With respect, then, to the foreign policy of the noble Viscount I cannot say that I entertain any feeling which would justify me in granting him my confidence. I am still more doubtful with regard to his domestic policy, for strange to say, notwithstanding the

long period during which both the noble Viscount and myself have been in public life, I am utterly at a loss to know upon all the leading questions of the day what is the policy of the noble Viscount. At all events, before he calls upon us for our support, let us ascertain the grounds upon which he demands our confidence. Shakspeare says that "one man in his time plays many parts;" but the noble Viscount is at the present moment playing half-a-dozen parts at the same time. He is not content with being the Janus Biceps, he is a Janus Septiceps—a political chameleon which offers a different hue and colour to the spectator according to the side from which he gazes. I defy any man, even the most ardent of his supporters, to say, when he professes confidence in the noble Viscount, what upon any great domestic question of the day is the policy to which he pledges himself. Some cries have been raised within the last few days which I think must astonish the noble Viscount when he reads them. One is "Palmerston and Freedom!" I imagine, my Lords, it would be more correct to shout, "Palmerston always, but never Freedom!" Then we hear "Palmerston and Liberalism!" "Palmerston and Protestantism!" "Palmerston, and down with Maynooth!" "Palmerston, the only Christian Premier!" "Palmerston, the true Protestant Minister!" and blasphemously, at least, irreverently, "Palmerston, the man of God." The last cry appears in a clerical newspaper, where the noble Viscount is announced as "the man of God." Many of your Lordships will recollect a caricature of 1832, in which the late King William IV. was represented as staring at some large letters on a wall, forming the title of "Reform Bill." The words put into the mouth of His Majesty were, "Can that be meant for me?" Or your Lordships may, perhaps, remember a story of still older date, in which a little elderly lady, having been suddenly aroused from a long sleep, and finding her dress somewhat changed or disordered, is described as exclaiming, "Sure, this is none of I." I think the noble Viscount, when he sees the various cries with which his name is connected, must doubt his own identity, and say with the old gentlewoman in the anecdote, "Sure, this is none of I!" It is remarkable that, notwithstanding the number and variety of the war-cries which have been attached to the name of the noble Viscount, there are three with which I have never heard him associated, and yet they are both impor-

tant in themselves and have been the watchwords in past times of the great Liberal party. I have never heard "Palmerston and Peace," "Palmerston and Retrenchment," "Palmerston and Reform." It is possible, even probable, that the noble Viscount, having supported the Reform Bill of 1832, may think that in the path of organic change and Parliamentary reform we have gone far enough; but "peace" and "retrenchment" are subjects not of temporary but of general application, and I am afraid their absence from the Government programme may be accounted for by the circumstance that we can have no "retrenchment" without "peace," and "peace," with the noble Viscount in office, is impossible. I saw the other day in a newspaper, which warmly supports the noble Viscount and asserts his claims to the confidence of the country, a statement of the opinions to which every man professing to be a Liberal ought to adhere. "No man," to use the words of the newspaper in question, "deserving the name of Liberal, ought to wince while catechised upon each of these subjects:—the ballot, extension of the franchise, especially Locke King's Motion; the Bank monopoly, church rates, abolition of purchase in the army, and promotion by merit; a graduated income tax." The writer of the article objects, he says, upon principle to exacting pledges from candidates upon the hustings; but these are the A B C of Liberalism, and no man ought to hesitate for a single moment while being catechised upon them. I should like to see, for the amusement of the thing, the noble Viscount, as the head of a Liberal Government, going through his catechism upon these points. Take the ballot. There is not a man in England who has pronounced himself so strongly against the ballot as the noble Viscount. I need say nothing about Mr. Locke King's Motion, because we have had recent experience of his opinion on that point. The Government of the noble Viscount have sent the subject of the Bank charter to a Select Committee, but with a very distinct intimation that the changes they contemplate, if any, are of the slightest and most trivial kind—certainly not amounting to an interference with what is called the "Bank monopoly." The noble Viscount has expressed himself quite as strongly with respect to church rates. I am not sure that he has pledged his Government upon the abolition of purchase in the army,

while I should be surprised to hear it announced that a Government measure will be proposed in the new Parliament to accomplish that object. It is certain that the noble Viscount, as well as every important member of his Administration, has protested against the possibility of introducing anything like a differential—which I suppose is what is meant by a graduated—*income-tax*. I will not say that the Government may not contemplate the introduction of measures upon some of these questions, but I am quite sure that in the sense in which they are regarded by the newspaper to which I have referred—as tests of liberalism—one and all will meet with the determined opposition of the Government so far as they act upon their own views and principles. I may even venture to say that, should any one of these questions be brought forward in the new Parliament by some more ardent Liberal than is to be found on the Treasury benches, the noble Viscount, in order to defeat it, will not hesitate to seek the assistance of that very Conservative party which he now accuses of entering into an ‘unprincipled combination’ to upset his Government. Here it may be said “If that is your opinion, why do you withhold from Lord Palmerston as a Conservative that support which, upon your own showing, he cannot receive from any consistent, well-judging Liberal?” My answer is an easy one—because, in the first place, I do not know what the principles of the noble Viscount at this present moment are; because, in the next place, if they are such as I suppose them to be, then the noble Viscount is in a false position at the head of a Government professing liberalism, and a large number of whose supporters are avowedly of extreme radical opinions; and because, in the third and last place, I have not that confidence in the steadiness and firmness of the noble Viscount which would induce me to believe that in a moment of difficulty and pressure he would stand up in vindication and support of his own principles, whatever they may happen to be. I give him credit for many good qualities. Nobody can be insensible to the charms of his manner and conversation, and his perfect good-humour, and every one must admit the great adroitness with which he manages and steers his course in a popular assembly; but if I am asked whether I have that confidence in the noble Viscount which consists in a firm conviction that, under all circum-

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stances, he will maintain and act upon certain fixed political principles—that from what he did yesterday one might foretell what he will do to-morrow—that he has those higher qualities which are essential to the character of a British Minister—I must reply in the negative. What has happened in the course of the present Session? When the Chancellor of the Exchequer made his financial statement we were told that it was absolutely necessary for the sake of revenue to raise the tea duty to *1s. 7d.* Opposition was threatened. A right hon. Gentleman (Mr. Gladstone) proposed that the duty should be fixed at *1s. 3d.*, and Lord John Russell suggested *1s. 4d.* Well, my Lords, in the face of their own declaration made shortly before, that *1s. 7d.* was absolutely necessary for revenue, the Government—I suppose it must be said, ‘owing to a combination of parties’—reduced the duty to *1s. 5d.* But there is yet a much stronger case in point. If there is any one thing upon which it is the bounden duty of the Prime Minister to preserve inviolate the prerogative of the Crown, it is that which concerns the advice that he shall give to Her Majesty as to the distribution of honours, irrespective of Parliamentary influence and Parliamentary support. I will not express any opinion on the merits of the particular case to which I am about to refer, but it is notorious to all men that, with the sanction of the noble Viscount, the noble Baron opposite (Lord Panmure) addressed to Sir John McNeill and Colonel Tulloch a letter offering them pecuniary remuneration for their services, and indicating that as the amount and the form in which the Government thought their labours could most properly be required; and the noble Viscount at the head of the Government said, that a pecuniary payment was the proper remuneration for the nature of those services. Well, the noble Viscount is asked in the House of Commons whether he intends to propose to the Crown to confer any mark of honour upon these gentlemen. He answers, “No;” that he does not deem their services such as would entitle them to a mark of honour, and that he does not think such advice ought to be tendered to the Sovereign. A motion is given notice of; it is brought forward; but before it is so brought forward the question is repeated to the noble Viscount. He repeats his answer that it is not consistent with his duty to offer that advice to the Crown. He, therefore, op-

poses the Motion; the debate goes on; he feels that there is a pressure of the House against him, and on the eve of a dissolution of Parliament, upon the pressure of the House of Commons, in a matter deeply touching the honours bestowed by the Crown, he consents to give the Sovereign that advice which, a few brief moments before, he had declared to the assembled Legislature that he felt it inconsistent with his duty to give. I say, then, "Can I have confidence in the Minister who so readily gives way before the slightest pressure?" and I will venture to say that, on that occasion also, had the matter gone to the division to which it was about to go, and in which undoubtedly he would have been defeated, we should have heard that a 'factious combination' and an 'unnatural coalition' had led to the overthrow of his Government; and this too from him who served the purpose of this 'coalition' by conceding the very point at issue, and conceding it in a manner incompatible with the dignity of the Crown and with his duty to his Sovereign.

I know, my Lords, that I have grievously trespassed on the patient and kind indulgence of the House; but I shall not detain you for many minutes longer. If I am asked what course I think it desirable should be pursued in the next Parliament by those who do me the honour of consulting me, I should say that I hold it to be their bounden duty to adhere to their own principles and their own convictions, irrespective of the quarter from which any proposition may come. My Lords, if we find that the noble Viscount—avoiding and resisting all dangerous innovations and organic changes—maintains steadfastly the great institutions of the realm, and seeks only such reforms in our social system as may safely and properly combine the exertions of all true lovers of their country—in that case I take the liberty of assuring him most confidently that from the Conservative party he shall meet with no factious opposition—from them he need dread no 'unprincipled combination.' We shall be ready to support him in withstanding uncalled-for innovation—we shall be equally ready to co-operate with him, cordially, and without rivalry or jealousy, in introducing into and carrying through the Legislature those great social improvements in the achievement of which there is abundant room for the labours of Ministries and of Parliaments. My Lords, in everything which relates to the amend-

ment and simplification of the law—in everything which relates to the revision of our penal system, to the better disposal of our convicts, to a better provision for rescuing those who are on the verge of crime, to a better provision for assisting and stimulating the voluntary efforts of the country in promoting religious and moral education—in all which tends to the physical as well as the social and moral purification of that vast mass of contagion which is fermenting in our great towns and cities and throughout the length and breadth of the land—in all these the noble Viscount may depend upon it, if he will only enter upon so honourable a course, that he has a bright career of usefulness before him, in which he shall have no more cordial or more earnest coadjutors than the much-abused and vilified Conservative party. But if, yielding to external pressure and sacrificing his own convictions, he gives way to the wild cry for rash innovations and insidious encroachments upon the constitution, then, my Lords, I trust he will find that Conservative party still sufficiently numerous and sufficiently powerful to stay him in his downward course—to rescue him from himself and from his supporters—to preclude him from inflicting serious mischief upon his country, and from plunging it into anarchy and confusion. My Lords, I am satisfied that it is essential to the best interests of the nation that the Conservative party, whether in office or out of office, should be numerous and powerful. I say, without the slightest hesitation or concealment, I ardently wish—far more than I either hope or expect—that all those who were once banded together in support of the Conservative opinions to which I adhere, would show themselves again united in the same firm phalanx. But, my Lords, I say with as little hesitation or disguise, that for such a union to take place, or, indeed, any union worth the name, it must be founded upon a concurrence of principle and a concurrence of sentiment, and not founded on that which I believe every honest man would repudiate—namely, a base attempt to unite those who have no community of convictions for the purpose of overthrowing the existing Government and forming a disorganized and heterogeneous Government in its place. My notions may perhaps be somewhat old-fashioned and contrary to the enlightenment of the day, but they are the opinions to which I have steadfastly adhered through no inconsiderable period

of my life, and I cannot now change them. Such as they have been such they will continue to be to the end of my career, whatever may be my political fortunes. I intend to maintain inviolate the great institutions of the country; I intend to support, as far as my feeble voice can go, the prerogatives of the Crown, the independence and the hereditary character of your Lordships' House and the rights of the people. I intend to support the doctrines and the rights of property of that Established Church of which I have always been an attached member; I desire to see her weak places strengthened and her defects repaired—I desire to see her taking a firmer hold on the affections of the people. But, for my part, I never will consent to see the withdrawal of one single stone from the venerated fabric of that Church which I regard with filial love and reverence. Pardon me, my Lords, for saying so much upon my own views and feelings. We who sit in this great assembly are not dependent upon the will of any constituency for re-election. We express here our own individual and spontaneously-formed opinions. But there is not the less a moral responsibility resting upon each of us, and more especially upon those of our number who are honoured with the confidence of any portion of their fellow-countrymen, not to shrink at such a time as this from the frank and fearless avowal of their principles—not to veil themselves in studious mystery, but to declare clearly and manfully the course they are resolved to take under all circumstances and in all political eventualities. In the assertion of these opinions I may expose myself to obloquy, to calumny, and misrepresentation, as I have done before. These things I am able to meet, and I trust I know how to bear them. But no man can say of me during my life, nor, I hope, will any man be able to say, with truth to my memory, that I have ever shrunk from the avowal of my political opinions—that I have ever sunk a principle for the purpose of obtaining an advantage, or that I have ever betrayed the trust reposed in me by those friends who have honoured me with their political confidence.

EARL GRANVILLE: My Lords, the noble Earl who has just sat down, and who has addressed the House with an eloquence not often equalled, stated upon two occasions last week that it was his intention to call your Lordships' attention to

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the circumstances in which the country was about to be placed with reference to its financial condition, and that he should avail himself of the opportunity afforded him by the second reading of the Income Tax Bill. It appeared to me that in giving that notice the noble Earl was taking a very natural and legitimate course. Considering this House as a medium through which he was certain to reach the ear of the country, and considering the nature of the addresses put forth by some of his own supporters, I thought that he was using most advantageously his high position to make such a statement in his place in your Lordships' House as might influence the elections, and which might, to a certain degree, afford a model and give a tone to the electioneering addresses which will shortly be made to the constituents of the country from the various hustings. The noble Earl has now made his statement, and he has made it with every advantage which his commanding ability and his consummate oratorical art afford him, and with the great advantage of having been able to select every topic, and to weigh every word of what he was to say so as to produce the greatest effect upon the country. In one portion of his address he has thought fit to make use of some personal illustrations with respect to Her Majesty's Ministers. The noble Earl has referred to myself and other Members of the Ministry as "ciphers" and "appendages" of my noble Friend at the head of the Government. Now, I do not, for my part, feel any mortification at the language employed by the noble Earl upon that point. But I must call the attention of your Lordships for a moment to the estimate which the noble Earl himself formed of some of those "appendages" at the period when he was engaged in his last attempt to form an Administration. I believe he wished upon that occasion to attach as an appendage to his Ministry one of my present colleagues; but he did so, no doubt, under the impression of the power given by a mere cipher when added to so important a unit as himself. [The Earl of DERBY: I should be glad to know to what person the noble Earl is now referring.] I am referring to my noble Friend the Secretary of State for Foreign Affairs, whose co-operation the noble Earl, as he himself stated in this House, would have been happy to obtain in his proposed Administration. But I do not wish to enter into any personal questions of this

nature, for, with the exception of the noble Earl's remarks upon an education tax, the whole of his speech was so singularly apologetic and defensive that I think he is afraid that he will not receive that support which we shall receive from both town and country. But I must confess that the general tone of the noble Earl's speech was conceived in the spirit of a man who felt that he was on the losing side; and as I feel that I am on the winning side, I cannot pretend to any magnanimity whatever for abstaining from everything like party bitterness or personal invective in any observations which I may make with regard to the noble Earl or his Friends.

The first point to which the noble Earl alluded was, as might be expected on the second reading of the Income Tax Bill, the financial system of the Government. He regretted, in the first place that the Government had determined to deal with the income tax instead of referring it to the next House of Commons. I will not say one word as to what the country would have thought if Her Majesty's Government, after pledging themselves to give up the war tax, had availed themselves of the exact terms of the Income Tax Act and continued to levy the whole of the war tax; but I think that the country could have no desire whatever to be saddled with a war tax until the question could have been settled by the next Parliament. The noble Earl stated that for years he had been confidently hoping and expecting that the income tax would be repealed at the end of a certain period of years; but if he would just refresh his mind with what he said a few years ago on the subject of Mr. Gladstone's attempts at prospective legislation in connection with the succession duty, he will find that he then said—

“It was said that the succession duties were to be imposed in order that the income tax might be taken off in the year 1860; but that either the noble Lord or himself would live to see the day when the income tax would be taken off was a thing which he did not expect.”

The noble Earl was at that time loth to say when he expected the income tax to be taken off. Whether he is right or wrong in his prophecy, he certainly had not always so much confidence and hope about the expiration of that tax in 1860. The noble Earl then adverted to several topics connected with our home policy, and towards the end of his speech he stated that we were going to the country without any

intelligible principles on which they were to decide. Now, before I say one word upon that subject I must be allowed to ask your Lordships whether there is any peculiar fitness in the noble Earl making this charge against the present Government? The noble Earl, in a very eloquent peroration to his speech, dealt in the greatest possible generalities, and I do not think your Lordships are able to say what are the principles which actuate him. It may be said that an Opposition is not bound to explain to the country, as a Government is, the principles upon which it intends to act. But the noble Earl himself was once at the head of a Government—for a short time, no doubt; but, in order that that very short time might be prolonged, that Government delayed the dissolution of Parliament, although it was constantly pressed to adopt a more speedy course. The noble Earl said that Parliament is now about to be dissolved when there is no great principle to be contended for, and when the public mind is not agitated by any question of very great importance; but at the moment when he was importuned to dissolve Parliament the country was agitated by a most important question in which their interest were deeply concerned, and in the settlement of which one great political party was bound up. The noble Earl nevertheless sat calmly upon the Treasury bench, surrounded by his “appendages,” and took every opportunity of showing the greatest temper and patience, and he exhibited marvellous dexterity in fencing from night to night the questions which we put, and which we thought we had a right to put, to him as to whether he was going to the country for protection or for free trade. I really think the noble Earl is not exactly the person to bring the accusation against Her Majesty's present Government of not having any definite principles.

The noble Earl next alluded to the question of reform, and twitted Her Majesty's Government with having been found in the lobby with his own supporters on the occasion of Mr. Locke King's Motion for the extension of the county franchise, I admit that that was an unfortunate contingency; but I may be permitted to say a word in explanation with regard to the course pursued by the Government on that Motion. After due deliberation on the part of the Government as to the principles of Mr. Locke King's Bill, it was agreed that it should be supported, in order that when it

went into Committee such modifications might be introduced as would prudently, judiciously, and most usefully extend the county suffrage. It was only subsequently to that decision, and when it was found that the Bill was not draughted in such a shape as to permit the introduction of any such Amendments, that it was finally decided, that it would only be wasting the time of the House to attempt to pass a Bill which Her Majesty's Government could not approve. But, my Lords, if the noble Earl wishes to put us in the same boat with him respecting electoral reform, and to commit us to the doctrine that our present electoral system is a final settlement—if he imagines that we think with him that our electoral system is perfectly unsusceptible of either renovation or improvement, I tell him that such is not our opinion. With regard to that and other questions of internal policy, Her Majesty's Government pledge themselves to progressive improvement.

The noble Earl alluded to the question of education. Upon that subject Her Majesty's Government have very clear views. By the Bill brought in by my noble Friend sitting below me, and by that which was brought in by myself (and of which I may be allowed to say that I believe it was the most unexceptionable and would be the most useful settlement of the question that has yet been presented to Parliament), we have shown that we are by no means apathetic upon the question of education. But the debates which took place upon these Bills, and the fate of the various Resolutions submitted to the other House, have convinced us that it would be impossible for us to obtain for any measure we might propose, that general concurrence of opinion, without which it would be vain to expect it could be carried into successful operation. I believe it would be possible for Parliament to pass measures, which, though good in themselves, would nevertheless be productive of mischief from the very fact that they would meet with the decided disapproval of large classes throughout the country. This, I think, is a statesmanlike view of the matter. We therefore abstain from bringing in any Bills the only effect of which would be to make more difficult the settlement of the question. The noble Lord said that he was prepared to encourage education, but surely he ought to have gone a little further, and to have stated what system of education he is prepared to support. He ought to

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have informed us whether it is to the Education Bill which was first introduced into the House of Commons by his Colonial Secretary, for combining religious with secular education, or to the second Bill which that right hon. Gentleman introduced, and which provides for the separation of religious from secular education, that he gives his sanction. He ought to have told us whether he agrees or disagrees with his President of the Board of Trade, who laid his hands heavily upon that second Bill of his Colonial Secretary, and threw it into the dust.

The noble Earl, in his desire to condemn the Government, has thought proper to refer to so small a matter as their conduct in reference to Sir J. M'Neill and Colonel Tulloch, and condemns the Government for the mode in which they have proposed to acknowledge their services on the Crimean Commission; and he expressed a hope that the great Conservative party will always be found supporting the existing Government and institutions. But I ask whether he regards as a very strong proof of that loyal spirit the attempt of one of his late colleagues to induce the House of Commons to interfere (and I altogether abstain from discussing the rights, merits, or demerits of Sir John M'Neill and Colonel Tulloch) with the undoubted prerogative of the Crown in the distribution of public honours? The noble Earl then passed in review the foreign relations of the country, and characterized the foreign policy of Her Majesty's Government as meddling, dictation, and interference. Now, the only case he adduced which could in the slightest degree justify that accusation was that of Naples. Now, in the first place, one of the ablest, and certainly not the least experienced, Members of your Lordships' House—a Member of the Conservative party, and one to whose eloquence we are always delighted to listen—I mean the noble Lord sitting near the table (Lord Lyndhurst)—actually reproached us because we have not dictated, meddled, and interfered more with Naples. All the papers on Naples have been before the House for weeks. The noble Earl complains of their meagreness, and says that he has gone through forty-five pages, but cannot make anything of them. But when this charge about Naples is brought against the Government, how is it that during the six weeks in which this House has been passing its time in almost comparative idleness neither the noble Earl nor any

one of his Friends has brought the question under discussion? How is it that the noble Earl has confined himself to the statement of a few observations introduced into what I will call the electioneering address which he has delivered this evening? If he had brought forward a Motion on the subject, I have no doubt that my noble Friend the Secretary of State for Foreign Affairs would have been able most satisfactorily to show that we have not gone one step beyond what we had a right to do, and that the steps we took in conjunction with the Emperor of the French were taken from a regard to the state of Italy generally, and not merely on account of the internal affairs of Naples. And, my Lords, to show how completely that interference has met the approval of other States, I may mention that there is not a single Power in Europe, whatever its political leanings, and however averse it may be to the principle of interference with other nations, that has not followed up the views adopted by France and England on that question, and addressed remonstrances to the King of Naples against the policy which he is pursuing. With regard to the West of Europe the noble Earl was perfectly silent. I will not repeat what has been said even this Session by some of those who follow the leadership of the noble Earl as to our relations with the Court of France being less secure than they were, and likely to be endangered. If I did, I could tell the noble Earl that the relations between the two Courts were never on a firmer or securer basis than at the present moment; and I might mention that the very last communication which the Emperor of the French made to our Ambassador at Paris was to express his great satisfaction that in China his own troops would be found once more co-operating with the troops of Her Majesty. With regard to Austria, while I confess that we have no right to claim any particular merit to ourselves for the friendly character of our relations with that Power, yet I may refer to it as an agreeable consideration that at the very time our relations with her have been strengthening and improving, the Emperor of Austria has been giving encouragement to a more liberal system of government in his Italian dominions. The noble Earl said nothing of Russia, and I imagine I may take it for granted that both sides of the House are perfectly satisfied with the final arrangement we have made with that great Power;

for not one single word has been said against the peace by which we succeeded, without the humiliation of Russia, in gaining all the objects for which we contended in the late war. I do not know whether your Lordships bear in mind that the noble Earl, who can make everything he wishes to be clear so very clear to those who listen to him, was exceedingly vague and general, and even obscure, in his expressions as to the Persian war. I partly attribute that to the fact that the noble Earl must have remembered a despatch written by the noble Earl near him (the Earl of Malmesbury), in which the principle involved in the war was very broadly sanctioned. But perhaps there were some other considerations that led him to avoid the use of any stronger expression than that of calling the Persian war an unfortunate war. In another place—and I am sure I have no wish to point out disagreements between the noble Earl and his “appendages”—the Gentleman who there represents the noble Earl denounced the war in the strongest terms, and described it as a war waged on the most contemptible and shameful grounds. He said its only cause was to be found in the “turbulent and aggressive diplomacy” of the Government; and we must not forget that if not the Ministers, at least some of their adherents, have been charged with raising a cry framed on the false notion that the war was connected with Russia. My Lords, on the very last occasion on which we met, the noble Earl opposite (the Earl of Ellenborough), with that manly and straightforward honesty of purpose which characterises all his proceedings, declared that the war was a just and necessary war—that even if the treaty engagements did not exist that had been given by the Shah of Persia, we were bound to take measures to prevent Herat falling into the hands of the Shah; and he added that it would be uncandid not to state to your Lordships that the war was connected with the Russian question, and that he believed the treaty agreed to with Ferukh Khan was a mere supplement to the Treaty of Paris at the conclusion of the Russian war. I am, however, in the dark as to what the noble Earl (the Earl of Derby) thinks upon this question. I have no idea to which of these opinions he inclines, or how he reconciles the irreconcilable views of the noble Earl (the Earl of Ellenborough) and of his representative in another place. My Lords, I believe that by the firm and judicious conduct of the noble Lord at the

head of the Government, aided by my noble Friend near me (the Secretary for Foreign Affairs), and by the conclusion of the two treaties with Russia and Persia, we have removed two of the questions with Russia on which the people of this country are the most susceptible, and have put ourselves in a position entirely to renew those friendly relations with that great Power which are not the least inconsistent with watchful vigilance over your own interests; which is, indeed, the normal state of things, and which, when no circumstances exist to render it impossible, should be the course pursued by us, not merely from a regard to the interests of our own country, but by those of all the nations of the earth.

My Lords, I now come to the China question; but I will follow the example of the noble Earl by not re-opening the debate on that subject. The noble Earl is, of course, satisfied with what has been done in another place on this subject. I can only say that if the noble Earl is satisfied, so am I. I am perfectly satisfied with the verdict of this House, expressed by a majority more than double the adverse majority in another place, and I shall be perfectly satisfied to leave it to the country to determine which House was right and which House was wrong in the matter. I will not follow the noble Earl into the China debate. We have never pretended that when papers are laid on the table no opinion is to be expressed upon them; but when such opinions are given, and when in one House such a conclusion is arrived at as we do not think justified by the circumstances, we feel ourselves bound to appeal to the country for its decision. The noble Earl talked of the entire absence of anything like a factious opposition in either House upon this question; but I think there was some difference in his conduct with regard to the proceedings in the two branches of the Legislature. Your Lordships will remember how solemnly he adjured your Lordships to judge rightly and truly on this question; how he besought you to consider it on the two grounds of religion and humanity, and to adopt a perfectly judicial mind in arriving at your decision. But unless rumour is wrong in the statements which have been so widely circulated—and till they are contradicted I must give them credence—the course taken by the noble Earl with reference to the other House was a very different one. He called upon his supporters, many of

whom held views contrary to those of the majority in that House, to vote according to party ties, and not follow their personal convictions. The noble Earl has very naturally alluded to a subject much canvassed at the present moment—viz. the alleged coalition between himself and others with whom he has not hitherto acted in politics, and he quoted a strong speech of the late Sir Robert Peel in favour of coalitions, or at least the conjunction of members of different parties under certain conditions. All this doctrine, however, is very much contrary to the declaration of his representative in the other House of Parliament, who I remember quoted with great effect the words “England does not love coalitions.” Upon this subject I am also reminded of a remarkable passage in a letter of the noble Earl himself, inserted in a lately-published volume of the *Memoirs of Sir Robert Peel*, in which the noble Earl gives most excellent reasons why nothing is so dangerous to the characters of public men as to suppose that when political parties coalesce such a coalition can, in the slightest degree, be a stepping-stone to power. But the noble Earl has in his place stated that there is no coalition, no combination, no concert, and no something else, which I have forgotten, existing on this question. Now, when any noble Lord in this House gives an assurance—and, still more, the noble Lord at the head of the Conservative party—that there is no foundation for a statement that has been made, I would not for one instant venture to doubt the perfect accuracy of that assurance; but when the noble Earl challenges us to state whether we do or do not believe in the fact of a combination having existed on the occasion to which I am now referring, I am led to state one or two circumstances that would have justified a person in thinking there was something of the sort till the noble Earl denied the fact. I will ask your Lordships to consider whether it was unlikely that the noble Earl would desire to establish such a combination with any of his late opponents. In the year 1851, when he had been empowered to construct a Government, he very frankly stated that, although his party comprised men of great ability, their want of official experience prevented them from accepting the highest offices in the State. In the following year, however, the noble Earl formed an Administration with these noble Lords and right hon. Gentlemen. If I might use a quotation from the Latin

Grammar I would say, "*De mortuis nil nisi bonum.*" I do not wish to say one word disrespectful of the noble Earl's Government; but during their tenure of office they failed to gain the confidence of two successive Parliaments. Again, in the year 1855, an opportunity was afforded to the noble Earl of forming a Government, but upon that occasion also he declined the task; and in stating the reasons which induced him to do so, he informed your Lordships that although he had obtained the distinguished co-operation of the noble Earl above him (the Earl of Ellenborough), and of a literary Baronet in the other House (Sir E. Bulwer Lytton), he had been unable to secure to himself the aid of Lord Palmerston—that very Lord Palmerston in whom he now declares he can place no confidence whatever in consequence of the course he pursued in the years 1848 and 1850. Nevertheless, the noble Earl in 1855 thought that the only possibility of his conducting the Government rested on the possibility of his obtaining the assistance of Lord Palmerston, not in a subordinate position, but as leader of the Commons of England; and not only that, but, as I am reminded by my noble Friend near me, as Minister for Foreign Affairs, to "meddle," "dictate," and "interfere" as much as he liked with foreign Powers.

THE EARL OF DERBY said, the statement was quite unfounded. The position of Foreign Secretary was never offered by him, and never would have been offered to the noble Lord.

EARL GRANVILLE: I am quite satisfied with the noble Earl's explanation; for it appears that he had only that sort of semi-confidence in the noble Lord which was sufficient to induce him to place in his hands all the power he might possess as leader of the House of Commons. That was the offer then made, and I am not aware that the party of the noble Earl has received any great accession either of strength or talent since that day, and therefore I think it is most natural that the noble Earl should wish to obtain the aid of men of high character and eloquence, such as Mr. Gladstone. So far from such a course being objectionable, I think it would be a great advantage to the country if the noble Earl could so far strengthen his party that they might feel that when in opposition there was a great responsibility weighing on them for their words and actions, inasmuch as they might

be called upon to give effect to them when by their votes they might render a change in the Government expedient or inevitable. I believe I need hardly remind your Lordships that in the very first week of the Session the leader of the Opposition and Mr. Gladstone were found in most friendly co-operation, though Mr. Gladstone said he could not help it if the Conservatives came to him and adopted his financial plans, and that he could not refuse their support; and it is perhaps almost equally unnecessary for me to remind you that this monstrous calumny, as it is now regarded, of a coalition or combination between the Peelites and the Conservative party was not confined to the liberal or radical journals. The article which appeared in *The Press* created some sensation. The noble Earl shakes his head as if he had no knowledge of that journal. [The Earl of DERBY said he had no connection with *The Press*.] I acquit the noble Earl of any connection with *The Press*; but *The Press*, whether rightly or wrongly, does owe its circulation principally to the circumstance that it is supposed to be the organ of the party opposite, and to receive very important and semi-official communications from them. Well, in *The Press* there appeared a short time since what purported to be a report of a speech made by the noble Earl opposite. The report was to the following effect:—

"Lord Derby said that he had heard it stated that the Amendment moved by the hon. Member for West Norfolk originated in a feeling of disapprobation at the report which had been circulated of the coalition between the party which the noble Lord was proud to lead and the Member for the University of Oxford. That report was totally false. He had never seen Mr. Gladstone upon the subject, nor had ever held the slightest communication with him upon it."

Then the noble Earl is represented to have made a declaration in the most dignified and emphatic manner as to dictation from Members of his party to himself. *The Press* then adds:—

"The noble Lord said that no one could be more opposed to coalitions effected in defiance of political principle than himself, but that when Members from identity of sentiment were frequently drawn together to the same lobby it was impossible to doubt that a bond of political union was established which no party could refuse to acknowledge. We must not omit to state that Lord Derby expressed high admiration of the talents and character of Mr. Gladstone. He noticed emphatically the fact that the Conservative party was at present in a minority in the House of Commons, and insisted that nothing

could possibly be more unwise than to decline such accessions of strength as would place it in a position to undertake the Government of the country."

On the following Monday after the appearance of that account in print the noble Earl came down to the House and made a statement which some persons thought unusual. I, however, thought it natural enough, for I do not see, if anything is to be done in the way of clearing up a false statement, why a Peer should lose the advantage which his position in that House gives him to explain his conduct to Parliament and the country at large. The noble Earl then said:—

"It is not my custom to notice any misstatement or representation that appears in the public papers with regard to my public character, and without departing in the slightest degree from that rule on the present occasion I may be allowed in justice not only to myself but to others to refer to a report, wholly unauthorized, of a meeting which is said to have taken place on Friday last at my house, which did take place, but not at my house, and the statement of the proceedings at which, although, undoubtedly, it bears on the face of it evidence of having been furnished by some person who was either present or had heard what passed, is in many cases grossly inaccurate, with regard to which I am represented not only as saying what I did not say, but as saying exactly the reverse of what I did say."—[See p. 1586.]

Well, though I defended the practice of Peers contradicting misstatements which they thought injurious to them, there is no doubt that it sometimes leads to inconveniences, because when once contradictions are begun it is difficult to know where these will end. *The Press*, acknowledging that it was in error in stating that the meeting took place at Lord Derby's house, pointed out that the only other inaccuracy was the statement that the noble Earl said he had had no communications with Mr. Gladstone, whereas what he said was that he had no compact or understanding with Mr. Gladstone, though there had been political conversations between them. Now, the public does not enter very nicely into the distinctions involved in a subject of this character, and we ought not, perhaps, to feel surprise that, as they had not heard the statement made this evening by the noble Earl, they readily concluded that some political combination must have been effected between him and the right hon. Gentleman. There was another rumour afloat, which, if well founded, would naturally tend to confirm that conclusion. According to that rumour, the noble Earl was found with Mr. Gladstone in a room

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adjoining the House of Commons; and, under all these circumstances, it is not surprising that there should arise a confused notion that, although there might be no coalition or combination between the noble Earl and the right hon. Gentleman, there must have been something which I cannot undertake to describe, particularly when they see that the interview is followed by a decided vote, which puts the Government in a decided minority.

THE EARL OF DERBY: Does the noble Earl advert to some conversation in a room in the House of Commons?

EARL GRANVILLE: I said there were rumours of that kind, to which I attached no importance whatever.

THE EARL OF DERBY: There is not the slightest foundation for them.

EARL GRANVILLE: Will the noble Earl say something about the conversations referred to in *The Press*? The noble Earl has contradicted one part of the statement and not the other, and leaves people to guess whether that which remains uncontradicted is true or not. With regard to combinations, there might be combination which upon occasions might be honourable to all parties concerned and useful in their tendency; and I must take this opportunity of saying, with respect to a large portion of Members who voted recently against the Government in the other House (not referring now to Conservative Members, who had a perfect right to vote on any party question against the Government, but to some of the most distinguished Members who adorn the House of Commons) that we—and I now speak not only for myself, but for my colleagues and the noble Lord at the head of the Government,—entirely repudiate the notion that the great portion were actuated by other than the highest and most conscientious motives. We think, and the country, I believe, also think, that they misjudged the question; but we should regret that honourable men, who gave a disinterested support to the Government during the war and subsequently, should be visited with penalties too heavy for a single vote. But if there are coalitions which are honourable to the parties and conducive to the interests of the country, there are some coalitions which it is utterly impossible to justify; and to a combination of the latter class I beg leave to direct your Lordships' attention for a few moments. I am about to refer to a matter which may be subject of contradiction. I know nothing about it myself;

but I find it in a Conservative paper—though after what has occurred we must not attach too much value to that authority. The *Dublin Evening Mail*, a high Tory paper, says :—

“There is now no doubt of the return of the O'Donoghue, owing to the exertions of the Conservatives in his behalf; 240 of the Earl of Glen-gall's tenants polled for him to a man to-day here, and all of Lord Donoughmore's. He has had also the support of Lord Hawarden.”

I wish some Conservative Peer would say that this report is not true. The O'Donoghue,—he may be a respectable man, but he is a stranger to the county, and his recommendation is that he is a strong member of the Young Ireland party; he entertains extreme Catholic notions, and advocates tenant right to the fullest extension of the term. Now, I think such a coalition must be more dangerous to the Conservative party than Mr. Gladstone's adhesion in opposition to the Government. The noble Earl boasted of his attachment to the Church of England; but I do not think the noble Earl has taken a course lately the most likely to benefit that Church. Your Lordships will recollect the noble Earl's admonition to the whole episcopal bench to vote as he was about to vote on the Chinese question, but given in a way which must have been offensive to men who felt bound to give a conscientious vote on the other side of the question. On a subsequent occasion, the noble Earl thought proper to compliment the Bishops of Exeter and Oxford, and passed a sweeping condemnation, mixed with sarcasm, on the other Prelates who were absent from the House. Both the attack and the occasion of this attack were very unfair to those right rev. Prelates. These, however, appear to be matters of minor importance to the great Conservative leader, who has, moreover, thought it right to bring into the discussion the discretion of Her Majesty's advisers in recommending Her Majesty to make certain episcopal appointments. On principle I must decline to enter into that question. The noble Earl has himself said that these Prelates are, personally, singularly fit for the episcopal bench; but he made use of the word “latitudinarianism” in such a manner as to make a most unfair insinuation against my noble Friend at the head of the Government. While I refuse to go into a justification of these appointments, I must declare my conviction that my noble Friend has been actuated by a desire to do that

which is best for the Church and agreeable to the great body of churchmen, and that he has been particularly anxious in making these appointments to secure harmony in the respective districts for which these Prelates and others have been selected.

Passing, however, from this subject, I wish next to make a few remarks upon the somewhat personal attack the noble Earl has made upon my noble Friend now at the head of the Government. I think the best answer which can be given to that attack is the statement which I have already made—namely, that in 1855 the noble Earl expressed his readiness to appoint my noble Friend to one of the most important posts which he could be called upon to occupy in the service of the Crown. As, however, I have determined to be as little personal as possible in the course of this discussion, I shall not enter into the reasons which have led to the result that the noble Earl has been beaten in the race of political contention by my noble Friend, as is clearly shown by the estimation in which the conduct of my noble Friend is now regarded by the country. It is, indeed, easy to perceive why the policy of the noble Viscount is looked upon with favour out of doors, and why the desire of the nation to retain him as the head of the Government has been so unequivocally proclaimed. I have heard it remarked that those Sovereigns who have been most fortunate in the government of their dominions have been those whose faults and virtues have been in unison with the people whom they governed; and that this was the more rare inasmuch as that their position inculcated qualities the very reverse of those of their peoples. Now with regard to my noble Friend (Lord Palmerston) the latter difficulty does not exist, for I do believe that his opinions and his feelings are singularly in unison with the feelings and the opinions of the great majority of his fellow countrymen. They know that he has long been a faithful servant of the Crown, and that when acting with my noble Friend below me (the Earl of Aberdeen) he never for one moment departed from that manly and straightforward course of conduct by which he has always been eminently characterized. The people of England are also aware of the position in which the noble Viscount was placed when he undertook the formation of the present Government. The country was at the time in a very critical situation. For a period of three weeks we were without any efficient Government

whatever. Her Majesty, following up that constitutional maxim to which She has always adhered, called to her councils the several leaders of political parties who appeared to have any chance of being able to form an Administration which would be likely to meet with anything like general support. It was only after the muster of such men had been exhausted that Her Majesty invited my noble Friend (Viscount Palmerston) to accept the reins of office. He did accept them at an age when most other men would rather have been inclined to seek for the ease and repose which cannot be found in the responsible position which he occupies. Having taken upon himself the task of conducting the affairs of the country, we cannot but admire the industry which the noble Lord has displayed in the discharge of his Parliamentary duties, as well as the spirit and the vigour with which he prosecuted a just war, as well as the energy which he displayed in insisting that the treaty of peace which was signed in Paris should be fully and faithfully carried into effect. The country has seen the noble Lord supported during the war with Russia; but at the close of that great contest they now see different parties in the Legislature combining for the purpose of opposing the Government of the noble Lord, without effecting any improvement in their own position. The people of England looking upon these things are of opinion that there is something not quite English in the proceedings to which I allude. The noble Earl opposite complains that my noble Friend under these circumstances has resolved upon a dissolution of Parliament. I cannot help remarking that it is a somewhat striking fact that the leader of the noble Earl's party in the House of Commons should have come to an entirely different conclusion, when the announcement of a dissolution was first made to Parliament. It is not, however, perhaps to be wondered at that the noble Earl, after due reflection, and after having taken into consideration the various ways in which the opinions of the country have since been expressed, should now be disposed to regard a dissolution with but a small degree of favour. For my part, I am more than ever inclined to think that to dissolve Parliament was the best course for the Government to adopt; and I may be allowed, while speaking upon the point, to quote a passage from a communication of the Duke of Wellington to Sir Robert Peel upon the subject of a dissolution. It was

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written upon the occasion of a division adverse to the Administration of Sir Robert Peel having taken place, and in it the Duke of Wellington states:—

“I confess that I have no feeling upon the point on which the Parliament should be dissolved. The Queen's servants will be placed in the situation of advising Her Majesty to dissolve the Parliament because, on account of the combinations against them in the House of Commons, they are no longer able to carry on the Queen's service. The question for the country is not the particular question on which the vote has been taken, but in reality whether you are to continue the Minister and to be supported as the Minister, or the Queen is to look for other servants? In this view of the case I put out of the question all cries and nicknames, and the effect of them, however much they may be used at the elections. The question at the elections will be the support of your Administration.”

Now, it is a matter of perfect indifference to me whether the noble Earl opposite attributes this dissolution to the China question, or regards it as an appeal to the country to sanction the general policy of the Government. Upon the former question the course which we have adopted has received the sanction, not only of every merchant, but of every Christian mission, and is approved of, I believe, by the people at large. It is, therefore, a matter of indifference to us whether we appeal to the country with that cry, or upon the faith of our general foreign policy. We care not, moreover, whether we be judged by our principles of domestic legislation or whether, as the Duke of Wellington put it, we ask the people of England to support the present Administration, as, upon all these grounds, the Government most deserving of their confidence. The result of our appeal to the country will, we feel assured, be the triumph of my noble Friend, and although by a coalition, such as that which, it is said, took place at the late election for Tipperary, you may diminish by one or two Members the followers of the Government, yet we entertain no doubt that a majority sufficiently large to carry out those measures which it will be our duty to propose to Parliament for the improvement of the existing institutions of this great empire will be returned to the House of Commons.

THE EARL OF MALMESBURY: My Lords, I should not have risen to address your Lordships at all upon this occasion, were it not that my noble Friend who has just sat down has thought proper to pursue a course which, as the leader of this House, I must say I did not expect he would have

adopted. It is to one occupying the position of my noble Friend that we naturally look to give that tone to our debates which should be in conformity with the dignity of this assembly, and I always remember with gratitude the course pursued by the noble Marquess (the Marquess of Lansdowne) as long as he led this House. But I have heard with regret the speech of my noble Friend as departing from the spirit by which our discussions ought at all times to be characterized. I do not think it worthy of my noble Friend that he should—just after a Peer, and an eminent Peer, has, in a most solemn manner, declared in his place that certain accusations and assertions were unfounded—that a noble Earl, who holds so high a place as that of leader of your Lordships' House, should come forward and afford so churlish a belief—if I can designate his language as implying belief at all—to a statement thus made.

EARL GRANVILLE: I give the most entire credence to the statement of the noble Earl as far as it goes.

THE EARL OF DERBY: I may perhaps be permitted to state that I made the declaration in question, not alone upon my own part, but upon the part of all those with whom I am politically connected. I am perfectly certain that not one of them entered into any combination or understanding with any party not concurring with them upon the whole in political opinion.

THE EARL OF MALMESBURY: My noble Friend has alluded to the Members of his party, and he must forgive me if I endeavour to strengthen his statement—if to be strengthened, indeed, it requires—by the assurance that, so far as I am concerned—and I may speak for those who sit behind me—I never gave a vote in this House more thoroughly conscientious than that which I gave upon the question of our relations with China. When questions of doubtful merit arise, we all of us, perhaps, have a certain party bias upon which we act; but with respect to this question, I for one never entertained the slightest doubt, and if my noble Friend near me (the Earl of Derby) had given his vote in favour of the policy adopted with regard to it by Her Majesty's Government, I, as a Peer and a gentlemen, must say that I should still have voted as I did. I may also state that we have never entered into any negotiations, either directly or indi-

rectly, which could be construed into a charge such as that which was made in the other House of Parliament by the noble Viscount at the head of the Government, and which was repeated by the noble Earl opposite. I cannot help once more alluding to the conduct of my noble Friend. I would not be so presumptuous as to give advice as to the conduct of your Lordships' debates; but we look to the noble Earl, as the leader of this House, to show us an example in conducting our debates: and I ask, is it dignified or usual to allude to a supposition of some noble Lords having met in the tea-room with certain hon. Gentlemen, Members of the other House of Parliament, with the view of conspiring against Her Majesty's Government? No such meeting ever took place, and I must say that that statement of my noble Friend, as well as his having read a whole column from a newspaper in support of a certain charge, when he was told across the table that my noble Friend near me knew no more about the paper in question than the noble Earl opposite himself, is extremely unbecoming, and is an example of which certainly we had no instance under the leadership of the noble Marquess whom I see sitting on the Ministerial benches (the Marquess of Lansdowne). I trust, however, that that example will not be imitated, and that this is the last time I shall ever hear in this House a doubt thrown upon any statement which one of your Lordships in reference to his own conduct may feel called upon to make. But the noble Earl opposite was not satisfied with referring to meetings in tea-rooms; he also alluded to the election of a Gentleman named O'Donoghue, and thought proper to criticise the manner in which that election had been conducted. Now, I do not know who supported that Gentleman, except so far as I have learned the names from having had them read to us from a newspaper by the noble Earl, and one of those names did strike me—I allude to that of Lord Donoughmore. My noble Friend seems astonished that he should have supported the Gentleman to whom he has referred; but it appears that Mr. O'Donoghue stood for Tipperary upon tenant-right principles, and if that were the case, nothing could be more consistent upon the part of Lord Donoughmore than to give him his support, inasmuch as that noble Earl himself has always been an advocate of tenant-right measures in this

House. Why is it, therefore, that he is brought before your Lordships, and held up to ridicule and contempt for an adherence to principles which he has always professed? What has the Tipperary election, I should like to know, to do with the accusation put forward by the noble Earl of a combination having been entered into on the question of the war with China? The noble Earl seems to be very sanguine as to the results of that war, and I may say, that as it has proceeded thus far, the Government are bound with all due vigour and energy to support the honour of England; but nothing will induce me to believe that a sensible man in the position of Sir John Bowring might not have prevented altogether the evils to which that war must give rise. There were two moments at which a resort to hostilities might have been avoided. I shall not, however, enter into those matters; but I must remind the noble Lord, who seems so sanguine as to the result of a war with China, that the present is not like the last war in which we were engaged with that country.

EARL GRANVILLE: I did not say I was sanguine as to the result of the war with China. I spoke in sanguine terms as to the result of the elections.

THE EARL OF MALMESBURY: Well, I am sorry the noble Earl is not sanguine as to the result of the war—[Earl GRANVILLE: I did not say so]—although I should have thought that the same temperament which led him to be sanguine in the one case would have led him to be sanguine in the other. I was, however, proceeding to remark that the present is entirely a different war from that in which we were last engaged with the Chinese, inasmuch as the former contest was one entered into against the Government of that country, while the present is of a national character. At the close of the last war, too, £6,000,000 were paid upon the part of the Chinese Government to England; but we must recollect that China has but lately undergone all the horrors of a protracted civil war, and that her resources have as a consequence been greatly impoverished. Whatever, therefore, may be the feelings of the noble Earl opposite upon the subject, I feel assured that the anticipations of the public at large, in reference to our contest with China, cannot be very sanguine.

EARL GRANVILLE: The noble Earl has taken me to task for not, in his opi-

nion, giving what he considers a sufficiently cordial assent to the statement of the noble Earl near him (the Earl of Derby), and now he is adopting that very course which he has attributed to me with regard to myself. I have expressed no opinion whatever, bad or good, with regard to the result of the Chinese war.

THE EARL OF MALMESBURY: I was not aware that I was contradicting the statement of the noble Earl. I intended only to state my own opinion, and to give my reasons for thinking why the present war was more dangerous than the last, and I assure the noble Earl that I had no intention of contradicting him. I will now only repeat my denial of any coalition having been formed with the view of upsetting the Government, and I will add, on behalf of the party with whom I have the honour of acting, that we never gave a more straightforward vote in our lives, and with less reference to political consequences, than we did on the Chinese question.

THE EARL OF HARDWICKE: I shall make no comment upon the circumstance that I have been included by the noble Earl opposite among the number of those noble Lords who constitute what he is pleased to characterize as mere appendages of the leader of the Opposition in this House; but I do beg leave to say that I have never been anything in this House or elsewhere but a man who, entertaining opinions of his own, has never changed those opinions, and who, if he should change them, will honestly and openly give the reasons by which that change has been brought about. When I give my support, therefore, to the noble Earl near me, as my leader in this House, that support is given honestly, but at the same time with that earnestness and affection towards him personally, which I think ought to exist. I am indeed astonished that my noble Friend opposite (Earl Granville), who by nature is one of the most courteous and most amiable Members of this House, should have got up in his place, and after a distinct statement had been made by my noble Friend near me, upon his honour as a Peer and a gentleman, should have cast an indirect insinuation upon the correctness of that statement. Now, if my noble Friend opposite, or any Peer sitting upon his side of the House, had made a similar statement, I, for one, should have implicitly believed him, and should never obliquely cast in his

teeth the insinuation that I still considered he had not uttered that which was exactly the truth. If I had done otherwise I should hold myself disgraced as a Member of your Lordships' House. The noble Earl opposite, indeed, says, that he believes the statement made by my noble Friend near me; but then he quoted passages from newspapers, and referred to something which occurred here and there, and circumstances which took place at an election in Ireland, in a manner not quite consistent with the avowal of his belief, and in a way which I think was extremely contemptible. [*A laugh.*] You may laugh, but I do hold it as a contemptible course to pursue, and as a not very honourable mode of dealing with a noble Peer, when you know full well that there is no other way of redressing a grievance but by fair argument.

EARL GRANVILLE: I must say that I do not think any observation which fell from me was much more jocular or more reprehensible than those remarks about "Reform Bill," or the little woman who did something I could not catch what, which fell from the noble Earl opposite. I wish it, however, to be clearly understood that I guarded myself from the beginning against being supposed not to give implicit belief to the statement of the noble Earl, and if I referred to documents which might seem to imply that I still entertained some doubt upon the subject, I did so simply with the view of showing that the supposed combination of parties was owing to certain circumstances which justified the public in thinking that such a coalition had actually taken place. I do not think, therefore, that the noble Earl who has just sat down was entitled to use such a word as "contemptible" in reference to what fell from me.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the whole House To-morrow.

House adjourned at half-past Eight o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 16, 1857.

MINUTES.] PUBLIC BILLS.—2^o Burial of the Dead within the City and Liberties of London; Metropolitan Cattle Market; Mr. Speaker's Retirement; Exchequer Bills (£21,049,700); Consolidated Fund (Appropriation).

TELEGRAPHIC COMMUNICATION WITH INDIA—QUESTION.

SIR DENHAM NORREYS said, he would beg to ask the Chancellor of the Exchequer whether Her Majesty's Government proposed to take any steps to establish telegraphic communication between England and India?

THE CHANCELLOR OF THE EXCHEQUER said, that a company had been formed for the purpose, with the intention of making the line by the way of Seleucia up to Ja'bir Castle in the Persian Gulf. The Government and the East India Company had agreed to an arrangement with the Company, which involved various conditions, and by which they were prepared, when the work was completed to assist it as far as to guarantee certain interest to the shareholders under certain conditions. He should be prepared, if the hon. Gentleman wished it, to lay the Minute drawn up on the subject upon the table of the House.

SIR DENHAM NORREYS said, he hoped the right hon. Gentleman would lay the Minute on the table.

POSTAGE ON MISDIRECTED LETTERS. QUESTION.

VISCOUNT RAYNHAM said, he wished to ask the Chancellor of the Exchequer whether Her Majesty's Government will have any objection to permit prepaid letters which may pass through the Post Office with wrong addresses to be re-transmitted within the space of three days by the same channel to the persons to whom they are addressed, without any extra charge?

THE CHANCELLOR OF THE EXCHEQUER said, that the rule with regard to letters of this class was found in the 3 & 4 Vict. c. 96, which provided that every letter that was re-directed, whether with a stamp or not, should be charged from the place whence it was re-directed (in addition to all other rates thereon) just the same amount as it would be liable to if prepaid. That rule was now strictly complied with. If a letter were delivered and then re-directed and put again into the post, it did not pay on its receipt the double postage to which in strictness it would be liable, but only the postage to which it would be liable if it had been prepaid. There was a double process—a delivery and a second transmission through

the post ; and it seemed reasonable, therefore, that the Post Office should receive a second payment.

THE KURIA MURIA ISLANDS.

QUESTION.

MR. SCOTT said, he would now beg to ask the First Lord of the Treasury whether the papers relating to the cession of the Kuria Muria Islands, and the correspondence relative to the supply of guano, with the terms which had been concluded with Mr. Ord and others, would be laid on the table before the dissolution ?

VISCOUNT PALMERSTON said, he was not aware that the papers would supply any fresh information beyond that already published. There were different opinions entertained as to the quantity of guano derivable from these islands. Some thought it would be very great, while others thought it would be very little.

THE VACANT MASTERSHIP IN CHANCERY (IRELAND)—QUESTION.

MR. VANCE said, as, according to the Act of Parliament, no new Master in Chancery for Ireland could be appointed without the consent of the Lords Commissioners of the Treasury, he wished to ask whether it was the intention of the Government to fill up the present vacant mastership ?

VISCOUNT PALMERSTON : The question is still under consideration, and no decision has been come to upon the subject.

MR. WHITESIDE said, perhaps he might be permitted to remind the noble Lord that there were only four Masters in Chancery in Ireland, until a fifth Master was transferred from the Court of Exchequer to the Court of Chancery. The Statute, however, made provision that when the new Master died another was not to be appointed without the consent of the Lords of the Treasury.

THE DUTY ON CURRANTS.—QUESTION.

MR. W. EWART said, he would beg to inquire of the Chancellor of the Exchequer whether the attention of the Government had been called to the understanding which existed at a former change in the Customs duties, that on the first appropriate opportunity the duty on currants would be reduced to the same amount as the duty on raisins ?

The Chancellor of the Exchequer

THE CHANCELLOR OF THE EXCHEQUER said, his attention had been recently called to the subject, and he believed it was quite true that when the duty on raisins was reduced to 10s. an intention existed of reducing the duty on currants from 15s. to a similar amount ; that, however, had been rendered impossible through the failure of the crops, and the consequent difficulties of increasing the importation so as to cover the loss to the revenue. However, he thought the subject was one fairly open to consideration at an opportune moment.

THE TROOP SHIP "MEGÆRA."

QUESTION.

SIR JOHN PAKINGTON said, he must beg to repeat his question of Friday evening, whether the officers of the 85th Regiment were to receive any compensation for their detention at Portsmouth, and for the injury done to their property on their voyage to the Mauritius by the leaky state of the *Megæra* troop ship when she put to sea ?

MR. FREDERICK PEEL said, that a regulation existed by which a daily allowance was granted to officers who might be unexpectedly detained in proceeding on duty from one place to another, as well as compensation for any injury done to their baggage through casualties of any kind. The regulation, however, had only reference to a state of war, and, therefore, the case of the officers of the 85th not coming within that category, must be decided upon the merits of each individual application.

CONSOLIDATION FUND (APPROPRIATION) BILL.

SECOND READING.

Order for Second Reading read.

On Motion that the Bill be now read the Second Time,

SIR HENRY WILLOUGHBY said, that at the close of last Session there had been some understanding that the Bill should be printed. It was an important Bill, and should be printed, like all other Bills, in order that Members might see in what form its provisions were expressed—if it was in the form of the usual Appropriation Bill, or if there was any change from the ordinary proceeding. He at the same time would call the attention of the Government to the measures proposed for

the Savings Banks. Communications had been received from various quarters, to the effect that strong objections existed to their being placed under the National Debt Office, as well as to the reduction in the amount of deposits. The vast mass of accounts was for small sums of a few shillings. He urged this matter on the attention of the Government before the details came before that House, and begged them to consider the opposition made to the proposal.

THE CHANCELLOR OF THE EXCHEQUER said, that in strictness an Appropriation Bill was not required at the end of this Session, as no Votes had been taken except on account. It was, however, thought desirable to have an appropriation. The precedent of 1841 had been followed, in which an Appropriation Act had been passed, that the Votes for the civil service might be appropriated to the several purposes for which they were voted. He had no objection to printing the Bill, but there was no especial reason for so doing this Session. At the end of last Session there was a special reason. He was obliged to the hon. Baronet for his remarks on the Savings Banks, and would take care that the point should be considered before the Bill was again laid before Parliament.

Bill read 2^o, and committed for Tomorrow.

MUTINY BILL—COMMITTEE.

Order for Committee read.

MR. ROBERT PALMER wished to ask the Under Secretary for the War Department whether the Government had taken into consideration a memorial that had been presented some six months ago relative to the charges made upon counties for the maintenance of persons committed to prison for military offences? The visiting magistrates at Reading had just made a requisition to him for his interference, complaining that since the establishment of the camp at Aldershot the commitments had become very frequent, whereas formerly they were very rare, and that the amount paid by the Government on account of such offenders was not one-half of the expense to which the county was put. He thought that a clause might be inserted in the Mutiny Bill that would remove this cause of complaint.

MR. FREDERICK PEEL said, the present Bill did not contain a clause to

that effect; but he would take care the subject should not be lost sight of.

House in Committee.

COLONEL BOLDERO would like to know what extra pay the troops would receive that were about to be despatched to China? The climate of China was at least as trying as that of India, and there the men received double pay. He next wished to point out that as they were on the eve of sending out so large a force it would be advisable to consult all the army medical officers now in England or Ireland who had served in the late war with China, as well as those who had served with regiments in China, in order to ascertain what would be the best means to secure the health of the troops while serving out there.

MR. FREDERICK PEEL said, that every precaution would be taken to preserve the troops against the effects of the climate of China.

COLONEL NORTH: But the hon. Gentleman has forgotten to say whether the troops are to receive any extra pay, or field allowances.

MR. FREDERICK PEEL: The regiments going out will be paid after the same rate as the regiments now stationed at Hong Kong.

SIR JAMES ANDERSON complained that although the Bill now before them purported to relieve the people of Scotland from the hardship attendant on the billeting system, it in reality only shifted the burden from one class of the community to another. For while private housekeepers would be freed from the necessity of providing billets, publicans and spirit-dealers would have to bear the burden in an enhanced degree.

MAJOR KNOX would take that opportunity of appealing to the Government on behalf of the wives and families of the soldiers that were being sent out to China. If there was to be no increase of pay or no field allowances, how were they to maintain their families in the meanwhile?

SIR WILLIAM CODRINGTON said, with reference to the billeting question in Scotland, he could not see how troops were to be moved without being quartered somewhere on the march. If any relief were afforded it must be general, and he could see no reason why an exception should be made in favour of one part of the kingdom over another. The present discussion was premature until the subject was taken up as a general question.

MR. W. EWART wished very much the subject was taken up as a general question; for the whole system of billeting appeared to him to be most unjust. Either barrack accommodation should be provided, or lodgings should be hired for soldiers on the march just the same as for any other travellers.

COLONEL NORTH said, he could not see why Scotland should be more favoured in this matter than England or Ireland. He did not know why private persons in Scotland should be exempted from this duty, when in Ireland they were compelled to discharge it. He remarked that there was always a great row made by hon. Members opposite when any measure was taken for the comfort or convenience of the soldier. He did not understand why there should be this outcry because there was this practice in Scotland, which he admitted to be somewhat disagreeable.

SIR JAMES ANDERSON said, that the hon. and gallant Member misunderstood him. He (Sir J. Anderson) was arguing in support of the comfort and convenience of the soldier himself, who was, under the present system, driven about from house to house, wherever he could get an entrance. He was an advocate for one uniform law. If the present miserable allowance made to the housekeepers for the accommodation of the soldiers—he believed $1\frac{1}{2}d.$ a night—were increased, there would probably be no difficulty about the matter.

COLONEL BOLDERO said, a system prevailed in England, in corporate towns particularly, which he thought might be advantageously established in Scotland. When troops were quartered upon one of those towns the inhabitants engaged a large building or storehouse, where they located those soldiers, without any inconvenience to the town itself. He would recommend the municipal authorities in Scotland to adopt a similar plan.

MR. W. EWART said, that the hon. and gallant Member opposite did not seem to be aware that Scotland had been labouring under a peculiarity of oppression that was unknown in England or Ireland. By the new clause in the Mutiny Act that evil was remedied, and the law was made the same in Scotland as it was in England and Ireland.

SIR WILLIAM CODRINGTON said, the difficulty was not so much in the system of billeting; but it arose from the natural reluctance of persons to afford the

soldier the necessary accommodation for only one or two nights altogether.

Mutiny Bill and Marine Mutiny Bill committed to the same Committee.

Bills considered in Committee.

MARINE MUTINY BILL.

Clauses 1 to 13 agreed to.

Clause 14.

CAPTAIN SCOBELL said, there was a subject connected with this Bill to which he wished to call attention before they proceeded further in Committee. He believed that the Articles of War for the army or navy had not been altered for a vast number of years. Now they were very severe in their terms, but were never executed or fully carried out. They were ordered to be read frequently on board of ship, and were of a most intimidating character, because many of them pronounced death for certain offences, when it was never intended that death should follow. He, therefore, thought that it was deserving the consideration of the Government whether those Articles should not be reconstructed. When he was a boy he remembered being afraid, on hearing those Articles read, that they would be hanging men every week. He thought that these apparently harsh regulations had a deteriorating effect on the service, and that ignorant seamen were very likely to be deterred from entering into the service from the severity of those articles.

SIR MAURICE BERKELEY said, that the hon. and gallant Member would find that the punishment of death no longer existed in the cases to which he referred, but was modified by other punishments.

CAPTAIN SCOBELL said, he was perfectly well aware of that fact. He, therefore, wanted death to be expunged from the Articles of War.

MR. MONTAGU CHAMBERS said, the objection of the hon. and gallant Member for Bath (Captain Scobell) applied equally to the Articles of War in the General Mutiny Act.

Remaining clauses agreed to.

House resumed.

Bills reported as amended, to be considered To-morrow.

CRIMEAN INQUIRY—SIR CHARLES TREVELYAN.

PAPER MOVED FOR.

THE CHANCELLOR OF THE EXCHEQUER rose, pursuant to notice, to move

for a Paper, and, in doing so, to give an explanation on behalf of Sir Charles Trevelyan respecting the Report of the Board of General Officers that had lately sat at Chelsea. In the remarks made by the hon. Member for Devonshire (Mr. Palk) on Friday last, on the Motion he brought forward in going into Committee of Supply, allusion was made to a passage in the Report of the Board of General Officers having reference to the supply of forage to the army. That passage contained words to the effect that the sufferings of the troops in the Crimea had mainly been owing to the deficiency of the land transport; that the deficiency of the land transport had mainly been owing to the want of forage; and that the want of forage was attributable, not to omissions or want of care on the part of officers on the spot, but to the neglect of the Commissariat Department of the Treasury to send out hay from this country. The attention of his noble Friend at the head of the Government and himself having been directed to this subject, they thought it their duty in the month of August last to draw up a memorandum and call on Sir Charles Trevelyan, Assistant Secretary to the Treasury, who was mainly charged with the superintendence of the Commissariat Department of the Treasury, to give an explanation regarding it. Sir Charles Trevelyan accordingly prepared a Paper, which was submitted to his noble Friend and himself; but as it was their opinion that the question had practically been settled, and that no advantage would be derived from a revival on their part of the discussion, therefore they did not think it necessary to move at an earlier period for its production. As, however, the question was revived by the hon. Member (Mr. Palk) in the late discussion, and as the conclusion of the Board of General Officers was altogether disputed and denied by Sir Charles Trevelyan, inasmuch as he maintained that the want of supply of forage was not owing to any neglect on the part of the Treasury at home, and as his Paper contained at length the grounds on which he maintained that opinion, he (the Chancellor of the Exchequer) thought it his duty to move for the production of that Paper, and to request Gentlemen to suspend their judgment on the matter till they had an opportunity of reading and considering the explanation there given. He confessed, for himself, that he agreed very much with the view taken by the

hon. and gallant Gentleman the Member for Huntingdon (General Peel), who expressed an opinion that the sufferings of the army were not so much attributable to individuals or to any want of system as to the rapidity with which the expedition was planned and executed, and to the manner in which the army found itself compelled, after the battle of Inkerman, contrary not only to the expectations of people in this country, but to the expectations of their officers, to pass the winter in the Crimea. The hon. and gallant Gentleman stated correctly, in his opinion, that which was the chief cause of the sufferings of the army, and he stated also, with great truth, that all attempts to fix the blame on any particular individuals would end in nothing but vain and fruitless discussion. With that explanation he begged to move for the production of the papers prepared by Sir Charles Trevelyan.

COLONEL NORTH considered it rather unfortunate, after the late discussion, that this question should again be brought under public notice. On the last day of the last Session he offered some remarks in reference to Sir Charles Trevelyan. Those remarks were certainly not of a personal nature, for he had not the pleasure of that gentleman's acquaintance. He certainly did express his regret, and that regret, he believed, was general, that Sir Charles Trevelyan had not received the directions of the Government to attend the Commission during the time it was sitting. It was only fair to the Commissary General and the officers whose conduct was impugned that Sir Charles Trevelyan should have attended during the inquiry. That gentleman would then have been enabled to explain those matters with which he was concerned, and the Paper now moved for would, in all probability, be unnecessary. He believed that the Commissary General had stated that Sir Charles Trevelyan paid no attention to the requirements of the army; that there had been, for example, 2,200 tons of hay demanded in all haste; and that up to the 28th January, being a considerable time after the supplies should have been sent out, only 228 tons had been received by the army. He would make no further remarks, as the Paper of Sir Charles Trevelyan had been moved for. Should he (Colonel North) have the honour of a seat in the next Parliament, he would certainly make some more remarks upon the subject. If Sir Charles Trevelyan had been ordered

to attend the Commission the inquiry would have been much more satisfactory to all parties concerned.

MR. MONTAGU CHAMBERS said, he had the pleasure of hearing the speech of the hon. Gentleman the Member for Huntingdon, and he was much struck by the truth of many of his observations, some of which were most galling and annoying to certain individuals. As the Government were about to send out a large expedition to China, he hoped that the fullest information would be afforded the House as to the number and character of the troops that were to be despatched, as well as to the precautionary measures that would be taken for the preservation of their health in the dangerous and pernicious climate to which they would be exposed. He should like to know what measures were taken for provisioning the regiments in their land passage—for victualling them when they arrived, and for clothing them while they were engaged in the Chinese war.

SIR WILLIAM CODRINGTON, in reference to the observations made by the hon. and gallant Member for Oxfordshire (Col. North), remarked that the Board of General Officers was not appointed to inquire into general statements, or into any system established in the army; but rather to receive any statement exculpatory of the officers whose conduct was impugned. He (Sir W. Codrington) thought it was therefore quite right that Sir Charles Trevelyan had not appeared before the Board, because his conduct had not been inculpated by the Commission.

Motion agreed to.

Copy ordered, "of Explanation of Sir Charles Trevelyan, respecting a passage in the Report of General Officers appointed to inquire into certain statements in the Report of Sir John McNeill and Colonel Tulloch, relative to the Army in the Crimea."

NAWAB OF SURAT.

CORRESPONDENCE MOVED FOR.

SIR ERSKINE PERRY rose to move for a copy of Correspondence between Mir Jafer Ali and the Court of Directors, and between the same and the President of the Board of Control, respecting the property of the late Nawab of Surat; and to ask Mr. Vernon Smith what are the intentions of Government relating thereto. The House had exhibited a great interest in this question, and he was desirous of bringing to its attention the present state of

Colonel North

the affair. As the House was aware, the matter turned on a treaty which had been entered into between the late Nawab of Surat and the East India Company, by which the Nawab agreed to surrender his principality, and the East India Company agreed to pay him and his family a pension of £15,000 a year in perpetuity. Subsequently, however, upon the death of the Nawab, the East India Company interpreted the treaty in a manner peculiarly favourable to themselves, and refused to pay the sum of £15,000 a year to the heirs of the Nawab. A Committee of that House had inquired into the matter, and had unanimously decided that the East India Company was wrong; but, in consequence of some technicality, a Bill, founded upon the Report of the Committee, had been thrown out in the other House of Parliament without any investigation into the case. In the discussion which took place last Session, the right hon. Gentleman the President of the Board of Control had held out the suggestion that if the Indian gentleman whose case he was now laying before the House applied to the India House, liberal terms would be offered to him; that suggestion had been acted upon, and the East India Company had agreed to pay to this gentleman a pension of £10,000 a year for life, and afterwards to his two daughters; and that offer, although he did not consider it a liberal one, inasmuch as the annuity had been stipulated for ever, he had advised this Indian gentleman to accept in order to put an end to a ruinous litigation. There was, however, another question connected with the private property of the late Nawab. When that Sovereign died the Government seized by force the whole private property belonging to his family, in order, as they asserted, to hold it in charge until certain claims should be awarded, and the property had remained undistributed to that day; and what the Indian gentleman whom he represented prayed for was a judicial decision respecting it. The Bombay Government, having made themselves masters of the property, advertised for claims, and about 150 claimants sprung up. The Bombay Legislature then passed an Act giving the Executive Government full power to dispose of the property, so as to exclude all intervention of the courts of justice. This most extraordinary proceeding terminated in referring the matter to one of the law officers of the Government, a man not bred to the law, who came to a deliberate de-

cision by which the property was given to other claimants. All parties were dissatisfied, and all wished to appeal, but all judicial action was excluded by the law. The Nawab appealed to the Bombay Government against the award; but the Government confirmed the decision of their officer. The individual in question appealed to the Privy Council; but the extraordinary Act which he had mentioned left them no jurisdiction. They had the power of hearing appeals from courts of justice, but not from an act of the Executive. This was a question not only of property, but of family honour. The gentleman had for years attempted to persuade Government to allow the case to be heard. He begged them to enable the Board of Control to act properly in the matter, and to do an act of justice in accordance with the highest tribunal in the kingdom. His right hon. Friend the President of the Board of Control had felt the difficulty; he had behaved liberally, and acted with kindness and consideration; but he was staggered with the difficulties of the case. Yet he was placed in his high office for the purpose of grappling with difficulties. It was for the purpose of dealing with such difficulties that the office of the President of the Board of Control had reached its present high position. This gentleman demanded that a stigma which was attached to his birth should be removed. The only possible ground for refusing the request was this—that an Act had been passed by the East India Company in favour of another party, and that it would be unjust to the person in possession to allow appeal. But there was an easy answer to this, that the persons now in possession themselves desired an appeal. Again, a despotic Government like that of India was placed in few hands. The Governor was often absent, acts of maladministration often took place, and these acts of injustice ought to be subject to control. He trusted that his right hon. Friend would allow the appeal to the Privy Council, and for that purpose would either obtain an Act of Council in India repealing the Act of the Bombay Government, or, what would be better, that he would bring into that House a measure which by a few clauses would grant what they were so anxious to have—an appeal to the Privy Council.

SIR FITZROY KELLY said, that this Act of the Indian Legislature was invalid because it was in contravention of the Act of the Imperial Legislature, which pro-

vided that no law should be made by that Legislature which interfered with any of Her Majesty's prerogatives; and since, by this mode of dealing with the property of Her Majesty's subjects in India, without even an appeal to the Privy Council, the prerogative of the Crown was entirely set aside, he confidently predicted that if ever this Act should be brought under the cognizance of a court of justice in England, it would be set aside on that ground. It would, however, be impossible to bring the validity of that Act under the consideration of such a court without a course of litigation which it was alarming and painful to contemplate; and he therefore thought it was highly desirable that the Board of Control should recommend the Indian Legislature either to repeal this Act, or so to amend it as to allow an appeal to the Privy Council. The course was not only just but highly expedient; for even the persons in whose favour the award had been made were dissatisfied. Nothing was wanting but a little firmness and vigour on the part of the President of the Board of Control. Instead of this subject having been referred to the law officers of the Crown, the Lord Chancellor had been consulted upon it. No one could respect the opinion and decision of the Lord Chancellor more than he did; but nothing could be more inconsistent with the first principles of justice than to submit such a question to any one without giving to those who were interested in the decision an opportunity of being heard. Had the Lord Chancellor heard counsel for a quarter of an hour, he must have pronounced that this Act was invalid, and must be repealed or amended. He therefore hoped that the right hon. Gentleman the President of the Board of Control would either on his own responsibility recommend the Legislature of India to amend this Act so as to give an appeal directly to the Privy Council, or would give this aggrieved gentleman the opportunity of being heard, if it were but for half an hour, by some counsel at the bar, who, he was sure, would not fail to satisfy either the right hon. Gentleman himself, the law officers of the Crown, or the Lord Chancellor, that this claim was founded on law and equity, and that justice never would be done unless some appeal were allowed.

MR. MONTAGU CHAMBERS said, he had been forcibly struck by the argument that the prerogative of the Crown had been set aside by this Act of the Bom-

bay Government. He thought it most desirable that the Attorney General would state his opinion as to the validity or invalidity of that clause in the Act passed by the Indian Legislature which abolished the right of appeal.

MR. VERNON SMITH said, he should have no objection to the production of the correspondence moved for, inasmuch as it would furnish the House with further information, which was absolutely necessary for the proper discussion of this subject at any future time. The hon. Gentleman the Member for Devonport had not stated this case correctly nor fairly. The whole case had been submitted to Parliament last Session in the shape of a Bill, which passed through the House of Commons, but was rejected by the House of Lords; and he should not therefore enter into details—especially because since that time the East India Company had offered to the gentleman calling himself the Nawab of Surat a sum of money which he believed was perfectly satisfactory to him, and which his friends had advised him to accept. The question was now confined to the right of appeal to the Privy Council in respect to the private property. He believed it had already been decided by the Privy Council that no appeal would lie; but an opinion had been expressed that the Crown might direct a reference. The course which he had pursued in respect to such a reference was the only course open to him. The hon. and learned Member for Suffolk (Sir F. Kelly) had found fault with him for not taking the opinion of the law officers instead of the Lord Chancellor on this point; but he did not know that the law officers would have had the power of hearing counsel, nor could he exactly see how the parties could have appeared before the law officers by counsel. His hon. and learned Friend the Attorney General had already given an opinion on the subject, in his private capacity, and it would not have been exactly delicate to refer the question to him again as a law officer. His predecessor, the present First Lord of the Admiralty, had refused to direct this reference, and the opinion of four eminent counsel who had been consulted by the East India Company was also against it. The hon. and learned Gentleman opposite maintained that this Act of the Indian Legislature was not valid; but it was the business of Mir Jaffir and not of the Board of Control to bring this point to a decision in a court of justice. As to the want of firmness and

vigour on his part which was complained of, he hoped he should always be wanting in that kind of vigour which, by an excessive precipitation to act on *ex parte* pressure, too frequently committed injustice on absent unrepresented persons. In this case, the property referred to had been already allotted out to the parties interested under the award of Mr. Frere, and if there were now to be an appeal from that award how were they to appear? The hon. and learned Gentleman opposite maintained that these parties had themselves wished for an appeal; but he did not believe that that was the case at the present moment. Mir Jaffir himself had consented to that award; he had been heard before the Commissioners, and now that he was dissatisfied with their decision, he wished to upset the whole thing. But the other parties to the award had quite as much right to be considered as Mir Jaffir. As at present advised, he saw no reason to doubt that that award was perfectly just. As to the Act of Legislature, it was a great mistake to think that it could be superseded merely by sending out orders from the Board of Control. On the whole, looking to the opinion of the highest legal authorities in this country, and to opinions also expressed by the Committee to which the Bill of last Session was referred, he did not think it advisable to take any steps in the matter. If the hon. and learned Gentleman chose in a future Session to take this question up in another shape, he (Mr. V. Smith) believed he would experience the impossibility of dealing with an Act which had been sanctioned by Parliament, under which an award had been given by a competent person, an allotment of the property having been made under such award to certain individuals, who had no opportunity or chance of contesting their rights before the Privy Council except at an expense so enormous as to be utterly ruinous to them.

SIR FITZROY KELLY inquired, whether the question of the validity of the Act of the Indian Legislature had ever been submitted to the Lord Chancellor, the counsel to the East India Company, the law officers of the Crown, or any other legal authorities?

MR. VERNON SMITH was not aware that it had; but the Act had been in operation for ten years.

MR. LOWE said, the hon. and learned Gentleman (Sir F. Kelly) seemed to think the Indian courts had not the same power

of declaring this Act illegal or invalid as the courts of England. Upon that point he (Mr. Lowe) differed from the hon. Gentleman. Colonial or Indian courts had exactly the same power of declaring an Act of the Legislature unadvised as the highest courts in this kingdom.

SIR ERSKINE PERRY denied that any one of his propositions was incorrect or unfair. He had brought the case forward because the petitioner had been a suitor for justice for fifteen years. He understood the right hon. Gentleman (Mr. V. Smith) now to decide absolutely against the petitioner's case. If that decision had been given months ago the petitioner would have been enabled to take another course. The Attorney General had given an opinion that the Act of the Indian Legislature which took away from the Queen the right of hearing her subjects in the last resort was invalid, and he recommended an appeal to the Privy Council; but their Lordships had decided that the Act was valid. He (Sir E. Perry) believed if a measure on the subject were brought forward next Session he would be able to convince the House that the Act in question was founded upon principles of injustice, and that the House would think it their duty to repeal the Act, and leave all parties to seek a remedy before a judicial tribunal.

Motion agreed to.

Copy ordered, "of the Correspondence between Mir Jafer Ali Khan and the Court of Directors, and between the same and the President of the Board of Control, respecting the property of the late Nawab of Surat."

The House adjourned at half-past Six o'clock.

HOUSE OF LORDS,

Tuesday, March 17, 1857.

MINUTES.] PUBLIC BILLS.—2^d Customs' Duties; Racehorse Duty Act Amendment; Cinque Ports Act Amendment; Pauper Maintenance. 3^d Commissioners of Supply (Scotland) Act, 1856, Amendment.

CRIMINAL BREACHES OF TRUST.

OBSERVATION.

LORD ST. LEONARDS said, he presumed that it was the intention of the Government to bring in next Session a Bill to render in certain cases breaches of trust by executors and trustees criminal acts. He had no doubt that that Bill would meet

with very general acceptance. Great care, however, should be taken not to subject to criminal punishment such executors and trustees—whose office was merely gratuitously—as acted innocently, although erroneously. He regretted to see that the office of trustee and executor had been made a sort of business. Two Bills had been introduced into Parliament to enable the South Sea Company and another company to carry on, on a gigantic scale, the trade of executing the trusts of every estate in the kingdom. The project of the former company was a failure, but the latter company had commenced business on the limited liability principle. He could not help feeling that a great number of trustees and executors would be compelled to procure the aid of that company in the execution of the trusts which had been reposed in them by their testators; but nothing could be more dangerous to the best interests of society than the perversion of the office of trustee and executor into a mere trade. His main object in adverting to this subject was to urge upon the Government the necessity of accompanying their promised Bill to render criminal certain breaches of trust by another measure for the protection of such trustees as might have honourably and innocently, although erroneously, acted in the execution of their office. He regretted that at present the courts of equity punished with extreme harshness trustees and executors even when it was proved that they ought not to be regarded as answerable for the breaches of trust preferred against them; and he therefore hoped that in the ensuing recess his noble and learned Friend on the woolsack would consider the subject with the view of measures being brought in next Session not only for the punishment of criminals defaulting, but also for the protection of innocent, though misled, trustees.

THE LORD CHANCELLOR said, that the noble and learned Lord was right in supposing that Government intended to bring in the Bill next Session on the subject of criminal breaches of trust, which would, if circumstances had permitted, have been introduced in the present Session. It was difficult to define what constituted a criminal breach of trust; but what had been done was to extend that denomination to certain defined breaches of trust, wilfully committed by the trustee for his own benefit. He did not mean to say that cases equally criminal might not

be left untouched because of the impossibility of giving a definition to include them. With respect to the hardship that might affect innocent trustees for not having discharged their duty when they wished to do so, he feared that was a difficulty which it was impossible for the Legislature to meet.

LORD ST. LEONARDS thought that the proposed Bill should be extended to any society taking on itself the office of trustee and executor.

THE HOSTILITIES IN CHINA.

OBSERVATIONS.

THE EARL OF HARDWICKE wished to press on the noble Lord the Minister for War that the despatches from the commanders in the Chinese waters relating to naval and military operations should be made public, as it was customary to publish the despatches from commanders in chief with respect to naval actions fought. To-day, as usual, he had seen accounts from the correspondent of *The Times*, and also accounts in other papers, giving the whole history of the operations which had taken place, and therefore he thought it not unfair to ask the Government whether those accounts contained a true story—because, to use a vulgar phrase, we had been “licked” if the published news were true. He put the question to the Government, not from any feeling of joy or exultation at an event of that kind, but for the purpose of ascertaining whether those officers in whom the Government had put so much confidence, whom they considered able and well informed on the character and power of the Chinese nation, and whom they were about to support with all the strength of the State, were really fit to conduct undertakings of this kind—whether they were sufficiently acquainted with the nature of the Chinese waters and properly appreciated the events which were likely to occur, and whether they deserved to be trusted to the extent to which they were trusted? The Duke of Wellington once observed of a distinguished individual, that he was a very clever man, but never saw to the end of a campaign; and it certainly appeared to him that Sir John Bowring had not shown that prescient knowledge with respect to the character and power of the Chinese nation which he was supposed to possess. He pressed the Government for the production of these despatches because, if the published state-

ments were untrue, it would be a great satisfaction to their Lordships to know so; and if on the other hand they were true, their Lordships ought to be satisfied, or rather dissatisfied, by being made acquainted with the fact that those officers, who were so much trusted by the Government, had neither the ability nor foresight to conduct operations of the magnitude and nature required.

EARL GRANVILLE said, he understood that his noble Friend the Secretary for Foreign Affairs had stated the other evening that there was no objection to the production of the despatches desired by the noble Earl. He would make it his duty to inquire why they had not yet been produced. With respect to what had fallen from the noble Earl respecting the naval officers in the Chinese waters—

THE EARL OF HARDWICKE was understood to say that it was to Sir John Bowring that he had referred.

EARL GRANVILLE said, he really did think that Sir John Bowring had been made to bear so much that it was not necessary to throw on his shoulders responsibility for inefficiency and want of judgment in conducting naval operations, particularly as it appeared from the papers before Parliament that the instructions first given by Sir John Bowring were given with the full concurrence of Admiral Seymour and Consul Parkes. For the course pursued there were precedents in the China Seas, for on two previous occasions the British authorities there did, with only two vessels, what had been done now, and then the mandarins complied with the demands made. He denied, therefore, that the Admiral and Sir John Bowring were chargeable with want of judgment in commencing the operations with the force at their disposal.

EARL GREY said, he believed that every one of these expeditions, made with a small force against a nation so numerous as the Chinese, acquainted to a certain extent with the implements and materials of warfare, and daily improving in their knowledge of them, always had the effect of teaching them something more, and led to the danger of collisions being repeated. This was one of many other considerations which the Duke of Wellington felt strongly when he (Earl Grey) sent out the orders in 1847 with the noble Duke's concurrence. It was the opinion of the Cabinet of that day, not only that no subordinate authority should decide whether cause for offensive

war had arisen or not ; but that, if cause had really arisen, it was the height of rashness and imprudence, without such preparation and means as would make resistance hopeless, to attempt hostilities. It was only by acting on such a principle that it was likely that bloodshed would be prevented on one side, and, on the other, that the risk of danger and discredit would be averted from this country. He asked whether the events which were now stated to have taken place did not afford a signal proof of the justice of this view of the question ? What had happened ? Admitting, for argument's sake, the war to be just and politic—though he thought otherwise—yet it had been begun with inefficient means, so that, after burning 7,000 houses in a defenceless town, and after committing acts of violence and cruelty—for so he must call them—on a defenceless population, the British forces were now reduced to a state of ignominious defence, waiting for reinforcements in order to enable further proceedings to be adopted. This was placing the British nation in a position not at all creditable, and it arose from the sanction which had been given to the adoption of a course directly opposite to that which had been adopted by successive Secretaries of State, and renewed so recently as 1853 by the Duke of Newcastle.

THE EARL OF ELLENBOROUGH observed, that there was no charge against the Admiral. The charge against Sir John Bowring, the friend of the noble Earl the President of the Council, was that he had entered upon this war without foreseeing the probable results of the opposition that he would encounter. The excuse of the noble Earl was that other mandarins had been beaten by a smaller force—as if all mandarins, because they were alike in dress, had the same understanding. Sir John Bowring ought to have known that all depended upon the individual character of the man who had the disposal of the Chinese military and naval forces. Sir John Bowring knew the character of Commissioner Yeh, and he must have known the weakness of character of the mandarin with whom Sir John Davis had to deal, and the course he should have pursued was precisely the reverse of that pursued by the former Governor.

EARL GRANVILLE said, that the noble Earl opposite (the Earl of Ellenborough) had framed his argument upon the knowledge of the events to which he had re-

ferred, while Sir John Bowring had, of course, to form his judgment before the events occurred. His noble Friend (Earl Grey) had certainly sent instructions to General D'Aguilar not to repeat an attempt with an insufficient force ; but if he was not mistaken his noble Friend had previously approved an attempt which had happened to be successful, although success had resulted from the very rashness of the undertaking. At the same time, he did not think he was illogical in saying that it was not fair to put on Sir John Bowring exclusively the odium, if any odium existed, of having miscalculated the strength of the military and naval forces at his disposal. The first duty of Sir John Bowring was to consult the Admiral, and to act upon the advice he received from him as to the disposition of the forces ; and whatever ridicule might attach to him for saying so, he was of opinion that if a certain operation, with a very inferior force, had been successful under certain circumstances, some encouragement was thereby afforded to create a belief that a similar proceeding with a stronger force would be successful. He had the honour of the acquaintance of Sir John Bowring, and he certainly would not shrink from considering him as his friend at a moment when he was subject to unjust and intemperate attacks.

EARL GREY : His noble Friend had said he (Earl Grey) had approved a similar attempt made by General D'Aguilar. If his noble Friend would read that despatch he would find that it was cautiously worded so as to approve the manner in which a certain enterprise was effected. He was careful to express no opinion upon the prudence of the attempt itself, but he thought the troops were entitled to praise for the gallant manner in which they had conducted the operation. His opinion of the prudence of the measure was to be collected from the peremptory terms in which a repetition of any such attempt without a previous reference to the Home Government was positively prohibited.

THE EARL OF DERBY said, that although in a question of military and naval tactics the Admiral and General would be the fittest judges, yet the question here turned upon very different considerations. The Admiral had only recently arrived upon the station, and he knew nothing, and could know nothing, whatever of the character, the disposition, and means of resistance which might be afforded by an

exasperated population. Sir John Bowring, on the contrary, had been a resident at Canton for many years, and it was but becoming and necessary in all matters involving the feelings and character of those people that the Admiral should refer and defer to the advice and experience of Sir John Bowring. Now, upon two points Sir John Bowring had been proved to have made a gross miscalculation. Repeatedly, in the course of this correspondence, he informed the Secretary of State that it was only necessary when this question of entering into the city of Canton was mooted that we should make a demonstration, that such a demonstration would be at once successful, and that there was not the slightest reason for apprehending any disaster, the responsibility of which he expressed himself ready to take upon himself if he could only obtain the desired permission to make the attempt. Successive Secretaries of State had refused to give him leave, but in defiance of them he had endeavoured to carry out his own views, and he could not now escape from the responsibility. Again, in the course of the correspondence that had been laid on the table, Sir John Bowring had repeatedly asserted that the only objection to his entering the city was on the part of the mandarins, and that the Chinese population had no objection to it. If that were so at the commencement of these proceedings, there was the more reason to complain of the conduct of Sir John Bowring in having converted a population who were friendly into the most bitter and resentful enemies that this country ever had. Those were the charges against Sir John Bowring; and without considering the means at his disposal, and miscalculating the opposition he was likely to meet with, and of which the Admiral could know nothing, he had taken upon himself the responsibility of disobeying his positive instructions, and had plunged the country into a war the end and cost of which no man could foretell.

EARL GRANVILLE said, there are now two distinct charges against Sir John Bowring. Their Lordships must see the inconvenience of a debate which thus turned upon the character of an absent authority. The noble Earl who first rose complained that our military operations had ended in defeat, and that the Admiral had been obliged to assume a defensive position.

THE EARL OF ELLENBOROUGH acknowledged that the debate was irregular,

The Earl of Derby

but he would not detain their Lordships more than a moment. He believed that Sir John Bowring held the position of commander in chief. He was not merely the Governor of Hong Kong, but all the military and naval forces were under his direction. No doubt it was his duty to communicate with the Admiral and General with regard to any military and naval operations; but, having heard the opinion of those officers, Sir John Bowring became responsible, not merely for what he ordered, but for what he permitted. He must exercise his own judgment; and it was not fair to go to a military or a naval man to divide the responsibility with him. They could make but one answer, and Sir John Bowring must stand between them and the difficulty in which they were placed.

LORD PANMURE said, that no doubt Sir John Bowring, like the Governor General of Canada, was the commander in chief of the forces. But what was the meaning of that? The meaning was, that if warlike operations were to be undertaken he was to decide what was to be done; but, as to the manner and the mode in which the operations were to be conducted, he should like to know how it could occur to any man of sense that Sir John Bowring at Hong Kong could direct the operations at Canton? He did not wish to put upon Admiral Seymour any responsibility that ought to fall upon Sir John Bowring, but he must say that in carrying out the details of operations which had been arranged in a council of war, where the advice of Admiral Seymour had been called in, to throw the responsibility of those operations entirely upon Sir John Bowring's shoulders was scarcely fair. Admiral Seymour found himself in a narrow river with ships drawing a considerable draught of water, and assailed by ships that drew very little water, which were coming out both above and below him; and to say that, because Admiral Seymour had quitted one position to take up a stronger position, the British force had been "licked," was quite contrary to the fact. Admiral Seymour had not been beaten. He had taken up a position necessary for the defence of his fleet. He had destroyed all the defences of the Chinese in those waters, and in neither of the positions that he had taken up had he shown any want of ability in guarding his ships from the attempts of the enemy to set them on fire. With reference to the position of affairs in the Canton river, one

fact ought to be known to their Lordships which was mentioned by Admiral Seymour in a letter written after his public despatch was sent off; it was to the effect that the Emperor had written to the Chinese officers at the four ports, directing them to remain on terms of peaceful and amicable relations with the English, notwithstanding what had happened at Canton.

THE EARL OF ELLENBOROUGH said, the statement he made the other day was founded on what appeared in the public papers—namely, that a fire-boat had blown up under the bows of one of Her Majesty's vessels. He stated that in his opinion no fire-boat ought to be allowed to come close enough for such an event to occur. The noble Earl was quite wrong in supposing a mere rowing guard would keep off fire-boats, and if he would take the trouble to read the despatches written during the last war, under the direction of Sir George Cockburn and the Duke of Wellington, he would find there were more effectual means than that for protecting the fleet against fire-boats. It ought to be distinctly understood that there was no charge against Sir Michael Seymour for the manner in which he had directed the force at his disposal. The charge was against Sir John Bowring for having undertaken the operations at all.

THE MARQUESS OF BREADALBANE defended, upon high authority, the operations undertaken by Sir John Bowring and Sir Michael Seymour.

LORD COLCHESTER contended that Sir Michael Seymour had acted wrongly under pressure put upon him by Sir John Bowring, and that the latter only was to blame.

TICKET-OF-LEAVE MEN.—QUESTION.

VISCOUNT DUNGANNON rose to ask the Lord Privy Seal whether the system of granting tickets of leave was or would be for the present suspended, until some means were found for disposing of them, by transportation or otherwise? He hoped that when the new Parliament assembled some measure would be produced with this object. There had been a Bill pending, which had been brought in by the Government, but which, with many other measures, had been lost for the present, by the sudden dissolution now intended. The present system was most fearful in its operation, tending to increase crime to a

terrible extent, and dangerous to the peaceable part of the community. The public, therefore, had some claim for a satisfactory explanation on the subject before the close of the Session.

THE EARL OF HARROWBY said, it was not intended to suspend the operation of the ticket-of-leave system as to the small number of convicts to whom it could now be applied.

VISCOUNT DUNGANNON: What is the number?

THE EARL OF HARROWBY could not tell the exact number, but it was very small. With regard to the future, the Government intended to re-introduce the Bill, recently withdrawn, for consideration in the new Parliament.

CHINA.

PAY OF TROOPS, &c.—QUESTION.

THE MARQUESS OF CLANRICARDE inquired of the Secretary of State for War what pay and allowances the officers and soldiers about to be sent to China were to receive; and whether he would lay upon the table of the House an estimate or return showing the comparative cost of the British regiments serving in the Persian Gulf and upon the coast of China? He (the Marquess of Clanricarde) understood that the troops about to serve in China were not likely to receive such high pay as the troops serving in the Persian Gulf; and he could not understand upon what ground the distinction was to be made, seeing that the troops about to proceed to China were embarking upon an enterprise fraught with danger to their lives and health, and one in which there would be as little excitement or hope of glory as any in which British troops could be employed. The noble Earl opposite (the Earl of Ellenborough), the other night, had alluded to the camp followers in India. He (the Marquess of Clanricarde) confessed he was ignorant of the necessity of attaching camp followers to the English troops on their arrival in China; but he had no doubt such necessity existed, inasmuch as their services appeared always to have been in requisition. Be that as it might, he should be glad to hear from his noble Friend the Secretary of State for War a reply to the question he had put to him.

LORD PANMURE: My noble Friend is quite right in one respect—there is a difference between the pay of the troops serving in the Persian expedition and that

of the troops about to be sent out in the expedition to China. The troops serving in the Persian expedition are drawn from the Indian establishment, and have been receiving the regular pay and allowances assigned to troops belonging to the East India Company; but the troops going from this country to China are in a different position. They are now going on an expedition from this country, which is to be paid for out of the funds of this country, and they will not be put on the same pay and allowances as the East India Company assigns to our troops serving within their territories. The troops will receive the usual pay, and every precaution besides will be taken that their rations—which will be above what are called the ordinary rations in time of war—are prepared and served with a view to the maintenance of their health; but there will be no increase of pay to the troops absolutely. With reference, however, to the officers, there is by the regulations an allowance called an “extraordinary field allowance,” which every officer receives in advance, preparatory to taking the field. The officers will receive six months of this extraordinary field allowance, which will enable them to prepare for taking the field. But in Hong Kong there is a colonial allowance, as at the Mauritius and Ceylon, paid to the troops serving in that colony, and on arriving at Hong Kong that will be made good to the troops going out on this expedition, so as to place them in the same position as the troops now serving at Hong Kong. These are our intentions with regard to the troops about to serve in the Chinese expedition, and I shall have no objection to lay upon the table a return of the nature for which the noble Marquess has asked. I have only to add that, while this expedition will be conducted with a due regard to economy, every attention will be at the same time paid to the health of the troops and to their maintenance in a state of efficiency; and, for that purpose, the Government has resolved that, as the troops will land in China when the hot weather will prevail, an adequate number of camp followers from India shall be attached to them, and General Ashburnham has been instructed to apply his Indian experience in apportioning those camp followers among the troops on their arrival at Hong Kong. In addition to that, arrangements will be made at Penang for conveying the sick by means of steam ves-

Lord Panmure

sels between Hong Kong and that station; and I trust that every precaution will be taken to prevent that sacrifice of life from disease which unfortunately happened among the troops during the former expedition to China.

THE EARL OF ELLENBOROUGH: The noble Lord is mistaken in supposing there is any difference in the pay of the privates—the only difference is in the allowance to the officers on the East India Establishment. With respect to the camp followers, the noble Marquess (the Marquess of Clanricarde) will, perhaps, by this time be satisfied of the necessity of attaching them to the expedition. Among those camp followers there are people called cooks, who, according to our notions, are certainly a necessary class of persons, and water-carriers who may be said to be invaluable. I should observe, also, that camp followers contribute considerably to the efficiency of a regiment, inasmuch as all these duties must be performed by the soldiers if not performed by them. From what fell from the noble Baron, I understand that, with true English feeling, he is about to supply the troops going to China with more to eat. Now, from considerable experience of hot climates, I can assure him that that is the very worst thing he can do; that in such climates the less a man eats the better, and that what the noble Baron proposes will be the greatest mistake he ever committed. I can assure the noble Baron that, if he ever went to India, it would be quite impossible for him to take that indulgence in the way of living which I dare say he takes now without the slightest harm. Passing from this, it appears to me that the Government are pursuing a course which is within the strict letter of the regulations; but, at the same time, I venture to represent that these officers will have to incur a great expense in fitting themselves out for this war. They will be required to prepare not for garrison duty only, but for actual warfare—a warfare, too, in which many things will be necessary which may be dispensed with in a European contest. If, therefore, any indulgence can be extended to them consistent with the interests of the service, and not leading to the establishment of an inconvenient precedent, it would be most desirable that such indulgence should be granted. Before sitting down I wish to call the attention of the noble Earl the President of the Council to an expression

which fell from him last night with reference rather to France than to China, and which surely must have escaped him inadvertently. The noble Earl stated that the relations between this country and France were never of a more friendly character, and he expressed great satisfaction that French troops would again co-operate with our own in China. Now, I imagine the word "troops" must have been used inaccurately, and that the noble Earl only alluded to a marine force. But, my Lords, I most deeply regret that there is to be any co-operation whatever. We know nothing of any quarrel which the Emperor of the French has with the Emperor of China. We know that we have none with the Emperor of China. Our quarrel is at present confined to the Cantonese and to Commissioner Yeh; and nothing could be so inconvenient, so inconsistent with justice and with policy, as to extend that quarrel to the Emperor of China, and to light up a war in all the other ports as well as in that of Canton. My Lords, I deprecate the intervention of France at this moment. Why should she take advantage of the difficulty in which we are placing China in order to obtain for herself terms to which she is not entitled? There is no pretence for such intervention, and I can hardly imagine expressions which I should think too strong to apply to the conduct of our Government if we were to take advantage of a disposition on the part of France thus to interfere for her own purposes in order to obtain the assistance (of most questionable value) which would be afforded by the presence of a French squadron in the Chinese waters. We desire peace; we desire the re-establishment of friendly relations; we do not desire to extort new terms from the Emperor of China; we desire only to stand where we were, and to relieve ourselves from the difficulties in which Governor Bowring has plunged us. There is one other point, upon which I feel very strongly, and upon which I must venture to offer what can only be a suggestion to Her Majesty's Government, because I have not that knowledge of the facts which they possess, and which may lead them, possibly, to a different conclusion. I regret the accidental absence of the noble Earl the Foreign Secretary, because what I am about to say relates perhaps more particularly to his department. We have now a force at Bushire which is amply sufficient for the protection of that place. A force of about the same

strength has been despatched from Bombay, and has not yet arrived. Those troops, I imagine, were not intended to strengthen the garrison in Bushire, already sufficient, but to conduct some new operation. Whatever was the course of proceeding determined on, the force in question is obviously not required at Bushire. There, as I understood the noble Earl (the Earl of Clarendon), no movement was to take place on either side until the ratification of the treaty. That new force therefore cannot move at Bushire, and can do nothing whatever. Now, I beg to suggest to the Government that they should instantly send positive orders to Bushire to despatch one European regiment and two native regiments of that force to China. The presence of those troops may be absolutely required for the protection of Singapore and Hong Kong. I feel satisfied that without the assistance of Native troops, the efforts, however gallant they may be, if the European troops we are sending will be of little or no avail, and that great risk will be encountered with little chance of success. These orders—absolute orders, leaving no discretion whatever to the officer in command, for I feel perfectly satisfied that if the least discretion were left to him he would keep the troops with him—would arrive at Bushire hence, I trust, in a month, and in a month from that time these troops would be at Singapore and Hong Kong. On the other hand the troops we are now sending out will not arrive in China for three months and a half, and the gain in these six weeks may be invaluable for the protection of our interests. There may be circumstances with which I am unacquainted which may render inexpedient this movement. I venture only to suggest it to the Government as a measure which, in my opinion, should be instantly adopted.

LORD PANMURE: I have to thank the noble Earl for his suggestion. In all these matters he has given many valuable hints, some of which I have availed myself of, and I am sure that the counsel he tenders is offered with no other desire than that of being useful. With reference to the rations of the troops, alluded to by the noble Earl, I will just state that the object is not to increase the quantity served out to the troops to eat and drink, but to diversify their food so as to conduce more completely to their health and efficiency.

EARL GREY: I confess that I have listened with some alarm to the conversation which has taken place this evening. When

first it was announced that this force was to be sent out we were told that it was to protect the lives and property of British subjects in China. It now appears that a very large force is going to be sent, and that this force (if I correctly understand what has been said) is to be equipped in a manner which shall enable them to undertake operations of some importance on shore. Now, I do hope and trust we are not going to embark in that most dangerous and fatal measure—an invasion of the great empire of China. I hope that Her Majesty's Government, in pursuing the measures which they are now taking, have some clear and definite object before them—because, as far as we are yet informed, no such object appears to be in view. After all, my Lords, what do we want with China? Our interest in China is simply to carry on our trade. If we are to embark in a war, every blow which we inflict on China will recoil upon ourselves. We cannot destroy property in China, we cannot burn towns there and lay waste, or cause others to lay waste, any portion of territory, without, by such a destruction of Chinese property, rendering them worse customers of ours and less able to supply us with the goods we want from them. We were told at first that British lives and British property only were to be protected. For my own part, I confess that, with a very large naval force, and a certain amount of military force also, I cannot conceive how British property can be in any danger. Hong Kong is an island very easily defended, for the Chinese are totally incapable of competing with us at sea; Singapore is in the same position; and, at the four ports, I trust that, if prudential measures are adopted, anything like a struggle will be avoided. Of this, however, I am quite certain, that if we are to attempt anything like an invasion of China, we are at the beginning of a system which, once entered upon, it will be very difficult to put a stop to, and which will be most fatal to the true interests of this country.

EARL GRANVILLE: I really think that in my noble Friend's very earnest and conscientious wish to preserve peace he sometimes overlooks the most obvious means of arriving at that end. I cannot imagine any of your Lordships will believe that the Plenipotentiary whom Her Majesty's Government have determined to send out to re-establish satisfactory relations between the two countries is less likely to accomplish that object if backed up by a con-

Earl Grey

siderable naval and military force. As to my affording any intimation with regard to the instructions which will be given to the commanders of this force, I am sure my noble Friend will, upon reflection, be the last to press me to make any such disclosure.

House adjourned at half-past Six o'clock, till To-morrow, Twelve o'clock.

HOUSE OF COMMONS,

Tuesday, March 17, 1857.

CLIFFORD'S BOAT APPARATUS.

QUESTION.

ADMIRAL WALCOTT said, he wished to ask the First Naval Lord of the Admiralty whether the same protection against loss of life afforded to emigrant ships had been or would be provided for the ships about to embark troops for China, by supplying them with Clifford's lifeboat apparatus, which had been subjected to the severest tests from Her Majesty's ships under different circumstances of weather, and at every rate of speed, and of the complete efficiency of which reports had been forwarded to the Admiralty.

SIR MAURICE BERKELEY said that, had his hon. and gallant Friend given him notice of his question, he would have brought with him a list of the ships which had been fitted with the apparatus. He could only say, that in every trial which had been made of it, its use had been attended with complete success.

THE CRIMEAN COMMISSIONERS.

ANSWER TO ADDRESS.

VISCOUNT CASTLEROSSE, Controller of the Household, appeared at the bar, in full dress, and delivered Her Majesty's answer to the Address agreed to by the House on Thursday evening last, with regard to the services of Sir John McNeill and Colonel Tulloch.

Answer to Address [12th March] reported, as follows:—

I HAVE received your Address, praying that some especial mark of approbation may be conferred upon Sir John McNeill and Colonel Tulloch, in consideration of the able services rendered by them as Commissioners in the Crimea; and having taken the same into consideration, I have given directions for this purpose."

APPELLATE JURISDICTION.

QUESTION—ADJOURNMENT MOVED.

MR. BOWYER said, as he had a question to put, which would require a short statement, he would, to be in order, move that the House do adjourn. It related to the appellate jurisdiction of the House of Lords, as exemplified in an appeal in the case of Grey and others *v.* Pearson, which had been decided in the House of Lords on the previous day. It had been argued in favour of the creation of Lord Wensleydale, that such creation would facilitate the hearing of appeals. Now, the appeal in question was one from Lord Justice Turner, who was known as a Judge of great ability, to the Lord Chancellor. The Lord Chancellor took a different view of the case, and varied the judgment. The case was then brought by appeal before the House of Lords. It was heard by the Lord Chancellor, sitting in appeal from his own judgment, by Lord St. Leonards and by Lord Wensleydale. The Chancellor adhered to his former opinion. Lord St. Leonards delivered an opinion against the Chancellor, supporting his view by several strong decisions—among others, one of Lord Hardwicke's. Lord Wensleydale concurred with the Lord Chancellor. Now, Lord Wensleydale was, no doubt, an able common law Judge, but he had been all his life engaged in common law, and had no experience in equity. The result was, that Lord Justice Turner, a great equity Judge, and Lord St. Leonards, another great equity Judge, concurred in their opinions; while, on the other side, there was the Lord Chancellor, assisted by a common law Judge. Both the bar and the public would give preference to the opinion of Lord Justice Turner or Lord St. Leonards over the Lord Chancellor. Here was the fact, that two eminent Judges in equity had pronounced an opinion which was set at naught by one equity Judge, assisted by a common law Judge. Last year he himself had pointed out the probability of the very case which had now occurred. He would ask the right hon. Baronet the Home Secretary whether, under these circumstances, the Government were not of opinion that much remained to be done before the appellate jurisdiction of the House of Lords would be in such a state as the wants of the country and the administration of justice required; and whether he would next Session bring forward a measure for the constitution of an appellate court of ultimate resort which

should be fully adequate to the performance of its important duties?

Motion made, and Question proposed, "That this House do now adjourn."

SIR GEORGE GREY said, that the question seemed to him an extraordinary one. He could not say, because a case was decided yesterday by the House of Lords, that therefore great changes were required in its appellate jurisdiction. He knew nothing of the case but from the statement of the hon. Member, and there was nothing in that statement to lead him to such a conclusion. Two noble Lords had decided against one in a minority. This was a case of frequent occurrence, and did not convince him that any great changes were necessary in the jurisdiction of the House of Lords. He did not think that the House would usefully occupy its time by discussing the merits of particular Judges, and endeavouring to provide that, contrary to the general rule, the opinion of one Judge should prevail against those of two others. So far as he was concerned, he did not think that the circumstances of this case rendered necessary any interference with the appellate jurisdiction of the House of Lords.

MR. BOWYER explained that he did not complain of the decision of the House of Lords being given by the majority; he complained that the decision was made by an equity Judge, sitting on appeal from himself with a common law Judge who never practised or sat in a court of equity, against the opinion of two great equity Judges, one in the House and the other in the Court below. The casting vote was given by a common law Judge.

REMOVAL OF IRISH PAUPERS.

QUESTION.

MR. H. A. HERBERT said, seeing his right hon. Friend the President of the Poor Law Board in his place, he begged to ask him a question with respect to a matter which excited very great interest in Ireland—inasmuch as the grievance complained of was a very common one. It appeared that in the month of February last, a woman named Brosnahan applied for relief at the Killarney Union, being then on her way to Tralee; and she made a statement to the magistrates there that she had been married in London, and that her husband had been for five years a policeman in London, and subsequently had been employed in various parts of that city—that,

in fact, she had been between ten and twelve years a resident in London. Her husband, however, subsequently deserted her, or left her with her own consent; and, although she stated most positively that the man had been born in England, yet, when she applied for relief at the Holborn Union, she was shipped on board the *Bit-tern* steamer and left to perish on the pier at Cork in a state of destitution. He would, therefore, ask his hon. Friend whether his attention had been called to the circumstances of the removal of a female pauper, named Honora Brosnahan, and her children, from the Holborn Union to Ireland; whether he had reason to believe that the said Honora Brosnahan's husband was born in England; and whether any remedy existed by the present law for the injustice inflicted on the woman herself and on the Tralee Union in Ireland, to which she had been removed?

MR. BOUVERIE said, his attention had been called to the case through a communication from the Poor Law Commissioners of Ireland who, in their turn, had been attracted to it by the guardians of the Tralee Union. Inquiries had, therefore, been instituted into the circumstances by the English Poor Law Board, which elicited the following facts:—As the woman was the wife of a man who had been in the police in England, and the husband had deserted her and her children when she applied for relief to the Holborn Union, the question arose whether they were bound to give her relief—whether, in point of fact, she was settled or irremovable in that union. The guardians alleged that there was no evidence offered to them of any kind that the husband of the woman Brosnahan was either born or settled in England. It was disproved that there was any claim to irremovability on the ground of five years' residence, which was what was required by the law; and consequently the guardians were entitled to remove her to Ireland. The woman had stated subsequently that her husband was born in England, and that he had a settlement in some parish in this country; but the truth was, the statement was not supported by the evidence which would be requisite in a court of law. And he must add, that the guardians of the Holborn Union had assured the Board that the woman had of herself consented to go to Ireland, and that she had been treated with the greatest kindness previous to her transmission. He

Mr. H. A. Herbert

could not avoid stating that the relief of this very class of cases, which were so much to be deplored, was attempted by the Bill which he had the honour to introduce last Session of Parliament, but which unfortunately, as he thought, had not received the concurrence of the House.

THE LAND TRANSPORT CORPS.

QUESTION.

MR. T. DUNCOMBE said, it was not his intention, considering the state of matters, to proceed with his notice for the nomination of the Select Committee on the grievances of the Land Transport Corps. At the same time he was happy to state that those grievances were under the consideration of the War Department, and he hoped they would be adjusted to the satisfaction of all parties. Of course if they were not, it would be open to him to renew his notice early in the next Session of Parliament, if he should have the honour of a seat in that House. He wished, however, to remind the Government that the Order in Council with regard to the disbanding of the Land Transport Corps had not been as yet laid upon the table, as had been promised.

SIR GEORGE GREY, on behalf of his hon. Friend the Under Secretary for War, would undertake to say that the papers in question would be presented before the dissolution of Parliament.

Motion for adjournment, by leave, *withdrawn*.

THE SOUND DUES.

PAPERS MOVED FOR.

MR. BRAMLEY-MOORE claimed the attention of the House for a few moments, wishing to call their notice to the subject of the Sound Dues, and to ask the Chancellor of the Exchequer if a treaty had been signed to capitalize those dues, and indemnify Denmark for giving up her reputed rights; and if it was the intention of Her Majesty's Government that such treaty should be acted upon before Parliament had voted the money for such object? The subject was one which had engaged a considerable degree of attention, and it was absolutely necessary to have further information with regard to it before Parliament committed the country to an expenditure of £1,000,000 sterling for the capitalization of those dues;—for it was stated

that a treaty had been entered into with Denmark for their capitalization. A Committee sat last Session on the subject, and it was in accordance with one of its recommendations that the treaty was now about to be concluded with Denmark. He was one of those who had had the honour of a seat upon that Committee, which, as the right hon. Gentleman knew, had devoted a great deal of attention to this question; but he must state, as far as the evidence adduced before them went, it was entirely, or nearly so, the evidence of persons interested in the abolition of the dues. Now, inasmuch as the claim for dues affected only a special class, he did not think that their abolition ought to be taken as a national question. The claim was one of great antiquity. So far back as the year 1645, Sweden was specially exempted from the payment of the dues; she afterwards, however, in the year 1720, renounced the privilege in consideration of large concessions made to her in the shape of territory. But when Denmark ceased to be the owner of the two shores, it became a legitimate question with all nations whether they should any longer pay the dues. The Americans had recently reopened the subject. He had been always of opinion that the matter was one for adjustment by treaty, instead of being determined by a heavy expenditure on the part of the nation. But there was another consideration involved in the settlement. It was generally understood that the dues had been hypothecated in London for a loan of some £3,000,000 or £4,000,000, and, therefore, it ought to be declared how this payment of £1,000,000 sterling to the Danish Government would be appropriated; whether it was to be appropriated in payment of the loan, or whether the bondholders would lose their security. They ought, also, to be informed whether the proposed capitalization of the dues was founded upon a prospective increase or decrease in trade. This was important, because, if they referred to their experience since the repeal of the navigation laws in 1849, they would find that there had been a gradual decrease in trade as far as tonnage was concerned. The Returns established the following important facts:—The number of British vessels that had passed the Sound in 1849 was 6,876; in 1850, 5,464; in 1851, 4,794; in 1852, 3,902; in 1853, 4,654; and in 1854, 2,000. It was hardly fair to carry the figures farther, on account of the interruption of the war. But, on

the other hand, it was necessary to guard the House against being led away by the statement made by the Chancellor of the Exchequer, in introducing his Budget, as to the prosperity of the shipping interest. He stated that there had been a large increase in British tonnage between 1853 and 1856, and a small increase in foreign tonnage in the same period. There was considerable ingenuity in the selection of these two years for the purpose of comparison, because the first of them was the date at which British tonnage was at its lowest ebb since the repeal of the navigation laws; and if the right hon. Gentleman had taken the trouble to look into the Returns for 1853, he would have found that between them and the Returns for 1849 there was a difference in favour of the latter year of 222,000 tons; while, if he had pursued the inquiry up to 1856, which could count all the advantages of a resuscitated trade after the war, and compared that year with 1849, he would have seen that while the foreign tonnage had increased in this kingdom 180 per cent, British tonnage had increased only 33 per cent. However, to return to the subject more immediately before them—according to the evidence of the witnesses before the Select Committee the chief ground of complaint was not the expense which shipowners were put to through the levying of these dues, but it was the delay that was caused by their collection. Now, surely some arrangement might be made to obviate that delay. In the case of steamers that had been already done, for they merely delivered their papers and were not called upon to pay the dues until they got into the port of discharge. A similar arrangement for the benefit of sailing ships might be made by treaty, and then the dues, whether light or heavy, would fall upon those who ought to bear them. He believed the new treaty was to come into operation upon the 1st of April, and unless the explanations of the Government were satisfactory he should be prepared to give it his determined opposition. He should conclude with moving that the Papers relative to the treaty be laid upon the table of the House.

Motion made, and Question proposed—

“That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Papers relating to a Treaty to capitalize the Sound Dues, and indemnify Denmark for giving up her reputed rights.”

MR. LIDDELL said, as he saw from the public journals that the treaty had been signed by the various Powers, he wished to ask—first of all whether it included the redemption of a portion of the transit dues; and secondly, whether one-fifth of those duties would still remain unredeemed?

THE CHANCELLOR OF THE EXCHEQUER said that the evidence taken by the Committee of last Session, as very truly stated by the hon. Member for Maldon, showed most conclusively that the Sound dues were onerous to navigation and detrimental to the trade of this country with the Baltic, not only on account of the sums which were levied upon ships passing through the Sound, but also by reason of the delays which they occasioned, and the additional charges incidental on those delays. It had been admitted on all hands for some years that if these dues could be extinguished by some sort of equitable redemption the change would be beneficial; and, in consequence of a question raised by the Government of the United States, negotiations had been going on during the last twelve months between the Danish Government and the Governments of all the principal States of Europe for the redemption of these dues. With that view, on the 14th of the present month two treaties had been signed at Copenhagen; the first between the Government of Denmark and the Governments of Russia, Prussia, France, Great Britain, and other States, which contained the general stipulations referring to all these States; and the other, a separate convention, signed on the same day, between the Governments of Great Britain and Denmark, which contained the particular stipulations affecting these two countries. Her Majesty's Government only knew of the signature of these treaties by a telegraphic despatch, and at present they had no copy of them as they were signed; but from the draughts in the possession of the Government, which he believed to be identical with the treaties signed—though, of course, he could not pledge himself that such was the case—he would shortly state what the effect of these treatise was. By the second Article of the general treaty the Sound dues were to expire on the first of April next; the amount of compensation to be paid by each State was fixed by the 4th Article; the 7th Article made the execution of the treaty dependent upon the sanction required by the constitutional laws of the respective coun-

tries; and the 8th Article stipulated for ratification in the usual manner. By the separate convention between Great Britain and Denmark it was provided that the amount of compensation to be paid by this country should be paid, in the event of the assent of Parliament being given to it, within three months after the passing of the requisite Act of Parliament ratifying the treaty. Although an early date had been fixed for the opening of the Sound, in order to meet the convenience of those States which had no Parliamentary Government, and were therefore able to pay their stipulated amount of compensation without consulting any legislative body, the Danish Government, by a protocol signed on the 16th of February, retained the right of maintaining a sort of *status quo* until the engagements of the 7th and 8th Articles of the general treaty were fulfilled. This would be done by taking a security from the vessels passing through the Sound for the eventual payment of the dues in case the arrangement made by the treaty was not sanctioned. The faith of Parliament was in no way engaged by the arrangement, and whatever change might take place on the first of April the next Parliament would be left quite free to come to whatever decision it might think fit. It would be the duty of the Government to lay the whole subject before Parliament at the earliest period, to explain on what grounds the negotiations had been carried on, and to suggest such means as it might think most advisable to carry out the arrangements arrived at. He was not aware that the treaty contained any engagement with respect to the application of the compensation received by Denmark. That was a matter between the Danish Government and the bondholders, and it would not be competent for the British Government to make any stipulation on the subject. As to the question of the hon. Member for Northumberland (Mr. Liddell) respecting the transit dues, he believed that four-fifths of them were to be remitted. He was not in a position to give the details of the stipulations on that point; but the proper time to explain the ground on which that arrangement was made would be when the treaty was before the House.

SIR HENRY WILLOUGHBY: What is the amount of compensation which this country has undertaken to pay?

THE CHANCELLOR OF THE EXCHEQUER: Our share amounts to £1,125,206.

Motion, by leave, *withdrawn*.

Mr. Liddell

BREACHES OF TRUST—THE ROYAL
BRITISH BANK—QUESTION.

SIR FITZROY KELLY wished to put a question to his hon. and learned Friend the Attorney General relative to a Bill, of which they had heard something, for winding up the affairs of the Royal British Bank, and which was to have been introduced during the present Session. Of course it was now too late to pass any Bill of the kind this Session, but he thought it would be a comfort to all concerned to be assured that as early as possible after the assembling of the new Parliament the Bill would be introduced.

THE ATTORNEY GENERAL very much regretted that the sudden termination of the present Parliament had prevented him bringing in two Bills—one with regard to fraudulent breaches of trust, which he hoped would be a means of punishing such delinquencies as had been exhibited in the case of the British Bank; and the other to remedy in some degree the distress which had been occasioned to the shareholders in the process of winding up that bank. The whole case of the British Bank was an opprobrium to British jurisprudence, inasmuch as it had exhibited the inability of the law to punish this class of offenders, and the utter incompetence of the tribunal which had attempted to wind up the affairs of the Bank. In the next Parliament it would be his desire to bring these two measures forward at the earliest possible period.

AFFAIRS OF ITALY—EXPLANATIONS.

On the Order of the Day for the House to go into Committee on the Exchequer Bills (£21,049,700) Bill, and the Consolidated Fund (Appropriation) Bill,

MR. DISRAELI said: Sir, I take this opportunity of making an inquiry of the noble Lord at the head of the Government, which I was prevented from making at the commencement of business, in consequence of his absence from the House. It is in reference to certain papers which were laid upon the table in the early part of this Session. The House will understand that the papers I refer to are those connected with the communications between Her Majesty's Government and the Government of the Two Sicilies. The papers were of a meagre character; and an hon. Gentleman having inquired whether they contained all the correspondence that had taken place between Her Majesty's Government

and the Government of the Two Sicilies; the noble Lord said "No; that the remaining correspondence referred to a proposition which, having terminated without any result, it was therefore not necessary to lay it upon the table." Now, I find from some foreign journals and from one of our English papers, that foreigners and the public out of doors are more favoured than the British House of Commons in respect to this correspondence, inasmuch as such correspondence has appeared lately in a portion of those journals. It is in respect to one of the allegations contained in the correspondence thus given I wish to say a few words. It is therein stated that Her Majesty's Government had made an offer to a foreign Power to undertake, in case of any attempt being made to establish republican institutions in the south of Italy, to prevent, even if necessary, by force of arms, the occurrence of such an event. I wish to know from the noble Lord whether there is any authority for that statement; and whether it is true that a communication of that character, or in that spirit, was made to any foreign Government by the Government of which the noble Lord is the chief? I hope that the noble Lord will give me a frank and not a technical reply.

VISCOUNT PALMERSTON: The reply which I made to the communication of the hon. Member to whom the right hon. Gentleman referred, is not precisely as the right hon. Gentleman has represented it to be. What I stated in answer to the question put to me on the occasion alluded to was this—that the papers laid upon the table contained everything that bore upon the course of policy which Her Majesty's Government had adopted; but that there had been some instructions given to our agents at Naples, directing them as to the nature of their mission, and as to the course they were to pursue under certain contingencies, which, however, had not happened. As those contingencies did not happen, those instructions fell to the ground, and therefore it was not necessary to produce the correspondence containing them. I did not refer to communications made to Her Majesty's Government, but to instructions from Her Majesty's Government to their own agents at Naples. I stated also that other instructions had been given on matters wholly unimportant, and having no reference whatever to anything that had taken place. I understand the right hon. Gentleman wishes to know

whether the British Government made any suggestion to a foreign Government that if any attempt were made to establish republican institutions in Italy, the British Government were prepared to oppose by force of arms such a movement. Am I correct in this understanding of the right hon. Gentleman's question?

MR. DISRAELI: I wish to have my question perfectly and distinctly understood. I wish to know whether, in the course of communications which took place in reference to the affairs of Sicily, Her Majesty's Government had made an offer to a foreign Power, that if any attempt were made to establish republican institutions in Southern Italy, they were prepared to interfere, if necessary, even by force of arms, to prevent the establishment of such institutions?

VISCOUNT PALMERSTON: No such offer was made by Her Majesty's Government.

MR. HENLEY: Sir, I cannot help thinking that a little confusion has arisen from the answer given by the noble Lord to the question put to him by my right hon. Friend. I understood the noble Lord to say that the portion of the papers not laid upon the table on the occasion referred to consisted of communications made to the English agents in Naples, in reference to certain contingencies which did not arise. When pressed by my right hon. Friend for a categorical answer to his question, whether in the course of communications in reference to the affairs of Sicily, Her Majesty's Government had made any offer to a foreign Power, that in the event of an attempt being made to establish republican institutions in the south of Italy the British Government were prepared to interfere to prevent such a movement, even by force of arms, the noble Viscount answered that no such offer had been made. Now I confess that from the explanation of the noble Lord an impression was left on my mind that some of those communications that were made to the British agent at Naples, contemplating such a contingency as did not happen, did actually contain such an offer from our Government. I do not know whether the noble Lord wished that his statement should convey such an impression.

VISCOUNT PALMERSTON: I am obliged to the right hon. Gentleman for affording me the opportunity of removing such an impression as it appears my language conveyed to his mind. The com-

munications made to the British agents in Naples to a certain extent were as to the conduct they should pursue in the event of such and such overtures being made by the Neapolitan Government. But none were made to them; none of our instructions had any relation whatever to the contingency of republican institutions being attempted to be established. They merely said, "If the Neapolitan Government ask for so and so, you are to act so and so." But no such applications having been made by the Neapolitan Government the contingencies to which the instructions applied did not arise. As I have said, those instructions had nothing whatever to do with the establishment of republican institutions. I am quite sure that the right hon. Gentleman feels convinced that the British Government would never think of interposing by force of arms to prevent any form of Government being established in Southern Italy which the inhabitants themselves might think fit to decide upon. In such a case, no doubt, we might have our own opinions upon the subject; but those opinions we certainly should not think ourselves entitled to enforce by an appeal to arms.

MR. DISRAELI: Am I, then, distinctly to understand from the noble Lord that no communications took place between Her Majesty's Government, of which he is the chief, and any foreign Power, in which the contingency of an attempt to establish republican institutions in Italy was contemplated, and in which was expressed the course Her Majesty's Government in that contingency were prepared to take?

VISCOUNT PALMERSTON: That is quite a different question from the one first put by the right hon. Gentleman. The right hon. Gentleman asked me whether any offer was made by Her Majesty's Government to any foreign Power, in the event of an attempt being made to establish republican institutions in Italy, to co-operate—

MR. DISRAELI: No, I did not say "to co-operate." I merely asked whether Her Majesty's Government had made any offer to a foreign Power.

VISCOUNT PALMERSTON: Well, any offer to a foreign Power to do something, and that too, if necessary, by force of arms in reference to the establishment of republican institutions in Italy. As I have said, no offer of the kind was made.

House in Committee.

Viscount Palmerston

Bills considered in Committee.

House resumed.

Bills reported without Amendment; to be read 3^d To-morrow.

MUTINY BILL—THE BILLETING SYSTEM.

On the Order of the Day for the consideration of the Amendments in this Bill,

MR. G. DUNCAN said it appeared to him that the system adopted for the billeting of soldiers in Scotland was the very worst that could have been selected. He was quite convinced that the Government, if they pleased, could effect their object in a much more satisfactory manner, and in a way that would be more convenient to all parties. When the noble Lord the Secretary of State for War was lately in Scotland, he (Mr. Duncan) had the honour of an interview with him, and pointed out to him the hardships of the present system in that part of the United Kingdom. The public-houses in Scotland were a different class of buildings to those belonging to the licensed victuallers of England. The borough which he had the honour to represent, would be greatly oppressed by this system, inasmuch as the public-houses there were comparatively few in number, and would have to bear the whole burden of this billeting system in that town. Generally speaking, public-houses were the very worst lodging-houses that could be selected for soldiers. He hoped that the noble Lord would reconsider this question, and consent to empower the authorities to order the troops to be billeted in other places than public-houses, if there were such accommodation to be found in the town.

MR. KINNAIRD, wished to confirm all that had been said by his hon. Friend the Member for Dundee. The borough which he (Mr. Kinnaird) represented was in precisely the same situation. There were unoccupied barracks there which could be much better employed in lodging the soldiers than the public-houses.

MR. W. EWART confirmed what had been said by the two hon. Members who had preceded him. Although the borough which he represented had no barracks in it, there were large storehouses which might be made available for the purpose. He was speaking as much for the good of the soldier as for the convenience of the people generally. The soldiers, he thought, ought to be kept as much as possible from coming into close contact with the popu-

lation, as the communication had a demoralising tendency.

SIR WILLIAM CODRINGTON asked if the power of billeting were to be done away, how were the troops to be marched? The men must be fed and lodged. He considered it would be impossible to move troops unless some such power as that of billeting were maintained.

VISCOUNT PALMERSTON:—I think what has passed on this subject is an illustration of the maxim—"give an inch, and they will take an ell." Last year we were told—and I confess with somewhat of justice—that Scotland suffered from a great grievance, inasmuch as in that country the troops were quartered in private houses, while in England such houses were exempted from the burden. Well, we admitted the evil, and promised to redress the grievance. This year we introduced an Amendment into the Bill by which that evil was altogether remedied, and Scotland was placed in the same position in regard to this subject as England. Now the hon. Members representing Scotland urge upon us the hardship of subjecting the innkeepers and proprietors of public-houses to this burden of accommodating soldiers occasionally, which is borne by the same description of houses in England. As my hon. and gallant Friend (Sir W. Codrington) has observed, how is the public service to be provided for if this billeting system were to be given up? As I understood, my hon. Friend proposes that there should be a clause in the Mutiny Bill to provide that the troops, instead of being quartered in public-houses, should be afforded barrack accommodation in all towns where such accommodation is available. Well, that arrangement appears to be a proper one to be adopted on certain occasions. But that is a matter to be arranged by the military and the parties themselves, and not one for legislative interference. In towns where there are barracks no doubt it would be advantageous to locate troops when they are on the march in such quarters; but, in respect to small recruiting parties, the circumstances of the case would be different. It would be very difficult to make all the necessary arrangements in large barracks for only three or four men, unless a much larger expense than was actually necessary for so few men were resorted to. Now it may be a fair matter for consideration whether in England as well as in Scotland the allowances made for the accommodation

of soldiers ought not to be increased. But that is a question for the Estimates. I quite agree with my hon. Friend (Mr. Ewart) that it would be far better for the troops, as well as for the community generally, that the soldiers should be placed in barracks, when it is possible or convenient to do so. Their discipline would obviously be much better preserved, and the convenience of the public would be much better consulted. Our feeling is so much in accordance with that expressed by my hon. Friend that we have been most anxious to increase the barrack accommodation all over the kingdom. This year, however, we have been obliged to postpone those barrack arrangements, in order that the Chancellor of the Exchequer may be able to make both ends meet. I, however, can assure the hon. Gentleman that I quite agree with him in principle. If there are places in which there are barracks without any troops being quartered in them, I am quite sure that my noble Friend at the head of the War Department would have no objection to make arrangements for the placing of the troops in those barracks; but, as I have observed, I do not think that they can be applied to the wants of small recruiting parties.

Bill, as amended, *considered*; to be read 3^o to-morrow.

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Wednesday, March 18, 1857.

MINUTES.] PUBLIC BILLS.—1^a Mutiny; Marine Mutiny; Mr. Speaker's Retirement; Exchequer Bills (£21,049,700); Consolidated Fund Appropriation.

3^a Income Tax; Indemnity; Copyhold and Inclosure Commissions, &c.; Extra Parochial Places; Ecclesiastical Jurisdiction.

Their Lordships met; and having gone through the business on the Paper,

House adjourned at half-past Twelve o'clock till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, March 18, 1857.

MINUTES.] NEW MEMBER SWORN.—For Londonderry County, James Johnstone Clarke, esq.

PUBLIC BILLS.—1^o London (City) Coal Duties; Public Charities; Burials.

2^o Ministers' Money (Ireland).

Viscount Palmerston

3^o Mr. Speaker's Retirement; Exchequer Bills (£21,049,700); Consolidated Fund (Appropriation); Mutiny; Marine Mutiny.

MR. SPEAKER'S RETIREMENT BILL.

THIRD READING.

Order for Third Reading read.

Bill read 3^o; Amendments made.

Resolved, Nemine Contradicente, That the Bill do pass:—Whereupon

MR. SPEAKER addressed the House as follows (all the Members being uncovered):—

I should not do justice to my own feelings, were I to permit this Bill to pass through its last stage, without expressing most gratefully and respectfully to the House my very sincere acknowledgments for this mark of their approbation of my humble services in the Chair, and of the noble and generous manner in which those services have been rewarded.

SIR GEORGE GREY moved that what had been said by Mr. Speaker should be printed with the Votes, and entered in the Journal of the House.

MR. WALPOLE seconded the Motion.

Ordered, "That what has now been said by Mr. Speaker be printed in the Votes of this day, and entered in the Journal of this House."

Ordered, "That the Clerk do carry the Bill to the Lords, and desire their concurrence."

MINISTERS' MONEY (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. FAGAN said, he was quite aware how hopeless it was in an expiring Parliament to carry through a measure of this kind; but he was anxious to obtain the sanction of the House and of the Government to the principle of the Bill, in order that at length, after an arduous struggle, he might be able to announce that he had succeeded in getting rid of one of the most obnoxious imposts it was possible to conceive, and thus bring back a message of peace to his constituents. The late Sir Robert Peel, on the occasion of his proposing the endowment of Maynooth, said that he was about "to send a message of peace to Ireland." But how much more would the announcement of the abolition of this tax called ministers' money be a message of peace to Ireland, when it was recollected that it was a tax levied upon the Catholic community of the country—when it was recollected that there was a strong feeling even amongst the Catholics

of Ireland in favour of the abolition of the grant to Maynooth altogether, as their religion would be thereby protected against those annual exhibitions of malignity such as had been witnessed the other evening on the part of a noble Earl the leader of the Conservative party in another place. And here he would ask some hon. Friends of his whom he saw sitting upon the benches opposite, whether it was right or just that, merely for the purpose of opposing the Government of the day, they should continue to support the Conservative party in the face of such denunciations of the Catholic religion upon the part of the noble Earl (the Earl of Derby)? If the noble Lord at the head of the Government consented to the second reading of the Bill, he would pacify the mind of Ireland upon a subject which, next to the question of tenant right, most interested the people of that country. The noble Lord was likely to have a strong majority in the next Session of Parliament, because of the talent and energy which he had exhibited in the late war. Still there was no doubt that many would get into the new Parliament under the cry of supporting him who would be "Derbyites" in disguise. The noble Lord, therefore, might one of these days want the support of the Irish Liberal Members, and so let him not repel the feeling that was growing up in Ireland in his favour, by refusing to do justice in this matter. There was no reason why the tax should not be abolished at once—for, as regarded any danger from interfering with church property, Sir John Young had cut the ground already from under that objection by abolishing the tax upon all houses under the value of £10. It was evident there were abundant funds in the hands of the Ecclesiastical Commissioners to provide for the abolition of the tax, for they had paid over no less than £21,000 to those who were entitled to the receipts of the tax, and that without having been repaid a single penny by the terms on which it was leviable; and, notwithstanding that, they had expended considerably more than an average amount upon the repairing and building of churches. The hon. Member for Edinburgh had on the paper a notice of an Amendment to include in this Bill a somewhat similar tax payable at Edinburgh and Montrose. He entreated his hon. Friend not to press his Amendment, for by so doing he might risk the passing of this Bill. He hoped, therefore, to hear that, without any "ifs or ands," that the Go-

vernment were prepared to accept the principle of his Bill. He would now move the second reading of the Bill.

MR. MAGUIRE seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. BAGWELL said, that on a previous occasion when this question was before the House it was said that this tax was a remnant of the penal laws; but it was much worse, it was a renewal of them. To show the irregularities in the incidence of the tax, the hon. Member stated that the sum raised from Clonmel, which was but a very small town, was £241 per annum; Kilkenny, which was a much larger place, paid only £307 per annum; and Limerick, which was a more considerable town than both these put together, but £310 per annum. He earnestly hoped that in the next Parliament the Government would themselves introduce a measure for the settlement of this question.

MR. MEAGHER said, he could not coincide in the criticisms of his hon. Friend the Member for Cork (Mr. Fagan) regarding the Parliamentary career of certain Members from Ireland occupying seats on that (the Opposition) side of the House. His hon. Friend would understand his meaning when he said that he had just been "blarneying" the noble Lord at the head of the Government. He (Mr. Meagher) could offer the noble Lord much more cogent reasons for abolishing the tax than those suggested by his hon. Friend. The provincial towns that were affected by the tax returned ten Members to Parliament, whilst they influenced the return of ten county Members in addition. Now, he would submit that it was worth the while of the Government to consider whether they would make friends or enemies of those constituencies. He was glad to find they were likely to have the support of Members from Scotland in their effort to abolish the tax, and those hon. Gentlemen might rest assured that their success would be followed by the abolition of the "annuity tax" in Scotland.

MR. HORSMAN said, that although the second reading of the Bill on the present occasion could lead to no practical result, yet he was ready to redeem the pledge he gave on the introduction of the measure, that when it came on for second reading he would state what were the intentions of the Government in reference to this subject. Every one who had at all attended to the discussions that had taken

place in Parliament upon the question must know that it was beset with difficulties. Within his experience of the House—and it was now of nearly 20 years' duration—the subject had been perpetually before them. A Committee was appointed in 1847 to consider the question, and it included most of the prominent Members from Ireland. Mr. Sheil was chairman; Mr. John Young served on it, as did both the Members for the University of Dublin, the right hon. Baronet the Member for Canterbury (Sir W. Somerville), then Member for Drogheda; the two Members for the City of Dublin, as well as his hon. Friend the Member for the City of Cork (Mr. Fagan), and his colleague. That inquiry showed how great and deep was the discontent, not alone of those who paid the tax, but especially of the established clergy, to whom the tax was paid. In fact, it was given in evidence that many of those gentlemen refrained from collecting the tax although their whole income was derived from it. After a very protracted inquiry the Committee reported to Parliament that the tax ought to be abolished, and that for the future the payment of the clergy ought to devolve upon the funds of the Ecclesiastical Commissioners. That recommendation, however, was of no effect, and subsequently a Bill was introduced by the Government which was passed, by the title of "Sir John Young's Act," and which, it was hoped, would set the question at rest. The main Amendments which that measure contained were these:—In the first place, in order to remove a great deal of discontent connected with the operation of the law towards the poorer class of householders, the Bill enacted that all houses below the value of £10 should be exempted from the tax; secondly, householders would be allowed to commute the tax for 14 years' purchase; and, thirdly, the clergy were to be paid, in the first instance, by the Ecclesiastical Commissioners, a deduction of 25 per cent. upon the amount due to each being made. In addition to that—and it seemed to him to be the most important and beneficial change effected by the new Act,—the clergy were for the future relieved of the odium of collecting the tax, and it was thrown altogether upon the corporation of Ireland. If the corporations collected the tax, well and good; but if they failed to collect it, it then became a debt due to the Crown, and the payment was to be compelled by the Executive.

Mr. Horsman

Such were the provisions of the Act which it was hoped would have set this question at rest. It was notorious, however, that it had failed in every particular. And first, as to the exemption of houses under the value of £10, it turned out that the relief given by the Bill was merely nominal, for already, in consequence of the extreme insignificance of the sums leviable off that class of houses, the clergy had renounced their claim in that direction rather than incur the odium of exacting their rights. Then, again, no one was found to take advantage of the power to redeem the tax for 14 years' purchase; it had been reported to him by the collector of the tax in Dublin, that only one individual in all Ireland had availed himself of the powers of the Act. Again, although the Ecclesiastical Commissioners were to be refunded their disbursements to the clergy by the several corporations, yet it soon became evident that not a single corporation would levy the tax to repay them; indeed, during the last recess the corporations of the seven cities had waited upon him, at Dublin Castle, and they stated in very temperate language that they had come to the unanimous resolution not to levy one shilling of the tax. And it should be recollected that while formerly the tax was collected on behalf of Protestants by members of the Protestant Church, the duty now devolved upon those who were not necessarily members of the Establishment, and who would have to compel their Roman Catholic neighbours to pay that which they themselves had refused to pay. The consequence was, that not a shilling of the tax was collected, and the Government was compelled to institute legal proceedings against the corporations. They tried the question, in the first instance, with the corporation of Cork—for in that city the largest proportion of the tax was leviable—intending, as soon as they got judgment against Cork, to proceed against the remaining corporations. Well, the Government having obtained judgment in its favour, the corporation of Cork gave notice of appeal, not merely to the Court of Error in Dublin, but likewise to the House of Lords, so that they were advised two years would probably elapse before they could obtain any results from their verdict, by which time four years' collection would be due; besides having to fight the battle over again with the other corporations. And then, too, some of the corporations had no property, so that the

Government would have to proceed against the individual members of the corporations, some of whom told them frankly that their persons were at the disposal of their prosecutors, but that they would undergo any amount of martyrdom rather than pay the tax. The House would agree with him that was a state of things which ought not to be allowed to last. The question, therefore, had been under the consideration of the Government during the recess, and they had come very much to see their way as to the course to be pursued. Various modes of dealing with the subject had been suggested. In the first place, it had been proposed that the Ecclesiastical Commissioners should in their own persons seek the enforcement of their rights in the courts of law, and thereby the Government would be relieved from a false position. But that would only be placing the Commissioners in a worse position than they were actually in, inasmuch as they would thereby be saddled with the fresh burden of a protracted litigation. It was next proposed that the Government should take upon itself the collection of the tax; but that would not place things in a better position than before the passing of Sir John Young's Act, when the Government only avoided defeat on this question by bringing in a Bill of their own, the introduction of which they barely carried by a majority of 15. Here, however, another plan presented itself, by which the tax should be entirely got rid of as an ecclesiastical impost. There were certain hospitals in Dublin which were supported by an annual Vote from Parliament of £16,000, and about which his hon. Friend the Member for Edinburgh (Mr. Cowan) knew something; that was a Vote which was carried each year with considerable difficulty; and, therefore, it was suggested that as the chief objection to the tax was a conscientious objection, the Government would be justified in raising it as a tax for the support of the Dublin hospitals. There were many Protestants in Dublin who had no objection to paying ministers' money, and, therefore, it was felt that the tax ought not to be redeemed altogether. That proposal met with a great deal of consideration at the hands of the Government, and he confessed he regarded it with favour himself; the more especially as the great bulk of the tax was levied in Dublin, where those hospitals were. But it raised a question with which

the House was familiar—namely, the “appropriation question,” that was to say whether they ought to take away the funds of the Established Church, and apply them to other purposes. Now it was quite evident that this last plan could never be carried into effect without the concurrence of Gentlemen on the opposite side of the House, and he was afraid that with that concurrence it would not meet; neither with the concurrence of the heads of the Established Church: since, therefore, it could not be carried into effect without the concurrence of all parties, it obviously had little chance of success. Well, another arrangement proposed was that the Government should step in and redeem the tax at a rate somewhat lower than that allowed in Sir John Young's Act—namely, at ten years' purchase—and that they should be repaid by the several corporations within a period of years. However it was considered that that proposal, so far from diminishing the burden and mitigating the opposition it provoked, would probably have the effect of increasing both. All these propositions had in turn been examined by the Government, and each was found to be of such a nature as held out no hope of its receiving the assent of Parliament. The Bill now before the House, on the other hand, would totally abolish the tax, in accordance with the report of the Select Committee. That Committee reported that there was no new principle involved in throwing the payment of the clergy on the fund of the Ecclesiastical Commission. The 3 & 4 Wm. IV., c. 37, contained this provision:—

“And be it further enacted that in all parishes and places where, in virtue of any law, statute, or custom, provision may heretofore have been made, by vestry or other assessment, for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of divine worship, such provision or assessment shall from and after the passing of this Act wholly cease and determine; and it shall and may be lawful for the said Commissioners under this Act, by and out of the proceeds of the said annual tax, and the other funds as aforesaid by this Act vested in them, to provide for all such purposes in such manner and proportions as to them shall seem fitting.”

Thus, in other parts of Ireland, where under a special Act of Parliament the clergy had been paid by such assessments, the Church Temporalities Act abolished those assessments and threw the payment of the clergy on the Ecclesiastical Commission. The Select Committee expressed its conviction that the

funds of the Commission would so far increase as to leave a margin out of which these payments could be made. He held in his hand a Return of the receipts and expenditure of the Ecclesiastical Commission from the date of its commencement up to the present time, and, upon looking upon that Return, he was bound to say that all the predictions of the Committee had been fully borne out. In 1848, when the Reports were laid upon the table, the income of the Ecclesiastical Commission amounted to £98,000. In 1856 it had increased to £146,000. In every year during a certain period there appeared to be a balance in the Bank, after all disbursements. In one year the balance was as high as £77,000. He found in the last year that the payments made on account of ministers' money were £12,000, which, if added to previous payments, made the amount £21,000. Of these moneys only £4,000 had been repaid, leaving a balance of £17,000 of the advances and allowances made to the clergy. In 1856 there were £12,853 invested by the Ecclesiastical Commission, and a balance of £5,563 in the Bank. So far, then as the funds of the Ecclesiastical Commission went, there appeared to be a good margin for the amount to be paid which was claimed as ministers' money. But by some economical arrangements the income of the Ecclesiastical Commissioners might be largely increased. The question had been brought under the consideration of the Government whether, by a better system of management, those funds could not be largely increased? On the 13th of February last, the Lord Lieutenant of Ireland wrote a letter to the Archbishop of Dublin, to be laid before the Irish Ecclesiastical Commission, indicating the opinion of the Government that steps might be taken to render the property of the Commissioners still more productive by improved management. In this letter his Excellency stated:—

“The Government are inclined to think that they might have recourse to the method which has been twice adopted with great advantage in respect to the parallel Ecclesiastical Commission in England, by instituting an inquiry before a Committee of the House of Commons, with a view to consider whether any more economical or profitable system of operations could be effected. Of course it would be most agreeable to Her Majesty's Ministers if they could carry with them the concurrence of the Commissioners themselves in this design. Permit me to add that, as a discussion in the House may be expected almost immediately, it would be an ad-

ditional favour that any answer to this letter should be given with the least possible delay.”

The most rev. Prelate replied in a week afterwards, stating that a special Board was summoned to take the matter into consideration. From the circumstances which had since occurred in the affairs of the country, no time had been afforded for determining that part of the question. This was the position in which the question stood when Parliament met and the hon. Gentleman's Bill was introduced; and it was now incumbent on him to state the opinions of the Government. Considering, therefore, the condition in which the question now stood—considering that the payment of ministers' money was now practically made by the Ecclesiastical Commissioners—considering that the throwing upon that Commission, legally as well as practically, the payment of ministers' money, no new burden could be imposed upon it—considering, too, that the difficulty of collecting the tax was almost insurmountable—considering that the present state of the law gave rise to unpleasant discussions every year in that House; and with the knowledge of the abortive attempts that had been from time to time made to provide a legislative remedy for the evil, the Government had come to the conclusion that they did not see their way to proposing any practical remedy for the difficulty, except by adopting the suggestion of the Committee of 1847, and acquiescing in the spirit of the Motion made by his hon. Friend the Member for Cork, who was a member of the Committee alluded to. There was one course which he thought would be most discreditable to the Government to pursue—namely, that they should continue a struggle when they saw hope of its satisfactory termination—that they should thus encourage a continuance of litigation in the courts of law, and that they should pertinaciously continue a contest for a principle which it baffled all their attempts to enforce, and which, if persisted in, was only fraught with future animosity and strife. He confessed that the Government would shrink from resorting year after year to such imperfect and vague attempts at legislation to compel the payment of ministers' money. He thought that the Government would be placing themselves in a false position if they were obstinately to persevere in a course beset with such difficulties. In taking what he considered to be a wise,

politic, and just course, he believed that they would be solving the difficulty in a manner that would be found satisfactory to all parties and inconvenient to none. That course carried with it a recommendation not the least valuable in the eyes of the Government—namely, that it was a conciliatory course. One of the results which would necessarily follow the adoption of a plan would be the removal from amongst them of that fruitful source of animosity and strife which the present vexatious system of collecting ministers' money occasioned, and the establishment of a measure in lieu thereof which was calculated to restore to Ireland a condition of peace and harmony, which it was the first duty of the Government to foster and promote.

Mr. G. A. HAMILTON said, although he deprecated a discussion involving such an important principle as was involved in the plan of the right hon. Gentleman in an expiring Parliament, and the making of any statement that partook rather of the character of an address to the constituencies than of a candid expression of principle in that House, he, nevertheless, thought it necessary to make a few observations in reply to the speech of the right hon. Secretary for Ireland. The right hon. Gentleman had no doubt felt that he had but discharged his duty in the declaration of those opinions which he had expressed. He (Mr. Hamilton) was willing to admit that the subject was one beset with great difficulties. The right hon. Gentleman had certainly made the most of those difficulties to which he had adverted; and had expatiated at some length upon the various modes by which those difficulties might be settled. Although the right hon. Gentleman had said truly no one of those plans was altogether free from difficulty, he (Mr. Hamilton) confessed he thought that the measure proposed by the right hon. Gentleman of remedying those difficulties, was the most objectionable that could, under the circumstances, be proposed. The plan of the right hon. Gentleman involved the abandonment of a most important principle. It was as impolitic as it was unjust, inasmuch as it involved the appropriation of the property of the Church. The right hon. Gentleman now proposed to subvert a principle which was recognised and confirmed by the Church Temporalities Act. The right hon. Gentleman adverted to the report of the Committee of 1847 which had sat upon this subject; but he omitted to in-

form the House that that report was adopted by only a majority of one—that one being the casting voice of the late Mr. Sheil, who was the Chairman of the committee. The Report certainly recommended the abolition of ministers' money; but the right hon. gentleman also omitted to state that plans were proposed by the minority of that Committee which might have been satisfactorily carried out, and which were much more likely to settle the question than the Act of Sir John Young, or any measure of the character now proposed. Neither of those plans would have involved the abandonment of Church property. Now, all the difficulty might be remedied by amending the Act of Sir John Young. He wished to state the strong objections he entertained to the plan just shadowed out by the right hon. Gentleman. He objected to it because it gave to persons, the owners of property in towns, an advantage to which they were not entitled. Those persons acquired their property subject to this charge of ministers' money; and the abolition of it now was contrary to every principle of justice or equity. The plan was nothing more or less than an appropriation of a certain amount of Church property. He also objected to the plan of the right hon. Gentleman, because it was subversive of the engagement entered into in the Church Temporalities Act. The right hon. Gentleman had quoted a clause of that Act with the view of showing that curates were paid out of Church property; but he should recollect that that was a settlement of a question by compromise, that it was a concession upon all sides. If, then, a compromise were effected which involved the payment of curates out of Church property, he (Mr. Hamilton) submitted that that fact was rather an argument against the present proposition of the right hon. Gentleman than one in support of it. He, therefore, contended that the effect of such a measure as that enunciated by the right hon. Gentleman would be to disturb the settlement made by the Church Temporalities Act. It was part of the compromise or compact then entered into that ministers' money was to be retained. He therefore maintained that the proposed plan would not only give an unjust advantage to proprietors in certain towns, but it would also violate the compact made by the Church Temporalities Act. He did not wish to prolong this discussion, but only to enter his protest against the plan shadowed out by the right hon. Gentleman. It was quite idle to suppose

that any results could follow from a question of this kind raised at such a period of the Session. He did not, therefore, mean to divide the House upon the matter; at the same time he was anxious to record his opinion of the plan by now moving that the Bill be read a second time that day three weeks.

ADMIRAL JONES seconded the Amendment. He wished also to supply an omission made by the right hon. Secretary for Ireland. The right hon. Gentleman seemed to him to have read the Report of the Committee very carelessly indeed, or with an eye to one particular object. The right hon. Gentleman said that the funds of the Ecclesiastical Commission were quite sufficient to pay the ministers' money. If the right hon. Secretary for Ireland had read that Report in an impartial spirit he would have found that the funds of that Commission were not sufficient to meet the objects for which they were intended. There was a good reason for the Ecclesiastical Commissioners keeping a balance in hand—namely, the necessity of being provided for constantly occurring contingencies. Did the right hon. Gentleman recollect that in 1839 a great storm occurred which unroofed many of the churches of the country, and if the Ecclesiastical Commissioners had not had a balance in hand they would have been unable to provide for the temporary repair of those churches. The right hon. Gentleman would, on further inquiry, find that the funds of the Ecclesiastical Commission were not sufficient for the purposes for which they were given.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three weeks."

MR. MAGUIRE said he believed that the announcement of the right hon. Gentleman would be regarded as a message of peace when it reached Ireland. At the same time, the Government did not really deserve much credit for the decision at which they had arrived. They had not given way until they were fairly driven to the wall and obliged to surrender. The right hon. Gentleman had alleged many excuses for the course which the Government were about to adopt, although one was quite sufficient. The fact was they could not collect this obnoxious tax, because every corporation in Ireland was determined to exhaust every possible means of escaping its payment. Nevertheless, the Government had done the right thing

and done it well, and with a good grace, instead of tinkering and peddling with the question. The hon. Member for Cork had imputed unworthy motives to some Irish Members with whom he (Mr. Maguire) was connected in respect of the vote they gave the other night against Her Majesty's Minister. Now, at the close of that Parliament he took the liberty to say that he and the friends with whom he acted had never given a factious vote, or been deterred from deciding according to the strict merits of every Motion, irrespective of its effect upon any political party. They had voted Lord Derby out of office and Lord Aberdeen into it in 1853. They had displaced the Aberdeen Cabinet on the Motion for an inquiry into the Crimean disasters; and he asked was that a factious vote? They had also voted Lord Palmerston into office, and would be ready to vote him out again tomorrow if they were convinced that he was in the wrong. They would degrade their high position and compromise their personal honour if they voted black white and white black at the beck of any party. He had voted the other night with the hon. Member for the West Riding and the right hon. Member for the University of Oxford for no other reason than that they could not conscientiously say that the conduct of our representatives in China was consistent with the greatness of this country or with the religion which it professed; and if it were his good fortune to return to that House after the dissolution he should be animated by the same principles and the same sense of duty. He and his friends were independent of party, and cared neither for office nor for the blandishments of those who enjoyed it. They were ready to support the Government when it was in the right, and to crush it when in the wrong, no matter what might be the consequence either to themselves or to others.

MR. BLACK said that he had intended to move an Amendment to the effect that two towns in Scotland, Edinburgh and Montrose, ought to be relieved from a similar burthen—that of the annuity tax, but he believed that he should not be in form. It might seem presumptuous on his part to oppose the opinions of the two Members for the University of Dublin; but they were wrong in their political economy. The tax did not fall on the landlord, but on the tenant. If you put a tax of 5s. upon a hat, it was not to be supposed that the hatter would pay it. He would have to make the customer pay him the tax as

well as the cost of production and the ordinary profit of the trade, otherwise it would not be worth while for him to go on making hats. In the same way, if you put a tax on a house, the tenant paid it, and he was sure that in Scotland the tenant felt it as a payment out of his own pocket, as much as if they had left a tooth at the dentist's.

SIR DENHAM NORREYS thanked the hon. Member for his instructive essay on political economy, and suggested, as the foundation of a similar discourse, to be delivered in the new Parliament should the hon. Member be again returned, a passage in Hudibras, to the effect that the real value of anything was what it would fetch. In reference to what had fallen from the hon. Member opposite (Mr. Maguire), he could only say that there were Members on this side of the House fully as independent as those on the same side with the hon. Member. He, like the hon. Gentleman, had voted against Lord Derby's Government and against Lord Aberdeen's Government, and he should be ready to vote against the present Government when it failed to bring forward such measures as he thought the interests of the country required. As regarded the proposal of the Government in respect of ministers' money, he contended that by acts of this kind more real good would be done for the Church than by maintaining in operation a tax most obnoxious to the religious feelings of a large body of the community.

MR. BEAMISH, as a Protestant Member, thanked the Government most earnestly for the manner in which they had come forward that day to put an end to a tax, the operation of which was most injurious to the true interests of the Church. Many Protestant clergymen were most anxious that it should be done away with.

MR. COWAN said nothing was more destructive to the peace of society, the estimation in which clergymen were held by their parishioners, and the spread of the Gospel itself, than the annuity tax had proved to be in Scotland. He admitted it to be strictly legal; but its existence was a perpetual source of irritation and vexation to the inhabitants of the two towns subjected to it, and many painful scenes had arisen from the enforcing it against persons who from conscientious motives refused, or from other causes were unable to pay it.

VISCOUNT PALMERSTON: It is most important as regards the despatch of busi-

ness in this House that we should confine our discussions as much as possible to the immediate question before us. We are now discussing an Irish question, and, with all due deference to some hon. Members, we should not diverge from that to a Scotch question. As my right hon. Friend the Secretary for Ireland has stated, Her Majesty's Government are prepared to accede to the measure of the hon. Member for Cork in respect to ministers' money in Ireland. Now, that question, in one respect at least, stands upon an entirely different ground to the annuity tax in Scotland. The ministers' money can be provided for out of the funds of the Ecclesiastical Commission. That arrangement can make no difference in the existing state of things. The money has already been advanced by the Ecclesiastical Commissioners, and they find the greatest difficulty in recovering the amount from the towns that are liable to the impost. The annuity tax in Scotland is altogether differently situated. Now, all I wish to say is, I hope that my hon. Friends who represent that part of the United Kingdom will not consider that we have given any pledge in regard to that tax. It must be dealt with upon its own grounds and upon its own merits. The question of that tax is not at all involved in the decision upon this Irish question. I hope in the present stage of the Session it will not be considered necessary to discuss this question further.

MR. KINNAIRD begged to inform the noble Lord that before the noble Lord's arrival in the House that day the Scotch Members were invited by hon. Members opposite to cooperate with the Irish Members in their efforts to get rid of this obnoxious tax. That was the reason which induced some of his hon. Friends near him to take part in the discussion. He hoped that the noble Lord, seeing the feeling that existed in respect to the injustice of such an impost, would be induced to turn his attention to the question of the annuity tax, which was extremely objectionable to the two towns of Scotland where it was collected.

MR. HEARD expressed his gratification at the statement of the right hon. Gentleman the Secretary for Ireland as to the course which the Government intended to pursue in this matter.

MR. FAGAN said he was sorry that any remarks of his should have been taken by his hon. Friend the Member for Waterford (Mr. Maguire) as being intended to reflect

on the honesty of his hon. Friend's motives for the political course which he had lately pursued. Certainly, when he had heard Lord Derby describe the Church to which he belonged as being "religiously corrupt and politically dangerous" it had annoyed him to think that hon. Members professing the same faith as himself should be giving a general support to that noble Lord's party. With regard to the course which the Government intended to take upon this Bill, he was convinced that it would be received as a message of peace in Ireland, and would give general satisfaction, not only to those who were affected by the tax, but throughout the country, because a great religious principle was involved in it.

MR. HENLEY said he had not expected that there would be any discussion on this Bill, and he thought his surprise at what had taken place would be shared by most Members. He could not exactly see the use of the statement which had been made by the Government, as far as the House was concerned. It might be very convenient for the Government to make such a statement on the eve of a dissolution, looking to the effect to be produced out of doors, but it was clear that the present Parliament could do nothing in the matter. It was a mere expression of an opinion to which no effect could be given.

SIR GEORGE GREY said his right hon. Friend's statement had been made in fulfilment of a pledge given previously by him that he would explain what course the Government intended to pursue when the Bill came on for a second reading.

MR. HORSMAN added that the correspondence which he had read contained a similar pledge on his part.

Question, "That the word 'now' stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read 2^o, and *committed* for this day three months.

TELEGRAPHIC COMMUNICATION WITH INDIA—QUESTION.

In answer to Sir DENHAM NORREYS,

MR. WILSON said, that the only line of telegraphic communication between India and Europe with regard to which the Government had at present entered into any engagements was the line going from Seleucia to Kornah, on the Persian Gulf. The company would have two years granted to them for making their arrangements,

Mr. Fagan

and, of course, in the mean time the Government would not entertain any other project.

In reply to Mr. OTWAY,

MR. WILSON said, the only assistance to be given to the company would be in the way of payment for work done when the line was completed. An application was before the Treasury for assistance to a company proposing to establish a line of railway, but no definite resolution had been come to on the subject.

DANUBIAN PROVINCES—QUESTION.

MR. OTWAY wished to repeat a question he had put to the noble Lord at the head of the Government last Session, when he received a reply, which he had considered satisfactory at the time, but which in the event had not proved so satisfactory as he had imagined. It related to certain refugees from Moldavia, who had left that country in consequence of the troubles of 1848 and 1849. All refugees except these had been allowed to return; those who had been compromised on the side of Turkey, as well as those who had been compromised on the side of Russia. But these thirty, or about thirty, gentlemen who had never been brought before any tribunal, or accused of any offence but that of sympathising with a cause with which the whole British nation was known to sympathise, were not allowed to return to their country. He was happy to hear that we had now very friendly relations with Austria; and as he conceived there could no longer be any objection to the return of those gentlemen to the country from which they had been so arbitrarily expelled, he trusted Her Majesty's Government would be prepared to use their influence, that gentlemen whose respectability—certainly that of one of them, M. Bratiano—was known to the noble Lord at the head of the Government, might no longer have his name posted on the frontiers as that of one who must not set foot on his native soil.

VISCOUNT PALMERSTON said, he did happen to know M. Bratiano, who was a very intelligent and highly respectable person, and he believed the other gentlemen to be quite as fully entitled to consideration. The affairs of the Principalities were in a train of settlement; the Austrian troops had already begun to evacuate the territory; the Divans were about to assemble to take into consideration the measures they would recommend as most required for the advantage of the country,

and he had not the slightest doubt that the very respectable gentlemen alluded to would in a short time return to their homes. Of course, the British Government, as far as they had any influence, would be happy to exercise it in behalf of persons so deserving. The question, however, was merely a question of time, and not a question as to whether or not these gentlemen should be permitted to return.

The House adjourned at half-after Two o'clock till *Saturday*.

HOUSE OF LORDS,

Thursday, March 19, 1857.

MINUTES.] PUBLIC BILLS.—2^a Mutiny; Marine Mutiny; Mr. Speaker's Retirement; Exchequer Bills (£21,049,700); Consolidated Fund (Appropriation).

3^a Customs' Duties; Racehorse Duty Act Amendment; Pauper Maintenance; Cinque Ports Act Amendment.

THE PERSIAN TREATY—JAPAN.

QUESTION.

THE EARL OF EGLINTON, referring to the statement made the other night by the noble Earl the Secretary of State for Foreign Affairs with regard to the various clauses in the treaty with Persia, said he understood that we were about to give up by that treaty the right of protecting Persian subjects, except those employed on our mission, provided other nations agreed to adopt a similar course; but the noble Earl did not inform their Lordships whether that right of protection would be extended to the wives and families of those *employés*. Now, as the immediate cause of the late war with Persia was the incarceration of the wife of one of those *employés*, it seemed to be very necessary that their Lordships should know whether the protection was to extend to the wives and families of our *employés* as well as to those *employés* themselves. While he was on his legs he would take the opportunity of calling the noble Earl's attention to the fact that we appeared now to have fallen into difficulties with Japan; for he had seen in one of the evening papers of yesterday a statement, copied from one of the Dutch journals, to the effect that there had been a conflict between two British ships and the Japanese. We had lately been trying our hands with all the weak States of the world—with Naples, China, and Persia, and he should not be at all

surprised to hear that we were going to try our hands with Japan. If so, he begged to suggest that we should try to pick a quarrel with Timbuctoo.

THE EARL OF CLARENDON, in answer to the question of the noble Earl, said, I have to state that it is true that we have offered to renounce the right of protecting the subjects of Persia, except those employed on the mission, provided other Governments will do the same. There has been no special provision made with respect to the wives and families of such *employés*; it is, however, understood that they will be placed exactly on the same footing as they have always been, and therefore that protection extends to their wives and families. The cause of that which the noble Earl has called the war with Persia was not the incarceration of a wife of one of the *employés* on the British mission; and I think that the noble Earl must be aware that, in truth, that was not the cause of the war. With respect to the paragraph which the noble Earl has read in one of the newspapers, as to a conflict between some British ships and the Japanese, accompanied by a humorous invitation to a war with Timbuctoo, I can only say that Her Majesty's Government have not received any information with regard to it.

NAPLES—QUESTION.

THE EARL OF HARDWICKE rose to put a question to the noble Earl the Secretary of State for Foreign Affairs, of which he had given him notice. It would be in the recollection of every one that after the contest with Russia the Plenipotentiaries of England, France, Austria, Prussia, Turkey, Sardinia, and Russia met in congress, and that after that Congress had settled, or very nearly settled, the affairs of Europe with reference to the Russian war, they thought it their duty to take into consideration other subjects with reference to the affairs of Europe; and it was resolved that the French and English nations combined should make a serious interference in the kingdom of the Two Sicilies with reference to its internal government. That a serious step was contemplated there could be no doubt; for we knew this important fact, that it was resolved that the Emperor of the French and the Queen of England should send a combined force into the Bay of Naples for the purposes which, in my opinion, are not at all disclosed in the papers that have been laid before the House. It

was stated in those papers that that force was sent for the purpose of protecting British property within the territory of the King of Naples. That the matter was of serious importance as far as England was concerned there could be no doubt, for after having determined on this point the Government directed a very important and gallant officer—no less a person than Sir R. S. Dundas—to hoist his flag on board no less a ship than the *Duke of Wellington*, and taking with him three or four line-of-battle ships, to proceed to the Bay of Naples; while the Emperor of the French collected a force of something like the same magnitude at the port of Toulon. Now, it being stated in the papers laid before Parliament that the object of the British force was the defence of British property in the event of an insurrection in Naples, it appeared to him most strange; that the only reason to be found in these papers for departing from that arrangement was a letter, dated the 23rd of October, from Mr. Petre.

“M. Carafa requested us to assure our respective Governments that British and French subjects would continue to receive at the hands of the Neapolitan Government that unflinching protection and enjoy that security to which their unblemished conduct and respect for the laws had always entitled them.”

That was the only insight afforded of the reason for the withdrawal of forces of such magnitude. Now, he recollected that in 1849, when the present First Minister was Secretary of State for Foreign Affairs, and when there were very serious troubles in that part of Italy, a single line-of-battle ship in the port of Naples, and another at Genoa were sufficient for the protection of British subjects; and at Genoa a line-of-battle ship was able to give every necessary assistance and support to Her Majesty's subjects. Therefore it was utterly absurd to put forth that a fleet of the magnitude he had alluded to was intended for the purpose of protecting British subjects in case of insurrection. Then what was the purpose of the British Government and of the Emperor of the French with respect to an armament of that description? He thought it not at all improper that he should ask that question of the Government. It appeared very natural to suppose that this mystery and vacillation in the policy of this country, evinced in sending out a squadron, and then suddenly recalling it without any circumstances being explained to warrant such a course, must, on the mind of such a sensitive people as the Italians, leave impressions

The Earl of Hardwicke

unfavourable to the constancy, decision, and promptitude, and general tone of policy of this country, and it was lamentable to think that this was the second time within the course of a few years that such a course of policy had been exhibited to the Italians. Having said thus much, he found himself stopped for want of information, and he would therefore now ask what was the cause of the sudden change of policy which led to the withdrawal of the squadron sent to the Bay of Naples.

The EARL of CLARENDON said, that without entering into the causes which had led to the determination at the Conference at Paris to despatch a naval force to Naples, he would confine himself simply to the fact of the withdrawal of that force, and the reasons which had led to it. When it was determined by the Governments of France and England, for reasons of which their Lordships were aware, to withdraw their missions from Naples, it was at the same time thought right that each country should send two or three vessels to the Bay of Naples, which number, by an arrangement with the King of Naples, was all they could send. But when those ships were ordered to the Bay of Naples the Government received a confidential communication, which led them to apprehend that an insurrection of the King's subjects might be the consequence of an armed force appearing in the Bay of Naples. Such was not in the least the intention of the French and English Governments. All they desired was a change in the system which prevailed there, but certainly they did not desire to increase the discontent of the Neapolitans with their Government; and certainly they did not desire to bring about an insurrection or a change of dynasty. Therefore they thought that though the withdrawal of the force might subject them to the charge of vacillation, they preferred that alternative to the risk of exciting an insurrection, and the two Governments acting together, the fleets were withdrawn.

EARL GREY said, it was obvious that this subject could not be discussed at the present moment. The attention of Parliament had been occupied with the still more pressing question of the Chinese war, and that circumstance had prevented the subject of the present conversation attracting the consideration of their Lordships; but he hoped that at the opening of the next Parliament the subject would

not be overlooked. The Papers laid on the table deserved the most serious attention of their Lordships, and a full discussion.

The EARL OF HARDWICKE said, he had received an answer very much of the sort he expected, and it was perfectly clear from it that there had been grave intentions of a serious description with respect to the kingdom of Naples; that these intentions were frustrated by some circumstances which their Lordships were not permitted to understand, and the frustration led to the withdrawal of the force sent out to Naples. The two Governments of France and England must have been sure, when they resolved to send a force to the Bay of Naples, that insurrection was as certain as when the same thing was done before. On a previous occasion the same operation was performed, which he saw, and anything more lamentable than the policy of England in those waters could not be described. An insurrection took place, supported by the outward show of the tricolour flag flying at the mast-head of the flagship, and the tricolour flag being displayed in the theatres of Palermo by officers of the fleet. That insurrection was put down by General Filangieri with torrents of blood. He would venture to say that had the British fleet now gone to the Bay of Naples the same result was certain to have occurred. This was known to the two Governments of England and France, and therefore they must have had designs of very great importance with respect to the kingdom of Naples, but they were most fortunately and most properly stopped by circumstances which their Lordships were not permitted to understand.

EARL GRANVILLE said, that the noble Earl who spoke last but one pursued a course regular and in conformity with the usage of their Lordships' House. That noble Earl stated that, in his opinion, the subject was deserving of discussion, and trusted that it would undergo discussion at the next meeting of Parliament; but the noble Earl who last spoke had certainly pursued a very irregular course, and had stated what were the past intentions of the Government in a manner not founded in fact. The subject certainly had better not be discussed until it was brought more regularly before the House.

The EARL OF ELLENBOROUGH would not go into the question at the present time, but he recollected that this country had at a past period incurred obligations

to the people of Sicily which had never been fulfilled, and which should never be forgotten.

CONSOLIDATED FUND (APPROPRIATION) BILL.

SECOND READING.

On Motion that this Bill be read a Second Time,

LORD MONTEAGLE complained that the Bill had not been printed with the rest of the Bills that had come up from the House of Commons. It was quite true that by usage the whole power of originating money Bills rested with the House of Commons, but the knowledge of the taxation of the country and the application of the public money were matters in which their Lordships had an equal interest. Serious alterations had been made in the form of this Bill, in consequence of the change that had taken place in the Army and Ordnance departments, and, although he did not intend to do more at present than to point out the alteration, he trusted that next Session the subject would come under the consideration of their Lordships.

EARL GRANVILLE said, that the usual practice had been followed in not printing this Bill. He would explain tomorrow in Committee the reasons which had led to the arrangement in the form of the Votes to which his noble Friend had drawn attention.

After a few words from Lord PANMURE and Lord MONTEAGLE,

Bill read 2^a.

THE TURNER BEQUEST OF PICTURES.

LORD ST. LEONARDS rose to call the attention of the House to the bequest by the late Mr. Turner of his pictures and drawings to the nation. Having seen, he said, some time ago in the papers of the day that bequest of pictures to the nation stated, and knowing its great value, he was at first apprehensive that the country might lose the pictures by some neglect to perform the conditions on which the gift was made. With the view of knowing exactly how the matter stood, he inquired for the testamentary papers and the decree, and when he obtained them, which he did not do until a considerable time had elapsed, he gave them a careful perusal, and found that the case assumed a very different aspect, and that although the country was in no danger of losing the bequest, Mr.

Turner's intentions were in great danger of being altogether disregarded ; but the nation, having taken advantage of the gift, ought to perform the conditions on which it was made. It was difficult to estimate the great value of that gift, but he (Lord St. Leonards) apprehended he spoke in no exaggerated manner if at a moderate view he said it could not be less than £150,000. If the pictures in question were now brought into the market, so highly were they appreciated they would fetch enormous prices ; and at a well-regulated sale he had no doubt they would bring in the aggregate sum he had just mentioned. This was a donation to the public, and it included drawings which were above all price ["hear, hear !"] for if England stood, as it confessedly did, at the head of all nations in reference to water-colour drawings, Turner himself has confessedly stood at the head of the water-colour artists of every nation. There was a purity, a brilliancy, a softness and a correctness of execution in his water-colour drawings which delighted every person who saw them. His sketches were most striking from their great power, and his finished drawings it was impossible to over-estimate. But he did what it was extraordinary he should have done, considering he was a painter in oil and such a first-rate artist. In his finished drawings (for of course it was otherwise in his sketches) he altogether abstained from mixing anything with his water-colours, and was, therefore, a pure artist in water-colours. He (Lord St. Leonards) feared that if our water-colour artists, with a view to give to their works the depth and breadth of oil paintings, continued to use body colours, we should have to deplore the result in the deterioration of the art. He knew nothing better calculated to prevent this system from being carried to a deplorable extent than a familiar acquaintance with the inimitable finished drawings of Mr. Turner. He (Lord St. Leonards) did not pretend to be a connoisseur of art, and he had no more knowledge than he had acquired from a genuine admiration of some of the best specimens, and from living, as it were, with pictures constantly before or around him. It was impossible to overrate the position of Mr. Turner with regard to art in this country. If not the first, he certainly stood among the first of English painters, and he had placed his country at the head of all others in reference to drawing in water-colours. In forming a judg-

Lord St. Leonards

ment of Turner's pre-eminence in art, we should keep in view his vast range of subjects and his poetical treatment of so many of them. He (Lord St. Leonards) must, however, say that his pictures, containing all his various styles, ought not to have been mixed together in the way they had been, and that a greater attempt ought to have been made to classify them. He believed that Turner's habit throughout his lifetime was this. With his great genius he had that which alone made genius valuable—untiring industry and a determination never to lose an opportunity of pursuing the art to which he was wedded. When he painted a picture, if he did not sell it immediately, his love for it increased the longer he kept it, and that was the way in which so many of his pictures had been accumulated. In his lifetime he would paint pictures on commission, but he would not sell a picture which he had painted without a commission and to which he had become attached. The picture in the National Gallery, which he calls the "De Tabley" picture, was actually sold, but he bought it back himself at what was then a very large price. In order to draw their Lordships' attention to the obligations the nation was under to Mr. Turner's memory, he would state shortly what Mr. Turner's testamentary dispositions were. He (Lord St. Leonards) believed they had not been understood. He could not believe there was any intention to go in direct opposition to the wishes and injunctions expressed by the testator ; but he believed there was a general notion that his testamentary dispositions were altogether void and binding upon no one. When, however, he (Lord St. Leonards) remembered who were the trustees of the National Gallery—particularly when he saw the noble Marquess opposite (the Marquess of Lansdowne), who was so well versed in art and so great a patron of it—he had only to point out to the noble Marquess and to their Lordships what was right and fair in this matter to have it put on a footing consistently with the real intentions of the testator, supposing they thought his suggestions right and fair. Unfortunately, Mr. Turner had had advice and assistance in the preparation of his testamentary dispositions, and the consequence was that it was very difficult to discover what were his real intentions. But it was not impossible to do so ; and he (Lord St. Leonards) had no hesitation in saying that, by carefully comparing the language and phrases used by the testator

in different parts of his testamentary dispositions, he had quite made out every intention which he had entertained in making those dispositions. By his will he gave the two pictures of "Dido building Carthage," the "De Tabley" picture, and "The Calm," which hands down his name to posterity, to the nation, on condition that they should be placed in the National Gallery between two Claudes, which he describes as the Mill (the Isaac and Rebecca), and the Seaport (the Queen of Sheba). He (Lord St. Leonards) had no doubt the trustees of the National Gallery had intended to comply with Mr. Turner's condition in this respect as far as was in their power. Mr. Turner meant that the two pictures, the "Dido building Carthage" and "The Calm," should be placed between "the Queen of Sheba" and the "Isaac and Rebecca." But for want of space the Dido picture has been placed between the "two Claudes" and "The Calm" over the Dido. This exposes the Dido to a powerful competition, although Turner is much indebted to the cleaner, for the harsh, hard, crude state in which the Mill picture is left. "The Calm" is in danger, by-and-by, of having some other two pictures placed on each side of it; but the noble and learned Lord proceeded to say that he was not finding fault with the hanging, because he considered the trustees had done all they could in this respect, and really meant to do justice to both painters. He should now proceed to state the nature of the gifts in Turner's complicated will and codicils, so as to enable the House to understand them without perplexing it with technicalities. The will was very simple. It gave the "Dido building Carthage" and the "De Tabley" picture to the National Gallery. All the rest of his estate, real and personal, was to be converted into money, and the produce was to be invested in Consols, which with his own Consols were to form one fund, out of which certain legacies and annuities were to be paid, and the residue was to form and support a charitable institution for poor and decayed male British artists. A suitable building was to be provided for that purpose. It was to be called "Turner's Gift." This will was dated in 1831, twenty years before his death. At that time he manifestly intended whatever pictures he then had, except the two given to the National Gallery, to be sold for the benefit of his institution, but he did not make any

mention of them. They might assume that this general gift was void under the Mortmain Act, as it was necessary to buy land for the institution. In the next year, 1832, he made a codicil (which was not attested, but that was now immaterial), by which, referring to "Turner's Gift," he directed a gallery to be built out of his Consols to hold his pictures, so as to keep and preserve them as a collection of his works to be viewed gratuitously. His money in the funds was to be for the endowment of this gallery and of the charity. But he appeared to have intended this to operate only in case there should not be any legal objection to "Turner's Gift." If within five years after his death that could not be carried into effect, then he revoked the gift in his will, and the funds set apart for it were to form part of the residue of his estate. He then disposed of the residue. He first directed his executors to keep all his pictures in his Queen Anne Street house entire and unsold, the whole to be supported by his Stock in the Bank, and to be held as "Turner's Gallery." Then, after giving certain life annuities, he left the residue of his property in the funds to the trustees of the Royal Academy, subject to their having on his birth-day an annual dinner, the cost of which was to be £50; and if £60 more should be left it was to go to a professor of landscape, or in providing a Turner's gold medal for the best landscape every two years. If the trustees did not accept of this offered residue, he gave it to one of his legatees. It was manifest that he considered his residue at that time as of small amount. In 1846 he made a codicil, afterwards cancelled and in part illegible, which was only material as it showed clearly that the Royal Academy were not to be his residuary legatees. In 1848, seventeen years after the first codicil, after revoking several annuities and legacies, he gave his finished pictures, except the two mentioned in his will, to the Trustees of the National Gallery, provided that a room or rooms were added to the present National Gallery, to be, when erected, called "Turner's Gallery," in which such pictures were to be constantly kept and preserved; and until such rooms should be erected, the pictures were to remain in the Gallery and house in Queen Anne Street, and he made provision for them accordingly. He then expressly provided—their Lordships would observe his anxiety—that the pictures should not be removed from the house and gallery unless

and until the rooms were attached to the gallery, nor should the Trustees of the National Gallery have any power whatsoever over the pictures unless his wish, as before declared, was fully carried out by them. It was his will that either the pictures should remain, and be called "Turner's Gallery," and be the property of the nation, or that they should remain entire at his house and gallery during the lease. He directed the lease to be renewed, "to the intent that such pictures might always remain and be one entire gallery," to be seen by the public gratuitously; but in case the trustees should not be able to renew the lease of his gallery, the pictures were to be sold. He added no further directions. By a codicil of the same date he fixed the period, which has expired, within which the trustees of the National Gallery were to comply with his will or the bequest to them was to be void. By the last codicil, in 1849, he limited the time to ten years after his death. If Turner's Gallery was not erected within that time the gift was to be void, and his pictures were to be exhibited by his trustees gratuitously during the lease of his house, except the last two years of that term, and then they were to sell the pictures. Out of the produce he gave, first, £1,000 to the pension fund of the Royal Academy, provided they gave a Turner's medal for landscape painting; secondly, legacies to several charitable institutions, "and the residue of the produce to fall into the residue of his estate for the benefit of the intended hospital in his will mentioned." When the persons interested got together, the question arose what was to be done, and Bills were filed in Chancery. The result of that proceeding was that, all the persons concerned were represented, except, indeed, the memory of Mr. Turner, and an arrangement was come to which was confirmed by a decree of Vice Chancellor Kindersley, than whom no more eminent and painstaking man sat upon the judicial bench. It was, however, to be remembered that the Court was in the habit of abiding to a considerable extent by the opinion of counsel in cases where an arrangement was agreed to, and that, no doubt, was the case on the occasion to which he had referred. By that decree, the Court having before it the heirs at law and next of kin, and the executors and the Trustees of the Royal Academy, and the Attorney General, declared by consent that all the pictures, drawings and sketches,

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by Turner's hand 'were to be deemed as well given for the benefit of the public.' And when selected in manner thereby directed, they were to be retained by the Trustees for the time being of the National Gallery; and, by like consent, the Court declared that the Trustees of the Royal Academy were entitled to the sum of £20,000 sterling, free from legacy duty. The heirs were to take the real estate, and the next of kin were declared entitled to the leasehold house in Queen Anne Street, and the residue of the personal estate, of which £20,000 3 per cents. were to be transferred to them at once. The Academy Trustees waived their claim to the legacy of £1,000 bequeathed to their pension fund, and all other benefits under the will and codicil. Now, in point of law, the Royal Academy was not entitled to one single shilling of the property of Mr. Turner, under any provision of his will, so that they had obtained £20,000 to which they had no more right than he himself had. Now, for his part, he should have thought that the Royal Academy, of which he desired to speak with all respect, would have been willing to lay out that sum of money in a way to do honour to Turner's memory. Nothing would have been more easy than to apply that money to form a gallery which would contain the pictures bequeathed to be added to the National Gallery, or, at all events, how easy to apply some portion of it to increase the sum of £1,000 which was to be employed in the erection of a monument to Turner in the place where such a monument ought to be erected—St. Paul's Cathedral. There were also many other modes in which that money might have been applied to the perpetuation of Turner's memory. After he had made himself master of the facts of the case, he had felt it to be his duty to write a civil letter to Sir C. Eastlake, the President of the Royal Academy and the Director of the National Gallery, telling him that he was about to bring the matter before their Lordships' House, and asking him in the first place whether the Royal Academy considered that they were entitled to £20,000, free from all condition or liability; and, secondly, whether the trustees of the National Gallery considered that they held the pictures of the late Mr. Turner discharged from all the conditions imposed by the gift. In answer to that letter Sir C. Eastlake had informed him that the Trustees of the Royal Academy, and the Trustees of the National Gallery

held the bequests of the late Mr. Turner under a decree of Vice Chancellor Kindersley, to which decree he begged to refer him. Now, perhaps he understood the meaning of a decree of a Court of Chancery as well as Sir C. Eastlake, but what he had wished to elicit from that gentleman was whether the Trustees of the National Gallery or the Royal Academy considered that they were discharged from all the obligations laid down in Mr. Turner's bequest? Sir C. Eastlake added in his note that the Royal Academy, from a desire to carry out the wishes of Turner, had instituted a gold medal for landscape painting, to be called the "Turner Medal." It thus appeared that, having taken £20,000 without being entitled to a single shilling, the Academy thought they would discharge their obligations by paying £20 for a gold medal once in two years. There could be no doubt from the tenor of his note that the opinion of Sir C. Eastlake was that the pictures were held subject to no conditions. It was to be hoped, however, that the Royal Academy, as they desired to stand well with their fellow-countrymen, and to honour the memory of their late brother in art, would seriously consider how much of the £20,000 they could properly spend in carrying out the wishes of Turner. As to the pictures, even supposing that the terms of the will were to some extent inoperative in law, he contended that the nation having got possession of the pictures was bound to comply with the conditions. But there was nothing in the decree of Vice Chancellor Kindersley to favour the view which seemed to be taken by Sir C. Eastlake. That decree declared that the finished pictures were well given by Turner to the Trustees of the National Gallery, which implied that the nation could not hold them except by complying with the conditions. Turner was evidently afraid of trusting too much to a public body, although that body represented the nation, and therefore provided that until the Turner Gallery was erected the pictures should not be taken out of his house in Queen Anne Street. He also provided that the trustees of the National Gallery should have no power over the pictures unless and until the Turner Gallery was built. The house in Queen Anne Street, by consent of all parties, had been handed over to the next of kin without any condition as to the pictures remaining there, and the Trustees of the National Gallery, as the Queen Anne Street house

was no longer available for the purpose, might stand excused for having taken possession of the pictures. But what had been done? If ever an intention was clearly and strongly expressed by a testator, so as to render escape from its injunctions impossible, it was the direction of Turner that the National Gallery trustees should not have possession of his pictures unless and until they had built a gallery for their reception. No attempt had been made to build a gallery, and instead of keeping the pictures entire in one collection, according to the provision in the codicil of 1848, the trustees had put a certain number of them in what had been called the "dark holes" of Marlborough-house. Some of the finest were exhibited there to great disadvantage, and, as if to cast ridicule upon the memory of Turner, the "Calais Pier" had placed above and alongside of it a number of his later pictures, which, although remarkable for their reproduction of aerial effects and management of light, were not worthy of his undoubted genius, and certainly should not have been placed in juxtaposition with one of his fine paintings. The first thing which the Trustees of the National Gallery ought to do was to remove the pictures from Marlborough-house and keep them safely in custody until the whole could be shown in one gallery. He hoped, also, that when they were exhibited in one gallery they would not be mixed up together, or placed merely according to their age, but would be arranged according to their subjects, but still not mixing up what he (Lord St. Leonards) would term his skyrocket pictures, with those of an earlier period. There were in the collection a great many unfinished pieces which ought certainly to be exhibited, as they would be of immense benefit to students. Very few artists knew where to begin in copying one of Turner's pictures, but these unfinished sketches would enable students to learn how Turner himself commenced his works. While he was on the subject of the National Gallery, he might say that, during a recent visit to that institution, he had been struck by observing the statue of Wilkie standing alone, the sole representative of British art, while very few paintings by British artists remained in the Gallery. Nearly all the pictures there were those of foreign masters, and he was at a loss to understand why the statue of Wilkie should be placed among a collection

of foreign paintings. It was also somewhat singular that Wilkie's pictures had been removed from the National Gallery to Marlborough-house, and yet a foreigner would surely ask at the Gallery for Wilkie's master-pieces. With regard to the glazing of some of the pictures in the Gallery, he thought it might be very advisable in particular cases, but he considered that the painting of Bacchus and Ariadne, one of the finest in the whole collection, had been completely spoiled by having glass placed before it. The charm of the picture consisted of the manner in which Bacchus had, he might say, hurled himself from the car, and yet you felt convinced that he would reach the ground in safety, and well might Ariadne endeavour to escape. But now when you are near the picture, the charm is dispelled; Bacchus is arrested in his descent, and you wonder that Ariadne should deem it necessary to flee. In the great Rubens' room there is a remarkable instance of want of taste: over the centre of the fine picture of "Peace and War," which fills the space below, a poultry-yard with a favourite cock by Hondecoeter is placed, and the sooner it is removed the better. But he could not forbear expressing his admiration generally of the late rehanging of the pictures. The "Sebastian del Piombo" in particular now shows the back-ground for the first time in this country. He might once more call the attention of the trustees to the necessity not of obstructing but of regulating the admission of the public. He would exclude no one: from the "Prince to the Peasant" all should be admitted. But we owed it as a duty to preserve the pictures for posterity. The Gallery should not be open as a common market. You are desired to clean your shoes, &c., but proper persons should be stationed to see that persons with wet clothes or the like should not be admitted so as to injure the paintings. When it rains, people rush into the Gallery as a place of shelter and it is made too much perhaps a place of meeting for business or other purposes. When the rooms are reasonably full, none should be admitted until others have departed. Simple rules for the benefit of all would be cheerfully submitted to by all.

THE MARQUESS OF LANSDOWNE said that, as he was one of the Trustees of the National Gallery, and as he was also connected with the Government, who felt it their duty to assist heartily in carrying out

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the intentions of Mr. Turner with respect to his magnificent bequest, it might be expected that he should say a few words on the subject. He concurred in everything the noble Lord had said in expressing his admiration of the talents and reputation of the late Mr. Turner, and he could assure the noble Lord that the object of the Trustees had been to give the public, as soon as possible, the full benefit of the pleasure and instruction which were to be derived from that gentleman's magnificent and munificent bequest. But, although Mr. Turner could draw everything else, there was one thing he could not draw—namely, a will. All the parties who were interested in Mr. Turner's will—the executors, the family, and the representatives of the public—agreed that it was impossible to carry out its provisions; but a liberal compromise was effected, and the terms of that compromise were set forth in an elaborate decree of the Vice Chancellor, against which no appeal had been made. The noble and learned Lord said that the Trustees would have done better to have left the pictures in Mr. Turner's house where they found them, than to have removed them as they had done. But he (the Marquess of Lansdowne) thought, if the noble and learned Lord had inspected the house, he would have been satisfied that, had they remained there, they would have been doomed to utter destruction in the course of a year or two. Under these circumstances, it was the first duty of the Trustees to provide for the safety of the pictures, and they had accordingly placed them in security in the only place then at their command—what had been called the cellar of the National Gallery. There was no place at present available so well calculated for the proper display of the pictures as Marlborough-house, but they certainly ought not to remain there, and the Government were prepared to carry into effect at the earliest possible moment that part of Mr. Turner's will which directed that they should be placed in a separate gallery. If there had been any delay in doing this, it was because inquiries were now going on, and plans were under consideration for the erection of a great National Gallery, and it would not be advisable that any plan should be hastily adopted for the Turner Gallery which would interfere in any way with the larger design. He could undertake to say, however, for the present Govern-

ment, and he thought he might undertake to say as much for their successors, that the great object of Turner would never be lost sight of, and that there would always be a disposition on the part of the Government to give every facility for the study of his pictures; but whether it would be in a separate building or in a gallery built for them in connection with the future National Gallery, it was impossible at present to say. He did not feel himself competent to discuss the legal point of the question, but he hoped that the decision of Vice Chancellor Kindersley, which was concurred in by all the parties interested, would be allowed to rest undisturbed.

LORD OVERSTONE thought that the discussion which had taken place on this subject pointed out the necessity of losing no time in the erection, on a judicious plan, of a new National Gallery. By this means all the suggestions of the noble and learned Lord would be satisfactorily accomplished, the public mind would be instructed, the interest of art advanced, and an opportunity would be afforded of doing justice to the memory of a great artist, and of displaying the national gratitude for his magnificent bequest.

THE EARL OF HARDWICKE said, he was sure from what he knew of Sir Charles Eastlake, that in writing the letter which his noble and learned Friend had read it never was his intention to write anything which would be in any way painful or offensive. Sir Charles Eastlake was the last man to write a reply of that sort. Most probably he had written that letter as the official answer of the Royal Academy, and had therefore confined it to a simple statement—the legal settlement of the question put to him.

LORD ST. LEONARDS, in reply, expressed himself fully satisfied with the pledge by the noble Marquess on the part of the Trustees of the National Gallery, and of the Government to carry out the directions of Mr. Turner; but as the noble Marquess still seemed to think that the nation was legally entitled to the pictures discharged of all conditions, he must repeat that the decree, having declared that the pictures were well given by the will, they must be taken as they were given by the will, and consequently subject to all the conditions just as if they had been repeated in the decree.

House adjourned at a quarter-past Seven o'clock, till To-morrow, half-past Three o'clock.

HOUSE OF LORDS.

Friday, March 20, 1857.

MINUTES.] *Sat First in Parliament.*—The Lord Searsdale, after the Death of his Uncle.

PUBLIC BILLS.—3^d Mutiny; Marine Mutiny; Mr. Speaker's Retirement; Exchequer Bills (21,049,700); Consolidated Fund (Appropriation).

SALE OF POISONS—QUESTION.

THE MARQUESS OF WESTMEATH wished to be informed whether in was the intention of Her Majesty's Government to introduce a Bill next Session for regulating the sale of poisons? The necessity for such a measure had been proved by a case which unfortunately came recently within his own knowledge. The child of one of his relations was poisoned last summer by medicine that was sent from a chemist's shop at Weymouth. The medicine was sold by a boy who was too young to be an apprentice, and the only other person in the shop at the time of the sale was a boy of fourteen years of age. The chemist had left his shop in charge of those two boys. Unfortunately the mother herself administered the dreadful dose to her own child. A long investigation took place before a coroner's jury, and a verdict of manslaughter was returned against the two boys. Bills were sent before the grand jury against them, but these bills were ignored. He did not mean to throw any blame on the grand jury, or on the law officers of the Crown, but he referred to this particular case as illustrating the careless manner in which drugs were frequently dispensed by persons wholly ignorant of their nature. He thought there could be no doubt that the safety of the public positively required that some legislative measures should be passed on the subject. Since the bills were thrown out the chemist in question had inserted an advertisement in the newspapers, to the effect that his establishment was excellently managed and would continue to give every satisfaction to the public. He (the Marquess of Westmeath) was sure that his noble and learned Friend on the woolsack would admit that an end ought to be put to the administration of medicine by incompetent and irresponsible persons.

THE LORD CHANCELLOR said, the subject had been under the consideration of the Government, but it was almost as difficult a one as could be required to be

dealt with. It must be admitted that many grievous accidents had occurred through the ignorance of persons employed in dispensing; but, on the other hand, he was afraid that an enumeration of poisonous articles sold in chemists' shops, with the view of preventing their being improperly bought or administered, would rather arrest the attention of such persons as desired to administer deadly poisons than tend to the decrease of unfortunate cases such as that at Weymouth. Difficult, however, as the subject was, the Government were engaged in considering it, and if it were possible they would introduce a Bill with regard to it; but he could not give any pledge. It had been suggested that chemists should be compelled to take out licences for the sale of drugs; but that would be a poor remedy, for, whatever directions might be given as to their sale, chemists would occasionally leave their shops in the management of persons incapable of attending properly to its business. It was impossible for the Legislature to provide against all cases of carelessness in the sale of drugs.

THE MARQUESS OF CLANRICARDE suggested the desirableness of adopting in this country the practice which prevailed in Russia as to the sale of poisons, and which was this—a chemist or private individual who had poison in his possession was obliged to keep it enveloped in a paper of a certain colour, and was heavily fined if he neglected to do so.

PRIVATE BILLS.

CERTIFIED PROOFS OF STANDING ORDERS.

On the Motion of LORD REDESDALE it was *resolved*—

“That the Proofs already taken before the Examiners for Standing Orders, and certified by them in respect of any Bill which shall be introduced into Parliament in the ensuing Session, shall be received by the Standing Order Committee in that Session in relation to all such Bills.”

CONSOLIDATED FUND (APPROPRIATION) BILL.

THIRD READING. THE APPROACHING DISSOLUTION. OBSERVATIONS.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3^a.

THE EARL OF ELLENBOROUGH said, as the Motion for the third reading of this Bill announces the approaching termination

The Lord Chancellor

of the Session, I trust I may be allowed to offer a few words to your Lordships on the peculiar circumstances which have led to its premature conclusion. I believe the circumstances are these. The Governor of Hong Kong, having taken ample reparation for an alleged offence, and the circumstances being such as would have enabled him to come at once to a pacific settlement with the Chinese authorities, thought fit to make at a time the most unpropitious a new demand, which it was obviously impossible, under the circumstances, that the Chinese authorities would accede to. Hence arose the war. That war has been approved of by Her Majesty's Government; and the question having been submitted to the House of Commons, that assembly, by a small majority, thought fit to express their opinion that there were not sufficient grounds for the measures adopted in China and approved by Her Majesty's Government. Upon that the course adopted by the Government was to advise the Queen to dissolve Parliament; and the Members of the House of Commons are to be sent to their constituents for judgment. At first a charge was made of 'conspiracy' and 'concert,' and 'coalition,' and of all those various offences which a dissatisfied Government usually raise against a successful Opposition. However, that charge has been denied, and is now altogether withdrawn. From the first it was unreasonable, and no one who considered the matter for a few moments could by possibility have given credence to it. Now, I apprehend that two questions practically are to be submitted to the people—first, whether they prefer Lord Palmerston to any other Minister? and, secondly, whether they approve of this war? Now, I think it not at all impossible that the answer given to the first question may be in the affirmative—that the people do, on the whole, prefer Lord Palmerston to any other Minister; but I feel the most perfect confidence that the answer given to the second question will be, that they cannot approve the circumstances under which the war commenced, and that they desire that it should be terminated as speedily as possible. So that in fact the position of the Government after the dissolution will be, practically, precisely the same as now. But there is a very important question involved in the commencement of these proceedings—the question to what extent it is politic to give support to distant authorities in

measures undertaken by those authorities which endanger the pacific relations between the country and a foreign State. If Sir John Bowring is to be supported, he being the Governor of Hong Kong, because he has undertaken measures which led to war with the Chinese authorities in his neighbourhood, I know not why, upon the same principle, the Governor of Gibraltar might not be supported in measures which would lead to a conflict between us and the Spanish Government, or why the same support may not be afforded to a Governor of a West Indian colony for having taken measures which would embroil us with the United States. The doctrine would involve this country in the most serious difficulties. To the principle, that our authorities in distant countries ought to have a fair and liberal construction placed on their acts, no one can object; but that it should be incumbent on the Government in a most questionable cause to extend their support to their authorities abroad who have involved this country in war, appears to me one of the most dangerous innovations. Now, that the representatives of the people are to be sent to their constituents, who are the persons to suffer from the recent vote? The noble Earl the President of the Council has told us, that he is far from desiring that the forty-eight 'old Whigs,' who voted against the Government, should be among those who are to suffer. Now, it appears to me that that is contrary to the usual feeling in these matters. Those gentlemen who have given their support and confidence to the Government, and at a moment of peril withdraw their support and confidence, commit, it is generally considered, according to the doctrines of parties as they existed in former times, almost an act of treason. I remember, when I was a Member of the House of Commons, if any Whig gentleman presumed to differ from his party, to make an independent speech, or to give an independent vote on any occasion, he was fired at from all parts of the House. What he suffered in the House was perceptible, but what he underwent afterwards at Brooks's was only to be imagined. The punishment was sure to deter from a repetition of the offence. But now, when the offence is committed by forty-eight persons, distinguished members of the Whig party, not only are they not to be punished, but while others are to be punished they are to be rewarded by the retention of their seats. The noble Earl the President of

the Council hates the treason but likes the traitors; I also join with the noble Earl in desiring that no mischief should happen to those forty-eight persons. They have given one honest vote, and I hope that they may live to give many more with better result. I confess that I have an old feeling in favour of the old Whigs. Some of the old predilections are remaining about me, and I confess I do not see that any injury would be done to the country by the continuance of that great party in strength. I cannot say the same thing with respect to those who are, as the noble and learned Lord sitting at the table once expressed it, "Whigs, and something more." That is quite a different thing. With respect to the gentleman termed "Radical," I entertain very much the opinion which I recollect having heard expressed in this House with his usual classical felicity by the late Marquess of Wellesley, *radix in Tartara tendit*. Whether all of that class go to that termination I will not say, but, undoubtedly of late years, there have been certain circumstances with reference to pecuniary transactions which lead to the conclusion that that expression, if not generally correct, is not absolutely inaccurate. But if those Gentlemen who, being friends of the Government, voted against the Government, are not to suffer, why should the Conservatives suffer? They never gave their confidence to the Government; and why, then, were they to be expected on this serious question—on which so many honest Whigs voted against the Government—to give confidence to the Government; and why are they to be punished for not giving a confidence which they had always withheld? There is another party, small in numbers, but great in intellect, ability, and knowledge of public affairs, called the Peelites. I never belonged to that party, though I have the greatest respect for my old colleagues; and they were certainly in a position in which no man could question the propriety of their giving an independent vote, for they had never given their confidence of late to the Government; and therefore really I do not see how those three different parties, against whom this charge of coalition has been made, can justly suffer in consequence of the dissolution.

And now allow me to state very shortly the circumstances with which some of your Lordships at least may not be acquainted, in order to show what are practically the

effects of this war which has been so recklessly undertaken by Sir John Bowring. I did not know the other day all that had taken place, but I mentioned to your Lordships the fact that the interruption of our trade with China would produce the greatest possible distress. I have since seen something which goes beyond all that I had anticipated. I find that between the 7th of January and the 5th of February the rate of discount of the Bank of Bengal was raised from 6 to 14 per cent. I, unfortunately, am acquainted with the difficulties of carrying on commerce in India. I know that if a gentleman in India makes £80,000 or £100,000 he either transfers his property to this country or he leaves it in India upon loan. The consequence is that a great portion of the trade of that country is carried on with borrowed money. Now, if in this country, where commerce is sound, the rate of discount were raised from 6 to 14 per cent., we know what wide-spread ruin would ensue; but in a country where commerce is not in a sound state, and where trade is carried on with borrowed money, such a rise in the rate of discount necessarily involves a state of utter general ruin, and consequently must be followed by the failure of many houses and the embarrassment of the Government. The Government have advertised since the commencement of the unfortunate war with China for a loan of £3,000,000 at 5 per cent. They had vainly endeavoured previously to raise a loan at $4\frac{1}{2}$ per cent. They were able to raise very little at 5 per cent., and the general opinion is that they will only raise it at 7 per cent. unless they give some indulgence to persons having 4 per cent. Stock. See what an unfortunate position the holders of East India Four per cent. Stock are in. They had 5 per cent., but two or three years ago they were induced to accept 4 per cent. They had then no idea that the Government would raise a fresh loan at 5 per cent. Their stock is now at 19 per cent. discount; and I ask your Lordships what must be the position of a gentleman who, with stock at 19 per cent. discount, can only borrow money upon it at 14 per cent. The price of opium has fallen greatly—so much so that it is perfectly certain that at the next sales of Government opium which may take place there will be a loss of 25 per cent. Now, a loss of 25 per cent., if it does not go beyond that, is equivalent to £750,000 a year. That involves so

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great a loss, and will be followed by so many difficulties in that country, that it will be, in my opinion, a matter for the immediate consideration of the Government whether they will not interfere with some pecuniary assistance. My opinion is that it will be desirable at once to obtain the authority of Parliament to advance £2,000,000 or £3,000,000 in Exchequer-bills by the home Government to that country. Why the Government of that country should not obtain an indulgence which has been granted to Sardinia and to half the States of Europe I know not, but the result would be that to the extent of that sum remittances would not take place from this country, and if anything could restore tranquillity to the money-market of that country, it would be some such measure. Your Lordships have also to consider the effect of that war upon this country. As I understood two or three weeks ago, there has already been a diminution in our imports of more than 10,000,000lbs. of tea. We may, if the war continues, expect a diminution of from 35,000,000lbs. to 40,000,000lbs. of tea, and a loss of one third of the revenue now derived from tea. I will not attempt to calculate the extent of the injury by the general interruption of the trade of the world, but the direct loss to this country of the revenue now derived from tea will amount to a very considerable sum. Taking both England and India, in various ways the injury inflicted upon our commerce and revenue will produce a loss this year which cannot be estimated at less than £4,000,000. An hon. Gentleman somewhere else said, very reasonably, as I think, that the House of Commons would find an advantage in parting with Lord Palmerston for £2,000,000. We are now asked to pay £4,000,000 for Sir John Bowring, and never was a public character bought so extravagantly dear. Now, as the question has been put whether Lord Palmerston is better than any other Minister, and as we are told that he is, because he carried on a glorious war and obtained a satisfactory peace, I beg to be allowed to say one word on that subject. I cannot consider that war glorious in which Kars was abandoned, and which had two failures to correct its greatest achievements. There are some matters connected with the war which we have much pleasure in remembering, and others which we shall desire to forget. There have been many things to imitate, and much of which we shall desire to ob-

literate the remembrance. I do not consider that a glorious war which has not advanced the character of the British army, although it has advanced the character of the British soldier. I do not think that a satisfactory peace in which, in consequence of the abandonment of Kars and the fall of all that upper portion of the country, the cession of that portion of Bessarabia, which would have most effectually improved the frontier of Turkey, was abandoned, and in which, having obtained the promise of the left bank of the Danube and the Pruth, the occupation of which according to the line agreed upon would have practically thrown back the Russians to the Dniester, that line of the Upper Pruth was again left in the possession of Russia. I cannot consider that a satisfactory peace in which we lost the Upper Pruth, which, in a military point of view, was alone valuable. The object of that war was the independence of Turkey, but Turkey has in Asia interests quite as important as she has in Europe, and in Turkey in Asia nothing was done, and no advantage was obtained. She lost Kars, which has most naturally affected her character and prestige in Asia; and my firm belief is that the abandonment of Kars and the consequent discouragement of the population of that country have most materially contributed to the war with Persia. The two questions are most intimately affected, and I think that if, as we should have done, we had maintained Kars, and if, as we should have done, we had given an advantage to Turkey on the side of Asia, we should not only have supported her, but protected our own interests in Asia. My Lords, among the various qualities which are required in a Minister of this country none is more valuable than the quality of economy, and notwithstanding this has ceased to bear so high a position as it once did in the affections of the people of this country, yet I should imagine there must be some persons at the ensuing election who will make some inquiries of Lord Palmerston's Government on the subject of economy. I will not trouble your Lordships with any details, nor will I advert to any charges except those of the Miscellaneous Estimates. But your Lordships will allow me to say that, for my part, it has always appeared to me that the first duty of the Government of this country is to place it in a state of perfect security against invasion from foreign

nations. To a Government which will devote itself to bring to perfection the naval and military establishments I will at all times give my most cordial support, nor could I ever become the friend of any Government whatever which neglected that which appears to me to be its first duty. But consistently with the performance of that duty there is another—to carry the most strict and most searching economy into the details of the establishments, to give the greatest possible efficiency at the smallest possible charge, and more especially to be economical in those parts of the expenditure which have no connection with naval and military purposes. Let us see how that is effected. I have looked through the Estimates, which in a recent return have been placed in a form to give a comprehensive view of the expenditure from 1838 to 1856, and I find these results:—Without going back to 1838, which would really alarm people too much by showing the extent to which we have become extravagant, I compare the expenditure under the Miscellaneous Estimates of the three years ending 1856 with the three years ending 1853. The very first item is public buildings and palaces. For the three years ending 1856 the average is £161,799. For the three years ending 1853 it is £115,514. But I find in this year a large increase. The Estimate for 1857 is £196,669. The increase in the average of the three years ending 1856 over the three years ending 1853 is £46,285. The further increase in this year is £34,870. The total increase since 1853 is £81,155. I then go to an item of the same description—Royal Parks and Pleasure Gardens. It was first voted in 1851, the expense having been previously paid out of the land revenues. The first Vote in 1851 was £41,829. The Vote proposed for 1857 is £114,601. In these two items alone, which have nothing whatever to do with naval and military establishments, the increase since 1853 in the one case, since 1851 in the other, is more than £140,000. There then comes a charge which I think must be capable of explanation, for it is perfectly monstrous. The expense of printing and stationery in the three years ending 1853 was £216,498. In the three years ending 1856 it was £416,900. The Vote for 1857 is £450,875. So that the increase on the average of three years ending 1853 is £234,377. There then comes a charge which a great many persons con-

sider never can be too great, especially the noble Earl the President of the Council, who is at the head of the Education Committee. But I really must call the attention of the House, and I wish to call the attention of the public, to the alarming annual increase in this charge for education, which I shall show by reading the amount of the Vote in successive years:—In 1851, £284,000; in 1852, £324,000; in 1853, £442,000; in 1854, £456,000; in 1855, £612,000; in 1856, £679,000; in 1857, £754,000. So that the increase in that charge since 1851 is £470,000, and it is a charge which threatens to increase. Observe, as regards the morals of the people, how utterly useless it appears to be. While we lay out this enormous expense in making the people good, observe how great, at the same time, is the expense of looking after those who are bad. Convicts cost in 1848, £477,531 (I go to that year, because it is the first of the present form of Vote). In 1856 they cost £906,344, being an increase of £428,000. I cannot give the Vote for this year, because it is not passed, and there is no Estimate. Taking the three years ending in 1856, and comparing them with the three years ending 1853, there is an increase under that head alone of £152,000. Let us just go back to the year 1838. Education cost £80,000, convicts cost £313,213; making together 393,213. In the year 1857, education cost £754,000, in the year 1856 convicts cost £906,374; being together £1,660,374. There is, consequently, an increase in education and convicts over the first year in the account of £1,267,161. There is a class of votes which is called “special and temporary objects; and really under that head I think what appears is more remarkable than under any other. The account begins in 1838, and between that year and 1856 there are 126 different heads of charge, not less than 60 of which are new within the last three years—not less than 60 since Lord Palmerston assumed the Government. The average of that class of Votes for the three years ending 1840 was £213,300, for the three years ending 1853, £276,220, and for the three years ending 1856, £681,966. The increase in the last three years is £404,746, and, as compared with the three years ending 1810, the increase is £468,666. Putting all the Votes together, and comparing 1857 with the average of the three years ending 1853, observe the increase. Public buildings and

palaces, 81,155; Royal parks and gardens, £59,548; printing and stationery, £204,377; education, £404,766; science and art, £55,869; convicts, £152,104; special and temporary objects, £404,746; altogether £1,392,545 have been added to the public charges in three years, under the heads to which I have drawn your Lordships’ attention. I say that no Government—no State—can go on with this extravagance. It is perfectly impossible. I know that complaints during the progress of the war were made of the extravagance with which it was carried on, and we were promised information and inquiry when the war was ended. No information has been given upon the subject, and the House of Commons, which ought to have inquired, has not done so.

Having gone through those points, I must ask your Lordships, and I should willingly ask any Gentleman who appeared upon the hustings what Lord Palmerston’s principles are? What I find is this:—During the time Lord Palmerston has been a Member of Parliament, before he became Prime Minister, there were thirteen Governments, and he was a Member of ten of them. He has been a Member of ten out of thirteen, and of two of the most extreme it is possible to conceive. He was a Member of the Government of the late Lord Grey, and he was a Member of the Government of Mr. Perceval, and I never heard that he came to the smallest difference with either of his chiefs. Therefore, I do not know what the principles of Lord Palmerston are. I think nothing is more probable than that he is a most agreeable and fascinating colleague. No one can doubt that he is an excellent man of business, and his extraordinary experience in public offices must be of the greatest value to the public service. It is evident, since he has served in so many and such diverse administrations, that he has no ferocious rigidity of opinion on any point, and that he has nothing unaccommodating in his nature so as to make difficulty in the conduct of the Government. I once had the honour of being with him for a short time in the Government of the Duke of Wellington; he left the Duke of Wellington’s Government not on account of any difficulty, but because others left. He assigned no other reason. There was no other reason assigned. Other reasons may have been found afterwards, but at the time he left there was no other reason. But, although there can hardly be a better recommendation for a

colleague than to have this facility, this accommodating feeling, in respect to the various measures which come under the consideration of the Cabinet and Parliament, it seems to me the public have something else to look to! What the public have to look to is a fixedness of opinion on political questions, and, above all, a determination to stand by principles. I know not what may be Lord Palmerston's opinions on any public subject—for instance, on the subject of Reform. I know indeed the course he took recently on that subject by the vote which, unfortunately for his Government, he has lately given. But being opposed to further reform, believing that the more numerous the constituency the more inferior the representative, and being satisfied that the public should look to the House of Commons for the direction of opinion, and not elsewhere, I am against any further alteration in the representation; and having no security that Lord Palmerston will adhere to that principle I would infinitely rather see the Government in the hands of an uncompromising, sound Old Whig like Lord Grey, who said he would not be the shadow of a Minister, than in the hands of a gentleman who goes in one direction one day and another another day, and on whose support it is perfectly impossible to calculate. Not to detain you further, my Lords, I must say I view this war with China with the greatest apprehension. I do not enter into it with the same feelings with which we have entered into other wars. There seems to me to be injustice connected with it. When we engaged in the late war we were more than once desired to acknowledge our sins, to beg pardon for our offences, and to ask the blessings of Heaven on our endeavours to maintain the interests of the country in "a just and necessary war." And it was a necessary war. We could not help it. However much we disliked it, we were obliged to enter upon it. We were justified then in hoping we might obtain the blessing of Providence. But how can we ask Providence for its blessings in this war? We may, according to the best experience we have, do all we possibly can to alleviate the sufferings of our troops. We may, by improved councils, do much more than seems at present intended to place our army in sufficient strength to achieve success. But can we expect that success will attend our endeavours from the conviction that we are working for a good

purpose and that our cause is a just one? It seems to me that all along money has been the only object kept in view, and what the present object of the Government may be no one knows. We hear of fighting for "British interests" and "British honour," but what I want to know is, what is the specific object of our army going to Canton? We are endeavouring to force Dr. Bowring into Canton, which I think is an impracticable thing, and in endeavouring to force Dr. Bowring into Canton we are forcing tea out of every cottage in England. If we only import two-thirds of the quantity of tea we were accustomed to import, I fear that all the poorer classes may have to go without tea. Not only do I not feel at all satisfied as to the objects of the Government, but I want to know if they have not some further object in view; I want to know if they are not going to take advantage of this position of hostility to endeavour to revise the treaty as it is called, to force further conditions on the Emperor of China, and, in short, to obtain the means of making more money—for that seems the motive of the whole proceeding—the object seems to be to make money, no matter how contrary to justice, to reason, or to humanity. But, my Lords, we are not only going to ask that which we have no right to ask, but we are going to ask to have a friend to join us in the enterprise—one who has no interest in the matter, and we two great Powers together, without any reasonable ground of quarrel with the Emperor of China, are to direct our united forces against his empire, for the purpose of extorting from him some advantages to our trade, which will put more money into the hands of our merchants, but not a farthing into the hands of the people. I confess, my Lords, that these considerations fill me with alarm, and we ought to have a distinct answer from the Government in reference to them. For myself I feel satisfied that whatever may be the opinion of the public at the next election—about that I care little—I feel perfectly confident that it is humanly impossible that the ultimate judgment of the public should not maintain the independent and honest vote of the majority of the House of Commons.

EARL GRANVILLE: My Lords, the duty devolves on me to make some observations in reply to the attack which the noble Earl has just thought right to make on Her Majesty's Government. With respect to the alleged coalition, I do not

think it necessary for me to go over that ground again; but as the noble Earl has stated that, in his judgment, the charge of a coalition was made under such circumstances that no one ought to have given credence to it, I think I am entitled to say that, on a consideration of the circumstances, there was very good ground for believing that something more than a coincidence had occasioned the recent vote hostile to the Government which was given in the House of Commons. As soon, however, as a noble Earl, not now in his place, stated in his address to your Lordships on Monday night, not only on his own part, but for all those with whom he acted, that on the occasion in question not one of them had formed any combination or understanding with any one who did not agree with him in political principle, I at once distinctly avowed that I gave credence to that statement. But I repeat that I will not go over that ground again. The noble Earl (the Earl of Ellenborough) alluded in the course of his speech to the finances of India, and gave a very discouraging description of their present state, which he attributed entirely to the existing position of Chinese affairs. I confess I have not that acquaintance with Indian matters which the noble Earl necessarily has; and I do not contend for one moment, when you are in a state of hostility with any part of a country with which you have a considerable trade, that that will not affect your financial relations with it; but when the noble Earl talks with so much alarm about the state of the finances of India, I must say those finances must be in a very unsound state indeed if they cannot afford the inconvenience which a certain temporary cessation of our relations with Canton may involve. A great deal that the noble Earl has said may be perfectly true. It is impossible for me to reply off-hand to many of the statements he has made to the House. The case of the fundholders to which the noble Earl referred may be one of hardship; but the Government must deal with the exigencies of the public service as they arise, and if those exigencies require an advance of money, that advance of money can only be obtained by having recourse to an increase in the rate of interest in order to bring forward lenders on the occasion. The noble Earl also talks of our commerce being interrupted at Canton. In one sense that is so, and in another sense it is not. Immense quantities of tea are on their way to the

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different ports, and therefore I do not see that there will be that stoppage in our trade with China which the noble Earl seems to apprehend. But with reference to the trade in opium there is no doubt that the existing hostilities do inflict injury upon it. But what does that come to? The noble Earl complained the other night that the Government had not done what it ought to put down the importation of opium into China, and he now complains of the acts of Sir John Bowring, because indirectly they have the very effect with regard to the trade in opium which the noble Earl so much desires. The noble Earl next adverted to a subject with respect to which I entirely concur with him, and that is the necessity of economy on the part of the Government at this time. He has gone over several of the Miscellaneous Estimates, which I have no doubt are capable of a satisfactory explanation; but it will not be imagined, because I am not now giving an answer to all the details into which the noble Earl has entered, and entered without having previously given due notice that it was his intention to do so, that a perfectly satisfactory reply cannot be given to them. It would have been much more satisfactory if points which are easily susceptible of explanation and justification had been brought forward separately, and with due notice, at some other time when we have been sitting here than almost the last day of an expiring Parliament; because in that case I myself, or some of my colleagues, would have been prepared by inquiry previously made, to give an answer to questions of that nature. With regard to the money expended upon the Parks to which the noble Earl has alluded, I must remind him that those are public Parks, and are not Parks merely devoted to the enjoyment of the Sovereign. Then as to the question of printing, I quite agree with the noble Earl that that is an immense evil. It is an evil which is not confined to the money spent in printing, but has reference also to the enormous accumulation of returns for which demand is made from time to time in this and the other House of Parliament. It is an evil, too, for which Parliament is most to blame—certainly not Her Majesty's Government. The noble Earl has likewise referred to the expense of maintaining convicts. I dare say that is a subject susceptible of explanation if the details of it were investigated; but, however that may be, it is quite clear that the cessation of trans-

portation has added enormously to the expenditure of the country under that head. He also complains that sixty new heads of expenditure for "special and temporary objects" have been added within the last three years, or, as the noble Earl says, during the Government of Lord Palmerston. Now, in the first place, the period of three years has not been the duration of Lord Palmerston's Government, seeing that Lord Aberdeen's Government was in office in the first of those three years. One thing has entirely escaped the observation of the noble Earl, which is, that one of the last acts of Mr. Gladstone, as Chancellor of the Exchequer, was to transfer a great number of items of this sort from the Consolidated Fund to the annual votes. This, therefore, is a mere transfer of charges, the only practical effect being to bring more directly under the control of Parliament the expenditure that takes place. The noble Earl then went to another subject,—namely, the very largely increased expenditure in connection with education. Now, on this point I have some difficulty in arguing with the noble Earl. I think he must have seen the attention always paid by the occupants of this bench to the suggestions, patriotic and public-spirited as they are, which he is frequently in the habit of making—to a Government, moreover, from which he differs—on questions with which he is thoroughly acquainted, such as military operations in the East, and other matters of that sort. But with respect to education I stand on a different footing to the noble Earl. I could argue, for instance, with a man who maintained that there should be greater moderation in diet, and I could admit to him the extravagance of indulging in turtle and champagne; but if I met with a person who held that pure air was the only thing necessary for the support of life, and that meat and drink were quite a mistake, I should decline to argue with him as to the economy or extravagance of any dietary whatever. In the same way the noble Earl and I start from a wholly different point with regard to education. I remember perfectly well that in the Indian debates the noble Earl threatened us almost with the loss of an empire if we attempted the education of our subjects there. On a subsequent occasion perhaps some of your Lordships can call to mind that he referred with a sigh to the money wasted on the education of the people, which might, he said, have been usefully

employed in the construction of gunboats; and I am perfectly sure the noble Earl, at the bottom of his heart, thinks that the sum of money spent upon education is thrown away. On this subject I may, in passing, express my surprise that Mr. Gladstone the other night in a thin House, and without any notice whatever, should make a charge of extravagance with regard to these Votes against the department of which I am at the head. I should meet Mr. Gladstone, however (though with very unequal weapons), upon perfectly equal ground. I should say to him, 'We agree on the advantages of educating the people; we sat together for three years in the same Committee of Council on Education, during which period you were Chancellor of the Exchequer, and in all that time we did not in the least differ as to extravagance of the estimates of that Committee, except upon one very contemptible point,' which I remedied immediately after he left the Government. I might remind him, too, that the capitulation grant was approved by him as a member of the Committee, and corrected and amended by him as Chancellor of the Exchequer; so, with him, I say, let us go carefully, one by one, through the items and see whether we can agree as to the economy or extravagance of the expenditure. Now, I declare most positively that, following the noble Marquess below me (the Marquess of Lansdowne) in this department, my great object has been to make that system efficient, but yet as economical as possible. I believe it was once stated that the Chancellor of the Exchequer was the most economical Member in the House of Commons, for he was constantly saying "No!" and trying to reduce expenditure. But in the Committee of Council we are placed in almost the same position. Hardly a day passes in which persons of influence and important bodies do not come and beg us to remove one or other of several stringent conditions, very plausibly urging that our requirements should be less; and I am sure that if we yielded to these requests we might easily increase our expenditure by 25 or 50 per cent. My Lords, when the noble Earl (the Earl of Derby) who sits opposite, and who I regret is not in his place, put forward the other day education as one of the cries upon which the Conservative party would appeal to the country, I could not help remarking that he ought to give some intimation as to whe-

ther he adopts the views of Mr. Henley or Sir John Pakington upon this subject, or whether he endorses the opinions as to the advantages of popular ignorance peculiar to the noble Earl (the Earl of Ellenborough). Economy is certainly a very popular cry, and it is one which I am glad to hear raised, because I think a pressure of that sort is useful as regards any Government whatever. But I should be ashamed of my colleagues if I did not think they would exert themselves to the utmost to economize the public expenditure; and they are perfectly willing to discuss and to entertain that question of economy at the proper time, provided due regard be paid to the efficiency of the naval and military services. The cry of economy, however, may be a very vague one, and may be very much misapplied. The noble Earl has given his experience of the House of Commons. When I was there I remember a man as much the opposite of the noble Earl as possible—I mean Mr. Joseph Hume. He was anything but an orator, and was characterized by the very reverse of that clearness of expression which is only possessed by persons, like the noble Earl, of finished education; but he effected great good by repressing the extravagant expenditure of successive Governments. What, however, was Mr. Hume's conduct? Did his love of economy lead him to oppose grants for the advancement of science and education? No! I do not believe there was in the country a person whose support could be more surely reckoned upon in Parliament with regard to charges (which, after all, constitute only one-half per cent. of your total expenditure) applied to raise the intellectual and social condition of the country. I have only one more remark to make, and that is with reference to the noble Earl's attack upon the principles of Lord Palmerston. Now, I stated the other night why I thought Lord Palmerston entitled to the confidence of the country. I am not going over the ground again, and for this simple reason—that I believe the country will not form their opinion upon statements made either by the noble Earl who has just spoken or by the noble Earl who addressed the House last Monday, nor will they form their opinion from any defence which so insignificant a person as I could offer. I believe the public will decline to receive the opinions both of political adversaries and of political partisans, and that they will judge, and, in

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fact, have judged, for themselves. I feel that it is unnecessary for me to offer a single word in reply to the observations—certainly of rather a personal character—made by the noble Earl on this point.

THE EARL OF MALMESBURY was unwilling to weaken the force of the very able and eloquent speech made by his noble Friend (the Earl of Ellenborough), but he could not help repeating, very much in his words, that it was extremely likely that the public might decide, when appealed to from the hustings, that Lord Palmerston was a most popular and desirable Minister. But he was equally convinced with his noble Friend that the time was not far distant when the people of England, so practical, so famous for their common sense, so prone to investigate the truth of every matter which interested them, would feel convinced that the war with China was one most disastrous to their interests, and that their present idol had especially neglected the duty of enforcing economy in the national expenditure during the time he had been Prime Minister of this country. Moreover upon several most vital questions the Government of the noble Lord seemed quite at sea. The noble Earl who had just sat down could not throw off responsibility even as regarded the years which preceded Lord Palmerston's premiership, and must be held accountable for the expenditure on education previous to that time. Now, he (the Earl of Malmesbury) was not here to discuss one system of education with another, but he should have been glad to see that the attention of the Government was directed to the great increase of expenditure upon this item, instead of leaving the Opposition to point out the increase. Then, too, different systems of education had been proposed by Lord J. Russell, by Sir John Pakington, and by Mr. Henley; but to his recollection not a single plan on this subject, beyond the one already in operation, had been brought forward by the noble Earl opposite (Earl Granville). He wished to ask his noble Friend whether he had any definite idea of the extent to which the expenditure would go on under the present system, and what would be the aggregate sum asked for from Parliament a few years hence? A man might desire to educate the people and yet might wish for some more definite system than that now in operation—one in which the country would be able to see some probable

limit to the expenditure incurred under it. It was impossible, even in that House, where their Lordships had no practical power with regard to the national expenditure, not to look with astonishment at the increase in the Miscellaneous Estimates, amounting, as they did, to £2,000,000 during the Government of Earl Grey, and now to £6,000,000. The noble Earl, when he laid the Income tax Bill upon their Lordships' table had observed a solemn silence, nor had he in his reply to the speech of his noble Friend on Monday last spent five minutes upon the question of the Estimates, when he answered, or attempted to answer, the two or three questions raised by his noble Friend; and that very evening, indeed, he had appeared to waive the subject as one which could not well be entertained in their Lordships' House. He wished, however, to call their Lordships' attention to an item of expenditure to which, as yet, no reference had been made—namely, the extraordinary expenses of collection. The revenue in round numbers was £65,000,000, and the expenses of collecting it amounted to no less than £4,300,000, or rather more than 6 per cent. Their Lordships' knew perfectly well what was the cost of collecting their private revenues, much of which was derived from sources of a very miscellaneous character, and which occasioned great difficulty in its collection; for instance, take the case of the collection of tithes. He knew a case in which several thousand pounds were collected, the greater part of which was paid in sums varying from 5s. or 6s. to £1 or £2, and the gentleman who collected those tithes charged only $2\frac{1}{2}$ per cent. for his services—a percentage rather above what their Lordships generally paid for the collection of their incomes. If, then, $2\frac{1}{2}$ per cent was the cost of the collection of private revenues, it was, he thought, a fair question to ask the President of the Council how it was that £65,000,000 could not be collected at a lower rate than 6 per cent. Reference had been made to the personal qualifications of Lord Palmerston as a Minister. Into that question he did not wish to enter, for the country would shortly decide whether he was to be Minister or not, but there was one point to which he wished for a moment to advert. The noble Earl, in answering on Monday evening the observations made by his noble Friend as to the qualifications of Lord Palmerston, had based his reply upon the

fact that his noble *Friend had himself invited Lord Palmerston to take office under him. Now, from the great official experience and the ability of Lord Palmerston, he might be an acquisition to any Cabinet, but it was a very different thing to invite a man to serve under one's-self and to support him as Prime Minister. The same qualities which might make a man fit for the highest subordinate office did not necessarily render him fit to be a Prime Minister. No doubt the noble Earl the President of the Council was well satisfied with his present colleagues, but, he begged to ask him, would he be equally satisfied to have any one of them sitting above him as Prime Minister? He should think not; and therefore it was no reply to his noble Friend (the Earl of Derby) to say that he himself had invited Lord Palmerston to be a colleague. As regarded the question of expenditure, he trusted that the Government would well consider it. He saw in all quarters signs and symptoms of alarm at the general increase of expenditure, and the noble Earl might rely upon it that the expenditure of the country required the closest supervision and examination. Five or six years ago the subject was not of so much importance, but now £40,000,000 had been added to the debt of the country and we had only finished one great war to embark in another, which might be extremely costly. He begged to impress upon the Government that it was only by the most careful attention to the minutiae referred to by his noble Friend that they would be able to defend those military estimates which they would, he feared, for some years be obliged to lay before Parliament.

LORD MONTEAGLE: I shall not enter into that branch of the noble Earl's (the Earl of Ellenborough's) argument which relates to the merits or demerits of our Chinese policy. I rise for the purpose of applying myself to the consideration of the present state of our finances, and more particularly to the question of our public expenditure—a subject rendered familiar to me by the experience of very many years. It was with the view of directing the attention of your Lordships to this branch of the public business that some weeks back I moved for the account of the Supply Votes passed during each of the last twenty years (Sessional Papers, No. 51, 1857), an account which the noble Earl has been so good as to command, and on which he has observed so

forcibly. My Lords,* in all the observations which the noble Earl has made on the subject of the rapid and alarming progress of the public expenditure I unhesitatingly concur. It is true, as remarked by the President of the Council, that the noble Earl did not pause to make allowance for the transfer mode of charges formerly borne on the Consolidated Fund, but now voted in Supply, and which cannot, therefore, be considered as an increase of our general expenditure. Nor was it necessary that he should do so for the purpose of his argument, because it would still appear, even after making all these deductions, that our increased expenditure was such as to warrant the conclusions at which he had arrived. I will not examine in detail the Estimates for which provision is partially made by the Bill now before your Lordships. It would not be just or fair to consider these sums voted for four months as the final Resolutions of the Government, and still less as adopted and sanctioned by Parliament. They have not as yet gone through the scrutiny of a Parliamentary examination. The next House of Commons is left perfectly free to act hereafter as if these votes had never been agreed to. Under the circumstances of the approaching dissolution, I think the House of Commons acted discreetly in voting the four months' Estimates without the form of a deliberation which could not but have been imperfect and therefore profitless. The real and effective consideration of the Votes of the year must be reserved for the new Parliament, and I think I am warranted in an expectation that it is not by the Estimates now before us that the Government may be found prepared finally and conclusively to abide. I am fully confirmed in these anticipations by the frank and wise admissions of the Chancellor of the Exchequer who laid down, in the most uncompromising and candid manner, the soundest principles of a large but wise economy. He had almost invoked the help of Parliament to assist him in giving effect to his own wishes and determinations. It was the duty of Parliament to answer this appeal, and to give to the Chancellor of the Exchequer the fullest authority and support to enable him to resist the multiplied claims so earnestly pressed upon him. The accounts now on the table show that the average of the Miscellaneous votes for the years 1838, 1839, 1840, did not much exceed £2,650,000, whilst the charge

for 1856 has risen to £6,724,000, exhibiting a progress of expenditure which, even after making all deductions required to render the comparison just, cannot but be considered as reckless and extravagant. It was the habit of some observers to attribute the enormous and rapid increase of our public expenditure to lavish habits arising out of a great war. No doubt the suddenness with which hostilities were commenced, our want of due preparation and of experience, combined with other causes, perhaps rendered the late war more costly than any other of the same duration in which England had been previously engaged. These causes may have contributed to lead to an unrestricted and lavish expenditure in the civil as well as the military departments. But what I believe has been the main cause of our extravagance is the fact that we have been spending borrowed money. No greater stimulus can be given to unrestrained and imprudent expenditure, whether in the case of individuals or of states, than the possession of large sums of borrowed money. We must retrace our steps, and revert to the wise economy which Parliament had enforced for the first twenty or twenty-five years after the close of the last French war. That economy had been most unjustly attacked and misrepresented. It was most erroneously considered to have produced the insufficiency of our military preparations at the commencement of the war with Russia. I have more than once controverted this proposition, with the support of my noble Friend (Earl Grey) who sits below me. It was an enforcement of that economy during the greater part of the peace which enabled us so to extend our industry, manufacturing, commercial, and agricultural, as to enable us to bear with comparative ease the enormous burthen of the Russian war. It was thus that we were enabled to raise £40,000,000 of war taxes without any severe pressure on our industry, and to borrow £40,000,000 of war debt without disturbance to our credit. This was effected with less of pressure than had ever been felt under analogous circumstances. We owed this great result to the wise economy of former years—*Magnum vectigal parsimonia*. So it will ever be found. At the approaching elections, we shall gain supporters and adherents among many heretofore loud in condemning economy, but who find themselves compelled on the hustings to come forward as its advocates.

I hope my agreement on this occasion with the arguments of the noble Earl opposite (Lord Ellenborough) may not expose me to the charge of combination or confederacy, of which we have lately heard so much. These warnings of mine are not now given for the first time. I may be permitted to refer your Lordships to the earnest appeal I ventured to make on the same subject last year [See *Hansard*, 22nd July, 1856]. I may also protect myself from such an imputation by stating, with the most earnest conviction, that I consider the progress already made by the Government, in reducing their estimates since the peace, to be in the highest degree honourable to them. The reduction of £20,000,000 from the Estimates of one year, and of £17,000,000 in the years following, I must confess exceeded my expectations. It was this reduction which would alone justify the repeal of the war income tax of £9,000,000, and this after the cessation of the war malt tax. The Government are the more entitled to our praise and our thanks for these great reductions of taxes and of expenditure, because they have not been wrung from them by adverse debates and divisions as in 1815, but have been freely and voluntarily made. They entitle the Government to our confidence. But, permit me to say, that in order to give us full security that these good intentions may be realized, consistently with public faith and public credit, we must persevere in our economy and carry it farther. To me it is evident that the amount of the present Estimates cannot be maintained in future years; I am satisfied that the people of England can and ought to insist, through their representatives, on a rigid fulfilment of the solemn and deliberate engagement made by the legislature that the income tax should expire in 1860. From this contract there is no honourable retreat. I do not rest this solely on the legislation of 1853. The circumstances of that year were, I admit, very different from the present. We have since that time borrowed nearly £40,000,000, for the interest and ultimate extinction of which the Legislature has made, and must continue to make, provision. From this burthen of debt, which is in all respects war expenditure, though to be defrayed in time of peace, we have no escape. Though we may have a reasonable confidence in the intentions both of the Government and of the Legislature,

we can have no security for the expiration of the income tax if we do not enforce a severe but a wise economy. [Here Lord LYNTHURST, who was seated at the table, observed, "No man alive will see that tax expire."] Lord Monteagle resumed—I scarcely believe the noble and learned Lord's anticipations of evil will be fulfilled. If Parliament does its duty I am persuaded that this engagement may be performed in 1860, and I sincerely hope that the noble and learned Lord may be among those who will witness that event. We are assured on the highest financial authority that without taking credit for any increase of income, derived from increased industry and wealth in time of peace, we may calculate on a surplus of £2,350,000 and £2,415,000 in the years 1858–9 and 1859–60, and this after providing £3,500,000 in each of those years for the discharge of debt, by paying off bonds, and applying a sinking fund. Such is the calculation of the Chancellor of the Exchequer, and I rely on its accuracy. But to ensure this result it is assumed that the Estimates may be reduced to the amount voted in 1853. It will be for Parliament, with caution but with firmness, to enforce the performance of this condition. We cannot but recollect what occurred in respect to the Estimates in Lord Liverpool's Government, when the property tax and the war malt tax were repealed by Parliament. We know how the Estimates were then reduced. We also remember the events of 1848, when a proposal to augment the income tax was rejected by the House of Commons. If the Government can be induced to place the Estimates on the same footing on which they stood before the war, there appears every reasonable certainty that the income tax may be allowed to expire in 1860. I fully admit that I cannot hold the present Chancellor of the Exchequer answerable individually for that which constitutes the main difficulty of his position. An additional liability of £2,000,000 was thrown upon each of the years 1857–8, 1858–9, and 1859–60, by his predecessors, which Sir George Lewis is now bound to provide for. This is war expenditure, though paid in time of peace, and it is this which goes far towards justifying the maintenance of the income tax for these three years. For this, I repeat it, I do not consider the present Minister of Finance to be responsible. When the

proposal for issuing these Exchequer bonds was made in 1853 I endeavoured humbly to prove to your Lordships that the engagement was most unwise, as well as most unusual. I endeavoured to convince your Lordships that it was most rash to cast this heavy additional burthen on three successive years, no provision being made or calculated on by which the means of payment were secured. [See *Hansard*, 3 May, 20 May, 1853.] But though the present Chancellor of the Exchequer cannot be blamed for this engagement, I am unable to release him from the responsibility of having fallen into what seems to me a similar error, in pledging the country to the maintenance of an annual sinking fund of £1,500,000 to discharge the war loan of £16,000,000. My Lords, by this act we cast aside all the experience to be gained from the experience of more than a century, from the days of Sir Robert Walpole to those of Lord Liverpool, and we forget the solemn advice and judgment pronounced by Lord Grenville towards the close of his honoured life, and left in a written shape as a legacy to his successors. Instead of being contented to apply, as we should have been bound to do by law, any surplus of income or expenditure to the payment of debt, we were induced to enter into a contract to apply £1,500,000 annually as a sinking fund. The fallacy and delusion of such engagements have been abundantly proved by our past history. Already suggestions and anticipations had been made inviting us to renew these bonds in place of paying them off, and to postpone the operation of the sinking fund to a more convenient time. However opposed I originally was to the engagement into which we unhappily entered, I cannot but view these suggested modes of extrication as humiliating to a great country. We should not imitate a trader in bad credit, or an insolvent railway company by paying our debts in renewed bills issued at a long date. However unwise it was to enter into these contracts, good faith now requires that our engagements should be strictly performed. In conclusion, I must again advert to the absolute necessity of the most steadfast and unflinching economy. This country has never been remarkable for its readiness to submit to avoidable burdens, and Parliament, acting on its natural principles, is never indisposed to retrench unnecessary expenditure. But every Eng-

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lishman has now an additional motive for fighting out bravely his economical battle. The contest now involves a more important principle than a mere curtailment of unnecessary expenditure. On our success will depend our certainty of obtaining a relief from the most odious of all taxes, one which in time of peace I consider to be indefensible. Every Vote in Supply which can be reduced is a step towards the extinction of the income tax. Yet I much doubt whether Parliament seems alive to the importance of this great battle. What do we witness at this very time in Westminster Hall—the noblest of all our approaches to the gorgeous palace in which we are assembled? Preparations are in progress for the exhibition of gigantic designs proposed for the rebuilding of our public offices. Have we any notion what amount of expenditure will thus be taken from our taxes? Is it to be one, two, three millions, or what larger sum? It is true that but a moderate sum (I believe £80,000) is proposed to be voted on account for the present. But how small may that sum turn out to be, as compared with the ultimate unascertained cost? I only need remind your Lordships of the immense sum expended on the magnificent edifice in which we are now assembled—sums so greatly exceeding all our early anticipations. I only need to remind you of our past experience, as a warning against entering into what you and your successors may hereafter consider a wild course of extravagant folly. I believe that the proposal to rebuild all our public offices at some enormous and undefined cost may originate in the ambition of some of our public men to rival a neighbouring capital, and a desire which, from the contrasted characteristics of a splendid despotism and the simplicity of a constitutional monarchy, may be found impossible in the end. I earnestly hope that these great schemes may not be rashly undertaken, and that past extravagance of the same description may not, at the present time, seduce or betray us into similar excess. In conclusion, I must express my belief that whatever cry may be raised at the approaching general election, whether in favour of Lord Palmerston, or against our policy in China, when the new Parliament is assembled, we shall find that the people of England are determined to enforce one principle, that of a large though, I hope, a cautious economy in all respects, consistent with the efficiency of

the public service. This will secure the fulfilment of the solemn engagement entered into between the Parliament and the country, that in 1860 the property tax should cease and determine.

EARL GREY: My Lords, I cannot allow this occasion to pass without expressing my entire concurrence in the opinion of my noble Friend who last spoke, and of the noble Earl opposite (the Earl of Ellenborough) with respect to the importance of enforcing great economy in the public expenditure and in the alarm with which they look to the ultimate consequences of the extravagance which has prevailed of late years. I cannot, however, concur with the noble Earl opposite in regarding that extravagance as confined to the civil expenditure of the country. In my opinion it pervades also the whole of our naval and military expenditure, and especially the latter. I am the last person in the world to recommend that an inadequate army should be maintained. I am most anxious, on the contrary, that the army should be kept up in a state of the highest efficiency, —though I believe that it is at present in many respects far from being in that state of efficiency which is desirable; but, while I would have our army as perfect as possible, I no less strongly insist upon the doctrine that it ought to be kept up on a small scale in point of numbers, and with reference to defensive objects only. When I compare the Army Estimates laid on the table for this year with those of former years I cannot help remarking, that, while the demands upon our army have been greatly reduced, its strength and cost have been greatly increased. The state of Ireland happily no longer requires that large force which in former years was indispensable for the maintenance of the peace and security of that portion of Her Majesty's dominions; in our Colonies the demands upon our military force have been greatly reduced in the last ten years; you have established throughout the country generally an efficient police force, by which your army is relieved from duties which never ought to have been imposed upon it; and you have at the same time organized a militia, which, if it is worth a very small part only of its cost, ought to enable you to some extent to reduce your regular army; but still, with all these aids for a diminished military expenditure, the peace establishment now proposed is the largest, I believe, which has ever been sanctioned by Parliament, and is more expensive, as

compared with former years, than is proportionate to the mere increase of numbers. I cannot help inferring from these Estimates that the policy now adopted is that of keeping up an army upon such a scale as would enable us at a very short notice to carry on a great foreign war. Against that principle I entirely protest. For defensive purposes, and for those only, I am willing to give whatever is necessary. For defensive purposes you do not want a large army. Knowing as I do the spirit of the country, and feeling assured that should any real danger threaten the country, all classes, from the highest to the lowest, would rush forward to defend their native land, I am persuaded that a highly disciplined and efficient army of moderate numbers, thus supported, is quite sufficient for the protection of the country. But if we are to proceed upon the notion that we ought to be ready at a short notice to take the field in continental wars, then I maintain we are acting upon a totally erroneous principle. If you adopt this principle, you will necessarily incur an expenditure which will render absolutely impossible that abolition of the income tax to which my noble Friend who spoke last attaches so much importance. But, more than that —I am persuaded that the maintenance of an army which has any reference whatever to our being hereafter engaged in offensive operations is a mistake in policy. Other nations will be provoked to follow our example, and when nations are armed, a much slighter cause of quarrel is sufficient to bring them to blows than when they are not prepared. In private life, we know that when a sword was part of the recognized dress of a gentleman, duels and brawls, ending in bloodshed, were unfortunately of very frequent occurrence; and one stop towards the great improvement in the manners of the country by which these disgraceful contests have been put an end to was the giving up the system of carrying arms. Thus it is with nations: if all nations are to be habitually prepared for war, a very small cause will be sufficient to lead to war. And, after all, what shall we gain by such a policy? If we increase our force, other nations will increase theirs, and thus we shall still continue to stand in the same relative positions of strength to each other, to say nothing of the additional pressure which we shall put upon the industry and enterprise of our country. The last war affords indubitable proof that what really adds to the power of a coun-

try is, by moderating, during peace, the demands upon its strength, and by giving encouragement to its industry and commerce, to increase its wealth and resources. I will make only one further observation. At all times I think it is most important to act upon the principle of maintaining a moderate peace establishment, and the importance of our doing so is unfortunately increased by what has taken place in the present year. I cannot help viewing with great alarm the relaxation of that old constitutional rule which laid down the necessity of the control of Parliament over the Executive Government in that most important of all their duties, the determination of questions of peace and war. In old times all the great Parliamentary leaders of all parties concurred in the opinion that, while making war was a prerogative of the Crown, it was a prerogative of such importance that it was the duty of Parliament to exercise the most stringent control over the Ministers upon whose advice this prerogative was exercised. I cannot forget that in this last year, for the first time, I believe, since our constitution was settled—for the first time since the Revolution of 1688—Parliament has deliberately passed by the fact that Her Majesty's Government by their own authority, have engaged this country in a war, and have made arrangements with the East India Company in respect to the proportion of the expenses of that war which was to be defrayed from the taxation of England. For the first time in our history, I believe, a measure of this kind has been taken without Parliament being summoned, or any sanction being obtained from the representatives of the people for the war which has been commenced or for the expenses which it will occasion. Parliament has passed by and has submitted without notice to this departure from all ancient principle, and it is now on the eve of dissolution without having any accurate information submitted to it as to the circumstances which led to that war, or as to the justification which Her Majesty's Government may have for the steps which they have taken. My regret for the relaxation of our constitutional principle is also very much increased by something else which has occurred very lately. We learn from statements made in this House, and from the ordinary sources of information, that a large expedition, necessarily involving an expenditure to a very large amount indeed, with the probability of a

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continued and growing expenditure, is now leaving our shores to carry on a war which one House of Parliament has declared to be unjustifiable in its origin, and which, though your Lordships refused to condemn it, I believe all who hear me will bear me out in saying, it is pretty notorious, only escaped condemnation on the political ground that you thought it inexpedient to censure the present advisers of the Crown, and not because you approved what had been done. But this expedition is now leaving our shores to carry on a war without our having any information as the noble Earl opposite has said, of the objects of that war, as to what we propose to obtain, or on what terms we shall be prepared to make peace. Parliament and the country are utterly in the dark on these points, and Parliament has consented to grant money for the carrying on of these hostilities without having any information in reference to them. With the opinions in which I was educated as to the great importance of maintaining the constitutional check of Parliament upon the measures of the advisers of the Crown, especially upon that greatest of all prerogatives, the power of making peace and war, I cannot help viewing what has passed upon these points in the present year with great alarm. I hope that when the new Parliament meets it will be found to be one not only actuated by a stronger spirit of economy than that which is now about to separate, but also to possess a greater regard for those old constitutional maxims which have been handed down to us by our ancestors.

Motion agreed to.

Bill read 3^a accordingly, and *passed*.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Eleven o'clock.

HOUSE OF LORDS,

Saturday, March 21, 1857.

MINUTES.] ROYAL ASSENT.—Mr. Speaker's Retirement; Exchequer Bills (£21,049,700); Consolidated Fund (Appropriation); Commons Inclosure; Commissioners of Supply (Scotland) Act, 1856, Amendment; Income Tax; Indemnity; Copyhold, &c. Commission Continuance; Ecclesiastical Jurisdiction; Lighting of Towns (Ireland) Act Amendment; Customs' Duties; Racehorse Duty Act Amendment; Pauper Maintenance; Extra Parochial Places; Mutiny; Marine Mutiny.

PROROGATION OF THE PARLIAMENT—
SPEECH OF THE LORDS COMMISSIONERS.

THE PARLIAMENT was this day prorogued by Commission.

THE LORDS COMMISSIONERS, namely, the Lord Chancellor (Lord CRANWORTH), the Lord President of the Council (Earl GRANVILLE), the Lord Privy Seal (the Earl of HARROWBY), the Lord Chamberlain of the Household (the Marquess of BREADALBANE), and Lord STANLEY of ALDERLEY (President of the Board of Trade), being seated at the foot of the Throne, and the COMMONS, preceded by their Speaker, being present, the ROYAL ASSENT was given to several Bills.

THE LORD CHANCELLOR, on behalf of the LORDS COMMISSIONERS, then delivered the following Speech:—

“ My Lords, and Gentlemen,

“ WE are commanded by Her Majesty to inform you, that in releasing you at this early Period from your Attendance in Parliament it is Her Majesty’s Intention immediately to dissolve the present Parliament, in order to ascertain in the most constitutional Manner the Sense of Her People upon the present State of Public Affairs.

“ Gentlemen of the House of Commons,

“ WE are commanded by Her Majesty to thank you for the liberal Provision which you have made for the Exigencies of the Public Service during the Period that will elapse before the new Parliament, which Her Majesty will direct immediately to be called, shall have been able to give its deliberate Attention to these Matters.

“ My Lords, and Gentlemen,

“ WE are commanded by Her Majesty to express the Satisfaction which She feels at your having been able, during the present Session, materially to reduce the Burthens of Her People.

“ HER MAJESTY commands us to as

sure you, that it is Her fervent Prayer, that the several Constituencies of the United Kingdom, upon whom will devolve the Exercise of those high Functions which by the Constitution belong to them, may be guided by an All-wise Providence to the Selection of Representatives whose Wisdom and Patriotism may aid Her Majesty in Her constant Endeavours to maintain the Honour and Dignity of Her Crown, and to promote the Welfare and Happiness of Her People.”

Then a Commission for proroguing the Parliament was read.

After which

THE LORD CHANCELLOR said—

“ MY LORDS, AND GENTLEMEN,

“ By virtue of Her Majesty’s Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty’s Name, and in obedience to Her Commands, prorogue this Parliament to *Thursday* the Thirtieth Day of *April* next, to be then here holden; and this Parliament is accordingly prorogued to *Thursday* the Thirtieth Day of *April* next.”

HOUSE OF COMMONS,

Saturday, March 21, 1857.

MINUTE.] NEW MEMBER SWORN.—For Tipperary, Daniel O’Donoghoe, esq.

THE RETAIL SPIRIT TRADE.

QUESTION.

In reply to Mr. OLIVEIRA, THE CHANCELLOR OF THE EXCHEQUER said, that the propriety of granting to wine and spirit merchants who were not licensed victuallers, permission to sell a less quantity of spirits than two gallons, had for some time been under consideration by the Government, but there were difficulties in the way of such an alteration of the law which had not yet been overcome.

THE KRUGEL COLLECTION—RETURNS.

MR. VERNON HARCOURT said, he wished to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to a Return which had been presented to the House with respect to the purchase of the Krugel Collection of Pictures for the National Gallery, but which did not clearly and accurately show the cost of that collection, and the amount realized by the sale of pictures not thought deserving of exhibition. He hoped that the right hon. Gentleman would take care that in future Returns were made out in a more intelligible form.

NAPLES—QUESTION.

MR. T. DUNCOMBE: Will the noble Viscount at the head of the Government permit me to ask him whether, since the withdrawal of the legations of France and England from Naples, any overtures have been made by the King of Naples to the British and French Governments for the return of those embassies; and, if so, whether those overtures are likely to be acceptable to the two Governments? I ask this in consequence of the appearance in *The Times* of this morning of a statement, that an envoy has gone from Paris with a view of settling the differences which exist between the Neapolitan Government and those of England and France.

VISCOUNT PALMERSTON: Sir, no overtures, properly so called, have been received by the British and French Governments from the King of Naples since the discontinuance of diplomatic relations. An indirect intimation has, however, reached us that the Neapolitan Government was anxious to know whether, if the King of Naples were to carry into execution the convention made with the Argentine Confederation, under which the political prisoners now retained in the prisons of Naples were to be banished to the Argentine Republic, that would be considered by the two Governments as a substantial beginning of that more moderate system of government which we wished to see established at Naples. Speaking only for the British Government, we do not think that clearing the prisons of Naples by sending the prisoners into banishment in South America, with the intention, no doubt, of replenishing those prisons by means of fresh arrests, would be such a change of system as could be considered

by us as accomplishing the purposes for which diplomatic relations with that country were broken off.

TREATY WITH MOROCCO.

QUESTION.

COLONEL WILSON PATTEN said, he would beg to ask the noble Lord at the head of the Government whether it was true that our Minister at Tangier had concluded a treaty with the Sultan of Morocco by which great facilities were secured for British and European commerce throughout the dominions of that potentate; and, if so, whether there was any objection to making public the provisions of that treaty?

VISCOUNT PALMERSTON: Sir, the answer to my hon. Friend's question will best be given if you, Sir, will permit me to go to the bar, and will have the kindness to call upon me when I am there.

The noble VISCOUNT then went to the bar, and, having been called upon by Mr. Speaker, presented to the House the treaty which had been referred to, and which was ordered to lie upon the table.

THE ELECTRIC TELEGRAPH TO INDIA.

QUESTION.

MR. BOWYER said, he would beg to ask the First Lord of the Treasury whether Her Majesty's Government had any estimate of the number of troops which would be required to protect the line of telegraph from Selucia to Bassorah, and who was to pay for the maintenance of such troops; also, whether Her Majesty's Government had any estimate of the amount of subsidies which must be given to the Arab tribes to forbear from injuring or interfering with the telegraph?

VISCOUNT PALMERSTON said, that the protection of the line of telegraph in the Turkish dominions was part of the general system of police which the Turkish Government would establish in that portion of the empire of the Sultan. He had no reason to suppose that proper precautions would not be taken for the security of the telegraph.

THE CHANCELLOR OF THE EXCHEQUER said, in answer to the second question of the hon. Member, he had to state, that all that the Government had done was, in certain contingencies, to guarantee to the Company which had undertaken to establish this telegraphic communication

certain payments. It was in no respect answerable for the construction of the telegraph or for its protection from Arabs. Those matters were entirely the affairs of the Company.

CAPTAIN WOOD.

CORRESPONDENCE MOVED FOR.

CAPTAIN ARCHDALL, who had previously presented a petition from Captain Wood, late paymaster of the depot battalion at Winchester, complaining that he had been called upon, with the assistance of only one clerk, to discharge duties, in the performance of which two paymasters and seven clerks had afterwards been engaged, and had thus been compelled to resign, thereby losing his chance of an additional pension of 2s. a day said, he would now beg to move for the production of copies of the correspondence which had taken place between Captain Wood and the War Department from the date of his appointment to the present time.

Motion made, and Question proposed—

“That an humble Address be presented to Her Majesty, That She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence which has taken place between Captain Wood, late Paymaster of the Depot Battalion at Winchester, and the War Department, from the date of his appointment to that situation to the present time.”

VISCOUNT PALMERSTON said, that the Order if made would, owing to the dissolution of Parliament, be of no value.

Motion, by leave, *withdrawn*.

THE CHINESE EXPEDITION.

QUESTION.

SIR DE LACY EVANS said, he would beg to inquire of the noble Lord at the head of the Government what number of marines were to be sent with the expedition to China? It was desirable that the marines should bear a large proportion to the soldiers of the line, as they were peculiarly well adapted for the operations which

would have to be undertaken by the expedition.

VISCOUNT PALMERSTON said, that the number of soldiers of the line and of marines engaged in the service was a matter which was still under the consideration of the Government, and he could give no positive information upon the subject.

THE SOLDIERS' FAMILIES AT COLCHESTER—QUESTION.

SIR DE LACY EVANS said, he would also beg to ask whether any steps had been taken to relieve the destitution of the wives and children of the soldiers who were quartered in the camp at Colchester?

VISCOUNT PALMERSTON, in reply, said, that he was quite sure that his noble Friend at the head of the War Department had every disposition to make all practical arrangements for the relief of the distress.

PROROGATION OF PARLIAMENT.

Message to attend the LORDS' COMMISSIONERS. The House went, and the ROYAL ASSENT was given to several Bills; and afterwards a Speech of the LORDS' COMMISSIONERS was delivered to both Houses by the LORD CHANCELLOR.

Then a Commission for Proroguing the Parliament was read.

After which

THE LORD CHANCELLOR said:—

MY LORDS, AND GENTLEMEN,

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name and in obedience to Her Commands, prorogue this Parliament to Thursday the 30th day of *April* next, to be then here holden; and this Parliament is accordingly prorogued to Thursday the 30th day of *April* next.

BY THE QUEEN
A PROCLAMATION

For dissolving the present Parliament, and declaring the Calling of another.

VICTORIA R.

WHEREAS We have thought fit, by and with the Advice of Our Privy Council, to dissolve this present Parliament, which was this Day prorogued and stands prorogued to *Thursday* the Thirtieth Day of *April* next: We do, for that End, publish this Our Royal Proclamation; and do hereby dissolve the said Parliament accordingly; and the Lords Spiritual and Temporal, and the Knights, Citizens, and Burgesses, and the Commissioners for Shires and Burghs, of the House of Commons, are discharged from their Meeting and Attendance on the said *Thursday* the Thirtieth Day of *April* next: And We, being desirous and resolved, as soon as may be, to meet Our People, and to have their Advice in Parliament, do hereby make known to all Our loving Subjects Our Royal Will and Pleasure to call a new Parliament: And do hereby further declare, that, with the Advice of Our Privy Council, We have given Order that Our Chancellor of that Part of Our United Kingdom called *Great Britain* and Our Chancellor of *Ireland* do respectively, upon Notice thereof, forthwith issue out Writs, in due Form and according to Law, for calling a new Parliament. And we do hereby also, by this Our Royal Proclamation under Our Great Seal of Our United Kindom, require Writs forthwith to be issued accordingly by Our said Chancellors respectively, for causing the Lords Spiritual and Temporal, and Commons, who are to serve in the said Parliament, to be duly returned to, and give their Attendance in, Our said Parliament; which Writs are to be returnable on *Thursday* the Thirtieth Day of *April* next.

Given at Our Court at *Buckingham Palace*, this Twenty-first Day of *March*, in the Year of Our Lord One thousand eight hundred and fifty-seven, and in the Twentieth Year of Our Reign.

GOD SAVE THE QUEEN.

A TABLE OF ALL THE STATUTES

PASSED IN THE FIFTH SESSION OF
THE SIXTEENTH PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND,

20^o VICT.

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- | | |
|--|---|
| <p>I. AN Act to amend the Act for limiting the Time of Service in the Royal Marine Forces.</p> <p>II. An Act to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases.</p> <p>III. An Act to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of <i>Ipswich, Oldbury, Stroud, Llangollen, and Dukinfield</i>; and for altering the Constitution of the Local Board for the Main Sewerage District of <i>Wisbech and Walsoken</i>.</p> <p>IV. An Act to enable the Subjects of the <i>Ionian States</i> to hold Military and Naval Commissions under the Crown.</p> <p>V. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for <i>England and Wales</i>.</p> <p>VI. An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices.</p> <p>VII. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.</p> <p>VIII. An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.</p> <p>IX. An Act for settling and securing an Annuity on the Right Honourable <i>Charles Shaw Lefevre</i>, in consideration of his eminent Services.</p> <p>X. An Act to continue certain temporary Pro-</p> | <p>visions concerning Ecclesiastical Jurisdiction in <i>England</i>.</p> <p>XI. An Act to amend the Commissioners of Supply (<i>Scotland</i>) Act, 1856.</p> <p>XII. An Act to amend an Act of the Ninth Year of King <i>George the Fourth</i>, Chapter Eighty-two, intituled <i>An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases</i>.</p> <p>XIII. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.</p> <p>XIV. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.</p> <p>XV. An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles.</p> <p>XVI. An Act to Amend an Act of the last Session of Parliament, for repealing, and re-imposing under new Regulations, the Duty on Race Horses.</p> <p>XVII. An Act for raising the Sum of Twenty-one million forty-nine thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One Thousand eight hundred and fifty-seven.</p> <p>XVIII. An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.</p> <p>XIX. An Act to provide for the Relief of the Poor in Extra-parochial Places.</p> <p>XX. An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament.</p> |
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LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

- | | |
|--|---|
| <p>i. AN Act for enabling the <i>Great Western, Bristol and Exeter, and South Devon</i> Railway Companies to afford further Assistance towards the Completion of the <i>Cornwall</i> Railway between <i>Plymouth</i> and <i>Truro</i>; for extending the Time for the Completion thereof; and for other Purposes.</p> | <p>ii. An Act to re-incorporate <i>Price's Patent</i> Candle Company, Limited, and for other Purposes.</p> <p>iii. An Act to enable the <i>Whitehaven, Cleator, and Egremont</i> Railway Company to raise additional Capital; and for other Purposes.</p> |
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EXPLANATION OF THE ABBREVIATIONS.

1R. 2R. 3R. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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